



**City Council
Special Meeting**

Agenda

**June 6, 2022
6:00 PM**

CALL TO ORDER

PUBLIC PORTION

- Mount Vernon Planning and Zoning Code Audit

ADJOURN AT THE CALL OF THE PRESIDENT

City of Mount Vernon, Ohio

Planning and Zoning Code Audit



May 24, 2022

Introduction

This document aims to audit the existing Mount Vernon, Ohio, Planning and Zoning Code found in Part Eleven of the Codified Ordinances. The city embarked on this process as they consider modernizing its planning, zoning, and subdivision regulations to ensure that the city is prepared to welcome and accommodate strategic growth that meets the goals of Mount Vernon. This document was developed following discussions with staff, elected officials, and appointed planning officials. The recommendations in this document are also based on the consultant's experience with drafting regulations for communities across Ohio and the nation.



This report intends to summarize the strengths and weaknesses of the existing regulations in terms of usability, organization, and substantive standards and provide options for improvement. This document also includes a proposed outline for a reorganized code should the city take the next step of updating the ordinance language and zoning map. That suggested outline would completely reorganize the regulations into a code that will improve usability by staff, residents, business owners, and city officials.

It is important to keep in mind that this audit does not necessarily identify every issue or individual problem with the existing regulations but focuses on broader issues that will need direction before any text amendments. Once staff and city officials have had an opportunity to review and provide feedback on this document, the city can decide on the next steps toward a modern planning and zoning code.

Themes for Improvement

Based on the initial input from the city and our review of the document, there are four major themes for improvement that will help achieve many of the goals set out for this project. This part of the report intends to summarize each proposed theme and provide a direction or options to address them. The major themes of improvement include:

1. Reorganize and reformat the regulations to improve usability;
2. Streamline and clarify the procedures for development;
3. Restructure the district and use regulations; and
4. Modernize the substantive standards of the regulations.

The following pages incorporate a discussion on each of these major themes.

1. Reorganization and Reformatting of the Code

In an effort to modernize the overall code and improve the how users interact with code, we recommend the following changes:

1(A) Consolidate Regulations into a Single Document without Separate Titles

This project aims to update all of Part 11 of the Codified Ordinances (Planning and Zoning Code), including the following three separate titles.

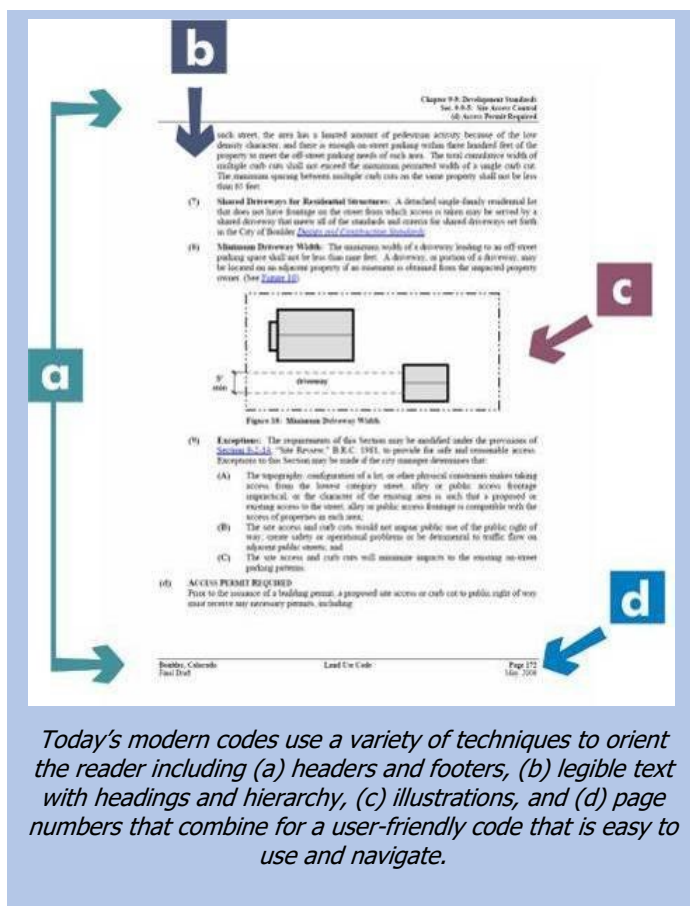
- **Title One – Planning** – This title only establishes the Municipal Planning Commission (more specifically outlined in Chapter 1153) and addresses development along Beech Street.
- **Title Three – Subdivision Regulations** – This title includes requirements for all subdivisions and sets out standards for street trees and tree preservation.
- **Title Five – Zoning** – This title includes all provisions related to zoning.

