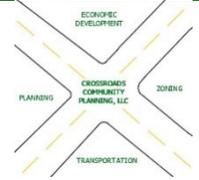


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City of Circleville – Zoning Code Update Executive Summary November 8, 2021

Purpose

The City of Circleville City Council entered into a contract with Crossroads Community Planning, LLC (“Crossroads”) in April 2021 for the completion revision to the city’s zoning code. The latest version is dated January 2020. The only revision made at that time was to establish a Board of Zoning Appeals to hear and decide on appeals, variances, conditional uses and non-conforming uses. The last major, comprehensive revision to the code was in 2015. The city has been experiencing inefficiencies in the application/review processes as well as the need for variances to several sections of the code, especially regarding signs. For this reason, the city decided to move forward with a comprehensive zoning code update.

Work Completed To Date

- A series of stakeholder interviews were held in May 2021 including:
 - Mayor, Service Director, Zoning Inspector, and representatives from the following boards, organizations and businesses:
 - Planning & Zoning
 - Board of Zoning Appeals
 - City Council
 - Downtown Business Association
 - Chamber of Commerce
 - Uptown Circleville
 - Historic District
 - Tree Commission
 - Residents
 - Local business owners
 - The major themes we heard at these interviews were:
 - Lack of clarity in the regulations
 - Need for better consistency in code enforcement
 - Improved efficiencies in processes
 - Regulations that reflect current best practices, especially in the area of signs and food trucks

- Creation of Draft 1 – July 2021 – reviewed by steering committee
- Draft 2 – September 2021 – reviewed by steering committee – currently being reviewed by council and public.
 - The proposed code is a complete overhaul of the existing code in an effort to create a document that provides current best practices and improved efficiencies. The city’s current code is approximately 200 hundred pages. The proposed code is approximately 115 pages, representing an approximately 40 percent reduction. This was achieved primarily through the use of graphics, tables and flow charts, as well as reorganizing the layout of the Code. The new layout helps to reduce redundancies and create clear procedures.
 - The major changes in the proposed code include:
 - New districts to represent best planning practices. This table compares the existing districts to the proposed districts:

Existing District	Proposed Code	Notes
Agriculture	AG – Agriculture	No changes
R-1 SF (15,000 Sq. Ft.)	LDR - Low Density Residential District	The only difference between the existing R-1 and R-2 districts is the lot size. Combining these two districts eliminates redundancy.
R-2 SF (10,000 Sq. Ft.)		
R-3 SF (7,500 Sq. Ft.)	MDR - Medium Density Residential District	Remains the same
R-4 Historic Neighborhood	HSU – Historic Single Unit Residential	Includes residential office and retail uses to help bring non-conforming structures into compliance. Includes schools and small places of assembly (i.e. churches) to remove the appearance of spot zoning of these uses (currently SU)
R-5 Two Family Residential	TUR – Two Unit Residential	Includes residential office and retail uses to help bring non-conforming structures into compliance. Includes schools and small places of assembly (i.e. churches) to remove the appearance of spot zoning of these uses (currently SU)
RO - Residential Office	Eliminate	Areas currently zoned RO would become HSU or TUR, whichever is the adjacent zoning district
AR - Apartment Residential	MUR – Multi-Unit Residential	Targeted toward workforce and senior housing.
R-MH Manufactured Home	MHR – Manufactured Home Residential	Update uses & standards to reflect current best practices
LB - Limited Business	NB – Neighborhood Business	Neighborhood Business - Update uses and standards to reflect current practices – allow a better mix of uses to create more walkable areas
GB - General Business	GB – General Business	Remains similar but updated uses & standards to reflect current best practices

DB - Downtown Business	DB – Downtown Business	Remains similar but updated uses & standards to reflect current best practices – allow residences on upper floors; integrate streetscape designs – benches, appropriate landscaping, bike racks, and pedestrian scaled projecting signs – into the regulations
Special Use District	CS – Community Service District	Community Service District – Targeted toward larger campus settings for institutional uses such as colleges and health care facilities
LI - Limited Industrial	IE- Innovation Employment	Combine the LI and GE into a single district that includes more current uses such as advanced manufacturing, research and development, and other business uses that support the supply chains serving existing or evolving industry clusters in the Columbus region
GE - General Employment		
FP	Remain	Remains the same as existing code
HD - Historic District Overlay	Remain	Include clear, concise standards that must be met to receive approval. As currently proposed, utilizes existing board (P&Z) to review these applications
H - Hunting Reserve Overlay	Remain	Remains the same as existing code
PUD - Planned Unit Development	PMUD – Planned Mixed Use District	Update to be more conducive to mixed use developments
CV - Campus Village	Eliminate	Wrap it into the Planned Community Service District (previously SU)

- Updated Zoning Map - The zoning map has been updated to reflect the newly proposed districts. It also eliminates several “spot zonings”, as noted in the above table, by changing the current SU zoning for places of assembly (churches) to the adjacent residential district. There were also several parcels that were split by zoning districts. All parcels now have one zoning district.
- Other major changes to the code:
 - Definitions – newly defined words and updates to several existing definitions have been included.
 - Administrative and Enforcement – Crossroads continues to work with staff, legal counsel and other stakeholders to update this process. Additional revisions to this section will be made in the next draft based upon the feedback received. Crossroads will also be creating flow charts and check sheets for each type of application to provide clear guidance to both city staff and developers on the application requirements and procedures. An example of the variance flow chart and check sheet is attached for your reference.
 - Existing non-conforming uses and structures – As noted above, residential office and residential business are now permitted uses in the HSU (current R-4) and TUR (current R-5) districts and the numerous, small businesses scattered throughout these residential districts will no longer be considered non-conforming uses. As a result, this allows the

new code to be more restrictive on existing non-conforming structures without compromising small business development in these areas. For example, the current code allows up to a 150% expansion of an existing non-conforming structure and allows a non-conforming building to sit vacant for up to two years before it must be brought into compliance. Crossroads believes these very lenient regulations are in place because of the above noted non-conformities in the current R-4 and R-5 districts. By eliminating these non-conformities, Crossroads is proposing to change these two regulations to limit the expansion of non-conforming structures to 25% of the ground floor area and require a non-conforming use to come into compliance if it is out of operation for more than six (6) months. The purpose of tightening up this section is to better ensure that buildings and uses represent the current district's intent and reduce non-conforming buildings over time.

- Development standards:
 - Landscaping: Creates several types of landscaping requirements: street trees; parking lot screening; setback screening; screening between uses; and screening of mechanical equipment. Creates appropriate requirements depending upon the zoning district. For example, the current code requires mounding between uses in the downtown business district. This type of screening is inappropriate for this area. The proposed code regulates landscaping based upon the surrounding built environment.
 - Parking: Includes specific parking lot location in different districts. For example, in the DB and NB districts, parking is prohibited in front of the building to help create attractive, walkable streetscapes. Parking is permitted in front of the building, in the GB and IE districts. The proposed parking code also requires "parking bays" which limits the number of parking spaces that may be grouped together and requires green islands between in each parking bay. The proposed code also includes both minimum and maximum parking space requirements. Both the parking bay and maximum parking space requirements are established to help reduce the prevalence of "seas of asphalt". Electronic charging stations and bicycle parking are required under certain conditions to address these evolving trends. The parking of recreational vehicles in residential districts is also addressed.
 - Access and Connectivity: This section is included to ensure proper circulation between developments and require sidewalks and multi-use paths. This section includes both residential and non-residential requirements.

Residential: The current code prohibits residential curb cuts within 35 feet from an intersection. This requirement is maintained in the proposed code. Language has also added limiting residential access points to 20 feet in width and requiring them to be more than three (3) feet from a property line. These additional regulations were included based upon feedback provided by the Service Director.

Non-Residential: The current code prohibits curb cuts in the non-residential districts (except the DB) within 150 feet from an intersection and 50 feet from a property line. If these regulations cannot be met,

then a variance must be obtained from the Board of Zoning Appeals, creating an additional barrier to the proposed development. The proposed code identifies the Service Director as the permitting authority for non-residential access points (except along US 23), which allows more flexibility in determining safe and appropriate curb cuts for these commercial curb cuts.

This section also requires connectivity between commercial developments to create better internal circulation. Sidewalks and multi-use paths are also required in certain locations to help promote walking and bicycling throughout the city.