There is no real reason to separate the entire Part Eleven into multiple titles. There is a lot of overlap in the current format with some language related to procedures and uses found in all three titles. To make the new code as efficient as possible, the city should consider a complete reorganization of the code with chapters and sections that are reordered based on functions such as administration, development review procedures, zoning districts, and development standards (e.g., parking, buffering, lighting, etc.). The table to the right summarizes a proposed restructuring of the Mount Vernon Planning and Zoning Code. While most of the chapters are self-explanatory (e.g., architectural, landscaping, and signs), others will be chapters with general requirements that apply to most, if not all, development in the city. For example, the new Chapter 1101 (General Provisions) will include the overall purpose of the code, transitional regulations (described later), required compliance, etc. The new Chapter 1106 (General Development Standards) will include several sections of regulations that do not rise to the need of an individual chapter (e.g., fencing, lighting, and performance standards).

Part Eleven – Planning and Zoning Code	
Chapter	Chapter Name
1101	General Provisions
1102	Administration and Enforcement
1103	Zoning Districts and Principal Uses
1104	Planned Developments
1105	Accessory and Temporary Uses
1106	General Development Standards
1107	Architectural Standards
1108	Landscaping and Screening
1109	Parking, Access, and Mobility
1110	Signs
1111	Subdivision Design
1112	Nonconformities
1113	Enforcement and Penalties
1114	Definitions

1(B) Improve Referencing

A detailed table of contents, page numbers, and enhanced use of headers and footers on each page will make for much easier navigation through the new code. In addition, the updated code should include an expanded table of contents that breaks some of the chapters down further so users can quickly identify the locations of specific requirements, such as zoning permits or fencing requirements. The city should consider including a master table of contents at the beginning of the new code to make referencing topics simpler. In addition, an index by topics would be helpful in the back of the regulations for pinpointing the location of key topics within the text. The final step in the update process will be to review it for internal consistency and include hyperlinked cross-references among sections. Such hyperlinks should be active in any digital version of the codes so that users can easily click on the cross-reference and be taken to the appropriate section or graphic.



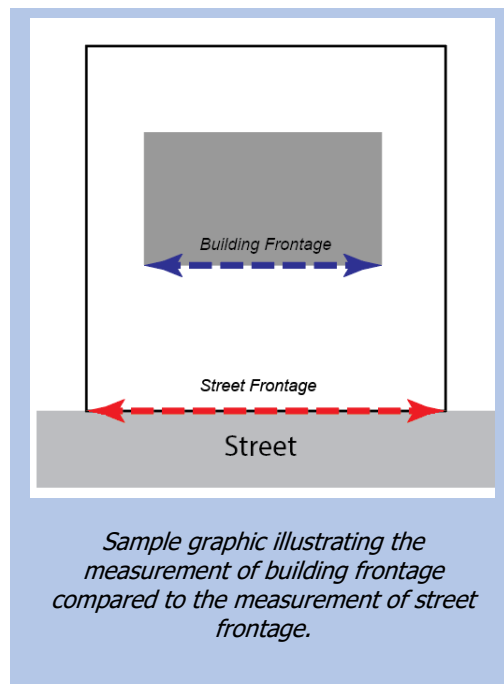
Today's modern codes use a variety of techniques to orient the reader including (a) headers and footers, (b) legible text with headings and hierarchy, (c) illustrations, and (d) page numbers that combine for a user-friendly code that is easy to use and navigate.

1(C) Illustrate Additional Key Concepts, Standards, and Processes

Modern development codes explain and summarize development standards, permitted uses, and procedures using tables, illustrations, and flow charts. Unfortunately, the current planning and zoning code does not appear to use any illustrations. There are numerous standards, such as signage and parking, which would benefit from including graphics for clarity. In addition, illustrations and photos can often describe the required or desired relationships among development standards, adjacent uses, or dimensions more simply than words alone. Tables also can convey a wealth of information about uses and dimensional requirements in a few pages and vastly improve the readability of a code.

The revised regulations should utilize illustrations, graphics, photographs, and tables to explain complex concepts and summarize detailed information lists. In addition, we recommend inserting additional tables, graphics, illustrations, and examples to help readers understand preferred forms of development.

All graphics, illustrations, and photographs used will be chosen or designed to allow for the easy reproduction of the new code. Additionally, language will be included in the new Chapter 1101 (General Provisions) that will establish that the text of the regulations controls in the case of any conflict.



Sample graphic illustrating the measurement of building frontage compared to the measurement of street frontage.