- **Lighting:** The current code has very limited regulations on lighting found within the parking and sign sections. This lighting section provides specific requirements for light fixture height and maximum illumination levels at the property lights to help reduce light pollution.
- **Signs:** This section has been completely revamped to address major concerns with the current code. The code no longer regulates the height, size and location of the sign by specific use (which can be considered content based) and proposes regulating signs by district and sign type (ground, pole, wall). Additionally the existing size requirements have been a major barrier for business development within the city. The current maximum of 100 square foot requirement for all signs has been significantly increased in the proposed code as shown in the chart below:

Total Maximum Square Footage of All Signs	
NB, DB	150 for internal lots
	250 for corner lots
GB, CS, IE	350 for internal lots
	500 for corner lots
PMD	Per Approved Development Plan

These proposed revisions bring the updated Code in line with the square footage approved by the Board of Zoning Appeals over the last couple of years. The proposed revisions should significantly reduce the number of variances being requested for signs.

The sign code has also been revised to regulate temporary signs by size rather than the content of the sign (i.e. there is no longer mention of political sign, for sale sign, etc.). All temporary signs are treated the same and are regulated as either small or large temporary signs based upon their size. Crossroads recommends this change based upon case law.

A section regarding murals has been added. As proposed, murals would only include artwork painted directly onto a building. Additional revisions and definitions, such as wallsapes, may be necessary as Crossroads continues to better understand the community’s desires regarding murals, wallsapes, and billboards.

- Utilities: This section has been added to ensure that developments are served with central water and sewer requirements that have adequate capacity, and to require underground electric, telephone and other public utilities unless otherwise permitted by the Service Director. This section also addresses detention basins.
- Accessory Structures: This section has been revised to limit accessory structures to 10 percent of the lot area or 900 square feet, whichever is smaller. The current code allows up to 1,000 square feet regardless of lot size, which has caused some recent concern. Also, in the proposed code, if 10 percent of the lot area is less than 580 square feet, then the lot is permitted one accessory structure up to 580 square feet, which is the size of a standard two car garage.

▪ Fences:

Current Regulations:

Maximum Height

Residential Districts:

72 inches (6 feet) when to the rear of the structure.

48 inches (4 feet) when located in front of the structure.

Fences in residential districts can be located on the property line.

Other Districts:

No height limitation

Can be built to the front, side and/or rear of the structure.

Must be a minimum of 1-foot from a property line.

Proposed Regulations:

All districts except the IE:

4 feet to the front, side and rear of a structure

6-feet - only when complying with screening requirements or fully enclosing a patio or other similar feature.

Fences in residential districts can be located on a property line.

IE District:

8 feet when located behind the front building line.

One foot setback from lot line has been eliminated.

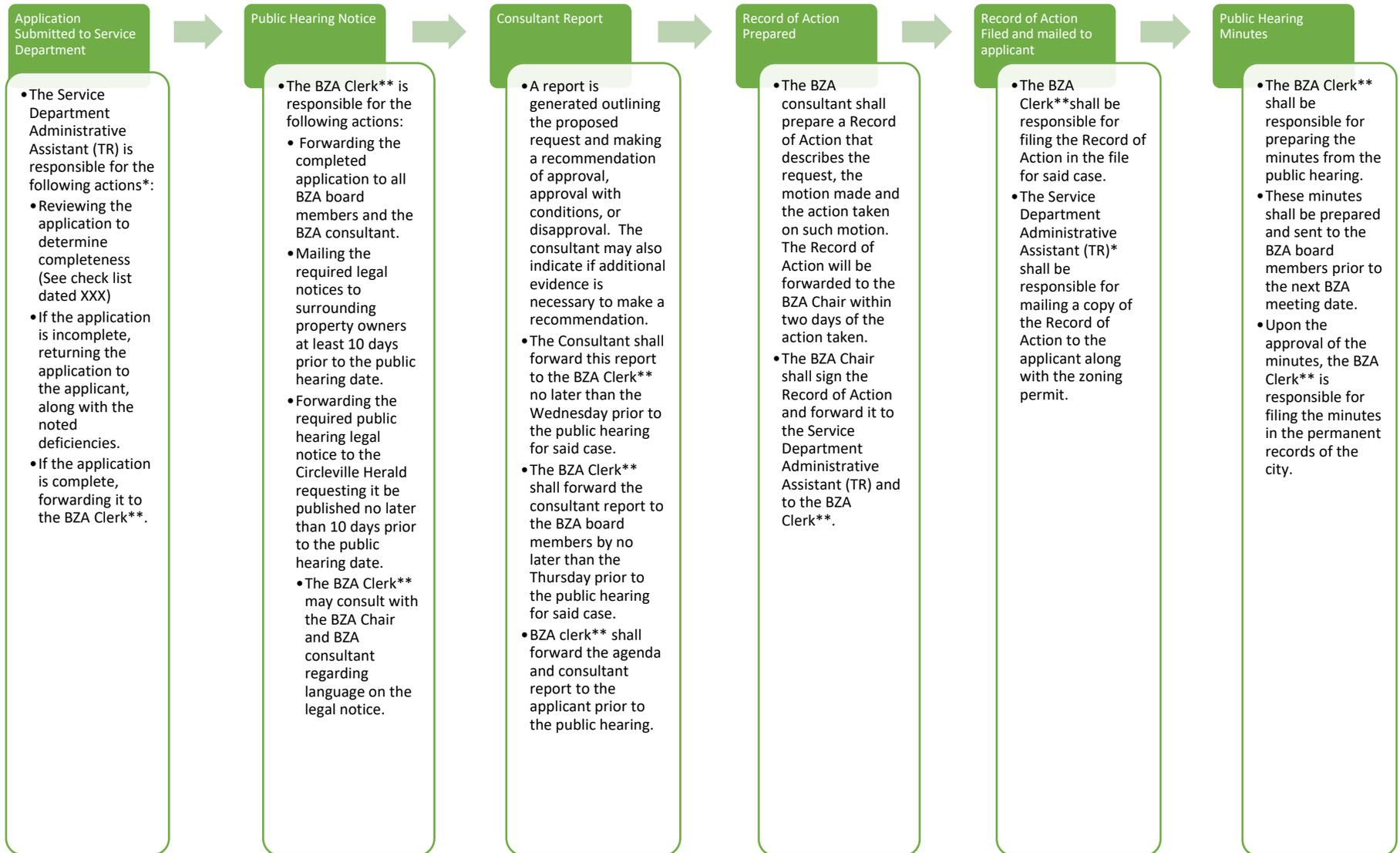
The proposed code also includes a list of prohibited, non-suitable materials for fences.

- Home Occupations: The proposed code provides two types of home occupations: minor and major. Minor home occupations are permitted without a zoning permit and the regulations are similar to those in the current code. The proposed code adds major home occupations to allow some expanded use of home occupations (i.e. more area of the residence can be utilized for the home occupation, up to two employees who do not live at the residence may work at the home occupation, etc.) Major home occupations require site plan approval.
- Food Trucks: This is a new section requiring all food truck on private property to receive a site plan review and approval. Standards are based upon best practice examples gathered by the American Planning Association.
- Temporary Structures: All temporary structures are considered conditional uses under the current code. The proposed code creates four different types of temporary structures: portable home storage units; temporary construction trailers/offices; mobile home units; and food tents. Each type of temporary structures has its own individualized standards. If the criteria are met, a zoning permit may be issued by the Zoning Inspector without seeking a conditional use permit from the Board of Zoning Appeals.
- Cluster mailboxes: These regulations have been added because the US Post Office will no longer provide curb side mail delivery in new developments and is requiring cluster mailboxes, even in single-family developments. These regulations have been added as a proactive measurement for future development to ensure these cluster mailboxes are sited in an appropriate location that does not impede traffic movements.
- Private Swimming Pools: The existing and proposed regulations are similar. The only difference is that language has been added exempting above ground swimming pool from the four (4) foot fence requirement provided the above ground pool is a minimum of four 4 feet in height and has a removable ladder.
- Solar Energy Systems: Regulations have been added for roof mounted solar panels. The proposed regulations currently prohibit ground mounted systems (i.e. solar farms). Staff has requested that solar farms be permitted in the IE and/or AG zone along with appropriate requirements for them.
- Adult Entertainment Regulations: Same as current code. There are no changes.
- Subdivision Regulations: These regulations have been removed from the zoning code. Staff is working on creating a separate document for these regulations.

Items that still need to be further discussed/revised:

- Planning Commission v. Historic Review Board for issuing Certificate of Appropriateness
- Enacting a site plan design review for all multi-unit residential and non-residential developments. This would eliminate conditional uses through the Board of Zoning Appeals and shift the site plan design review to the Planning and Zoning Commission.
- Additional improvements to the processes for various applications based upon stakeholder feedback received over the past few weeks. Finish flow charts and check sheets for all application types.
- Additional improvements to the fines and penalties. Crossroads will continue to work with the city's law director and staff to help improve this section.
- Review building size limitations for retail in NB district to ensure the existing buildings will be conforming structures.
- Murals, wallscapes, billboards and off-premise signs – Crossroads needs a better understanding from the community on what should be permitted and not permitted.
- Food Trucks – Continue to review good and bad examples to ensure the proposed regulations meet the community's needs. Additional discussion regarding the time frame for food trucks. Some have expressed concerns that the time frame is too long (180 days plus an additional 180 days for a combined total of 360 days). Revisions are necessary to address fish fries, farmers' markets and other similar events. As currently written these events would not comply.
- Revisions to recreational vehicle regulations to address recently identified concerns.
- Addition of ground mounted solar systems (solar farm) regulations. Currently, the proposed regulations prohibit these systems and there is a desire to allow them with

City of Circleville – Board of Zoning Appeals – Variance Application Flow Chart



*If the Administrative Assistant (TR) is unavailable, then Administrative Assistant (BS) shall be the responsible party.

**If the BZA Clerk is unavailable, the Council Clerk shall be the responsible party.

City of Circleville

Variance Application Checklist-NEW

- | | Included | Missing |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|
| 1. Application Form | | |
| a. 3 hard copies plus one digital copy-PDF format | <input type="checkbox"/> | <input type="checkbox"/> |
| b. Property Owner Information
(Name, mailing address, phone number, email) | <input type="checkbox"/> | <input type="checkbox"/> |
| c. The Section of the Code from which the variance
or appeal is being sought. | <input type="checkbox"/> | <input type="checkbox"/> |
| d. The existing zoning district in which this property
is located. | <input type="checkbox"/> | <input type="checkbox"/> |
| e. Property Owner Signature or Signed Letter
from property owner providing authorization
to an agent. | <input type="checkbox"/> | <input type="checkbox"/> |
| f. Zoning District of property | <input type="checkbox"/> | <input type="checkbox"/> |
| 2. If the applicant is not the owner of the property, a signed
letter from the property owner shall be submitted
authorizing the applicant to serve as his/her
agent for the application. | <input type="checkbox"/> | <input type="checkbox"/> |
| 3. Legal Description | <input type="checkbox"/> | <input type="checkbox"/> |
| 4. Plot Plan Drawing to scale including all items listed in the
chart on the back of page 2. | <input type="checkbox"/> | <input type="checkbox"/> |
| 5. The names and addresses of all property owners within
one-hundred (100) feet of the subject property as
appearing on the Pickaway County Auditor's current
tax list. | <input type="checkbox"/> | <input type="checkbox"/> |
| 6. Narrative – | | |
| a. The nature and magnitude of the variance request. | <input type="checkbox"/> | <input type="checkbox"/> |

- b. A response as to how the proposed variance Satisfies each of the decision criteria listed in Section 1113.05(f). These criteria are listed as an attachment to this document.
7. Application Fee
8. Photographs (Optional)

The above items are the minimum necessary to consider an application complete. An applicant may provide any supplemental information that he/she believes is necessary to support the request.

Reviewed by: _____

Application is complete incomplete

Date: _____

Criteria for Granting Variances per §1113.05(f)

Variances shall be granted for an area variance only upon a determination that a practical difficulty exists with respect to the property in question that would render the strict application of this Ordinance unreasonable. This determination shall be made without regard to the existence of variances and nonconformities on other land, sites, or structures not presently under consideration. The Board of Zoning Appeals shall consider and weight the following factors to determine if a practical difficulty exists:

1. Whether special conditions or circumstances exist which are peculiar to the land or structure involved and which are not applicable generally to other lands or structures in the District.
2. Whether the property in question will yield a reasonable return or whether there is any beneficial use of the property without the variance.
3. Whether the variance is substantial and is the minimum necessary to make possible a reasonable use of the land or structures.
4. Whether the essential character of the neighborhood would be substantially altered or whether adjoining property would suffer substantial detriment as a result of the variance.
5. Whether the variance would adversely affect the delivery of governmental services.
6. Whether the property owner purchased the property with knowledge of the zoning restrictions.
7. Whether special conditions or circumstances exist as the result of actions of the owner.
8. Whether the property owner's predicament feasibly can be obviated through some method other than a variance.
9. Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting a variance.
10. Whether the granting of the variance requested will confer on the applicant any special privilege that is denied by this regulation to other lands, structures, or buildings in the same zoning district.
11. Whether the literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Code.