1 (D) Eliminate Submittal Requirements and Fees

There are many examples where the current regulations list the exact number of plans and information required as part of many of the city's review procedures (See preliminary plat and final plat examples in Chapter 1135.). Not only does this add to the length of the regulations, but it also complicates matters when the city wants to amend the submittal requirements because the lists are part of the adopted text and any change requires a text amendment. Therefore, this audit recommends that the specific application submittal requirements be removed from the new regulations and maintained as a checklist outside the code. This makes the code less cumbersome and ensures changes in application submittal requirements can be easily made without formal amendments to the code. Ultimately, the city could also move the applications and submittal checklists to digital formats that can be uploaded to the city website or emailed to potential applicants.

For the same reasons stated above, this audit recommends that any charges or fees established in the code be removed and adopted as part of a separate fee schedule. This includes references to charges such as those for plat review in Section 1135.05.

2. Update Administrative Review Procedures

One of the more important attributes of an effective zoning code is that review procedures are efficient, logical, and easily understood. In particular, the board or department responsible for the review should correspond with the required level of review. Mount Vernon utilizes several procedural reviews in the administration and enforcement of its land-use regulations, but they lack enough clarity to let a typical reader understand the step-by-step processes and the criteria that staff and the boards use in making their decision.

2(A) Consolidate Procedures into One Section and Clarify Review Criteria

The trend in land-use regulations is to consolidate all procedural provisions into one main section. Consolidation enables the code user to locate, in one place, all procedures and the applicable review criteria governing each type of development review (e.g., zoning permits, rezonings, conditional uses permits, subdivisions, variances, etc.). One of the critical parts of modernizing the procedures beyond consolidation is establishing clear review criteria for each procedure. For example, it is relatively straightforward under the zoning permit process that the Zoning Enforcement Officer evaluates if an application demonstrates compliance with the code. In Section 1155.24, there are clear review standards for conditional uses that appear to follow case law. However, there is a complete lack of review criteria for other critical procedures such as zoning amendments and planned development districts. When updating the code, the city should incorporate some language that establishes what the applicable board considers when making a decision.

Another suggested improvement is including a "common review requirements" section before the list of procedures. This introductory section will include important information that is relevant to all procedures. For example, this new section could include provisions covering such common topics as public notice and public hearing requirements, authority to apply, and application filing fees. In addition, this section prevents the code from repeating this same information for every procedure.

2(B) Incorporate an Administrative Waiver Procedure

One new procedure that the city should consider including is an administrative waiver procedure. This procedure would permit staff to modify a set of limited dimensional standards, such as setbacks, under a set of given criteria and in a limited manner. This type of authority saves an applicant the time and expense of applying to the BZA for minor variances. In practice, the provision has been most valuable to the average homeowner seeking a minor modification of dimensional standards, such as building a deck or fence. Typically, staff is authorized to grant these minor waivers only if the modification advances the code's purposes, results in fewer impacts, and relieves practical difficulties associated with an unusual site, similar to variance criteria. This procedure is not a waiver granted simply by asking for it. This authority is typically capped at a maximum percentage of change allowed, such as up to a 10% change in a quantitative lot dimension or area standard, but not for items such as the maximum sign area.

2(C) Incorporate an Alternative Equivalency Procedure

The city currently has provisions for considering variances where an applicant can request a reduction or lowering of an established standard. The city might consider adding an "alternative equivalency" procedure that would allow an applicant to propose an alternative to an established standard that equals or exceeds the intent of the original standard. Instead of doing something less, an applicant may have a creative method of meeting the intent of a standard that is not a variance and would not meet the standard of practical difficulty or unnecessary hardship. For example, an applicant may suggest using a public art installation instead of screening outdoor storage with landscaping or a fence. The alternative equivalency review can be a valuable tool that could, for example, allow an applicant to propose a buffering, lighting, or architectural option that was perhaps not envisioned in the code language but would be a better solution. The BZA or Planning Commission would be the board responsible for this type of review as part of a public hearing and would be specific to the site, and the proposed alternative rather than setting a precedent. As with all review procedures, there should be review criteria for the applicant to consider.

2(D) Modify and Clarify the Subdivision Review Procedures

The current code includes sections on the review of land subdivisions and public improvements in the city, but there is significant room for clarification and modernization of such procedures. The following are some suggested changes for subdivision review in Mount Vernon:

- There should be a clarification of the applicability and review procedure for minor subdivisions versus major subdivisions. As noted later in this audit, the city notes that certain subdivisions with no more than ten lots (no new street) or no more than five lots (with a new street) do not require filing a plat. First, the general standard is that a minor subdivision is where there are no more than five lots, including the parent tract/lot and where there are no public improvements. Minor subdivisions also often include consolidating lots or adjusting lot lines between two existing lots. Second, most communities also allow staff (Zoning Enforcement Officer and City Engineer) to review and approve minor subdivisions. This audit recommends establishing a straightforward review procedure for a minor subdivision separately from a major subdivision with an administrative review of the minor subdivisions.
- The current Chapter 1135 requires a public hearing for preliminary plat review. A public hearing for a general subdivision review is very unusual because it is a technical review of how a proposed subdivision will comply with the standards of the code. Most Planning Commissions review preliminary plats at a public meeting, not a public hearing. A public meeting does not require special public notice to adjacent properties and does not necessarily open up the review for public comment. On the other hand, if an applicant is seeking a modification/variance of subdivision standards, then a public hearing should be convened as that is similar in nature to a property

owner seeking a variance of zoning standards with the BZA. This audit recommends that preliminary plats be reviewed at public meetings unless the applicant is seeking a modification of the subdivision standards, in which case, the Planning Commission should hold a public hearing, with notice to adjoining property owners, to review such request for a modification.

- It is clear that the city reviews the construction drawings and improvement plans for public improvements as part of any subdivision review, but it is unclear who ultimately reviews and makes the decision on those plans and where that review takes place. For example, many communities are moving to have the City Engineer review and make final decisions on the public improvements plans as they have the technical expertise to make such decisions. However, the Planning Commission and City Council still see the plans and City Council is ultimately responsible for making decisions on the acceptance of improvements; it is just unclear how those steps occur in Mount Vernon. Therefore, this audit recommends simply clarifying this part of the process within the updated code.

2(E) Add Transitional Regulations

The current regulations do not fully address what happens to applications under review when the planning and zoning code is amended, and the updated regulations become effective. Therefore, this audit recommends incorporating a new section called "transitional regulations" within the new Chapter 1101 (General Provisions) that will help resolve the status of properties with pending applications, recent approvals, and properties with outstanding violations at the time the new code or future amendments are adopted. The provisions will allow an application, in general, to be processed under the rules in place at the time a complete application is submitted. Additionally, the transitional regulations section will include language stating that violations before the enactment of the revised code shall remain violations after the effective date of the regulation.

2(F) Include a Complete Application Provision

Part of the overall improvement to the new regulations will be clarifying the steps in various review procedures. To ensure accountability and responsibility for moving applications forward for the city and the applicant, the city should consider a "complete application" requirement. A complete application provision explicitly authorizes the Zoning Enforcement Officer to review submitted applications and decide if they are "complete" and should be formally accepted for further review and action.

The provision, which would apply to all development applications, would state that no processing would begin on an application until after a formal determination by staff that such application is "complete." Applications are complete when they contain all the required exhibits, including reports, maps, plans, and the required fee. Without such requirements, staff and decision-makers may waste time and effort reviewing incomplete applications only to re-review applications once any errors or omissions are corrected. Formally instituting this step can help prevent the city from processing incomplete applications, which is frustrating to staff, decision-makers, and applicants. Generally, if the staff determines an application is "incomplete" and therefore unacceptable for further processing, the staff is required to notify the applicant in writing of any deficiencies they find.

Typically, staff should have three to five days to review and decide that an application is complete. An applicant, in turn, would have a prescribed period to remedy the deficiencies and resubmit or risk rejection of the application and loss of the application fee. Staff can also have some authority to waive requirements if they are deemed inconsequential to demonstrating compliance with the code.

3. Restructure the Districts and Use Regulations

One of the critical goals of this project is to enhance the opportunity for development while also streamlining the city's land use regulations. One of the approaches to accomplishing this goal is to evaluate the existing zoning district structure (number and types of districts), where and how uses are allowed, and the specific standards that apply to those districts and uses. Since the districts are one of the core elements of the regulations, we recommend the city consider the recommendations on the following pages.

If the city moves forward with some or all of these suggestions, we also recommend including a transitional zoning district table as part of the new land development code. This table will identify how the zoning districts have changed between the versions of the two codes (e.g., eliminated, renamed, etc.). The purpose of this table is to have a formal reference in cases where, in the future, the city or an applicant may come across a reference to an old zoning district in another document but cannot correlate that district to one in the new development code.

3(A) Consider Revisions to the Existing Zoning District Structure

Mount Vernon has a reasonable number of zoning districts compared to similar cities, and most serve a specific purpose in regulating different land uses or intensities of development. Following a review of the existing zoning districts, the uses allowed in each district, digital maps of the city, and the standards applied to development (e.g., lot area, setbacks, lot coverage, building size, etc.), it appears that there is an opportunity to make a few changes to streamline the district structure further.

The table on the following page includes two columns where the column on the left has the list of existing zoning districts, and the column on the right identifies suggested changes. These changes are further discussed in the paragraphs following the table.

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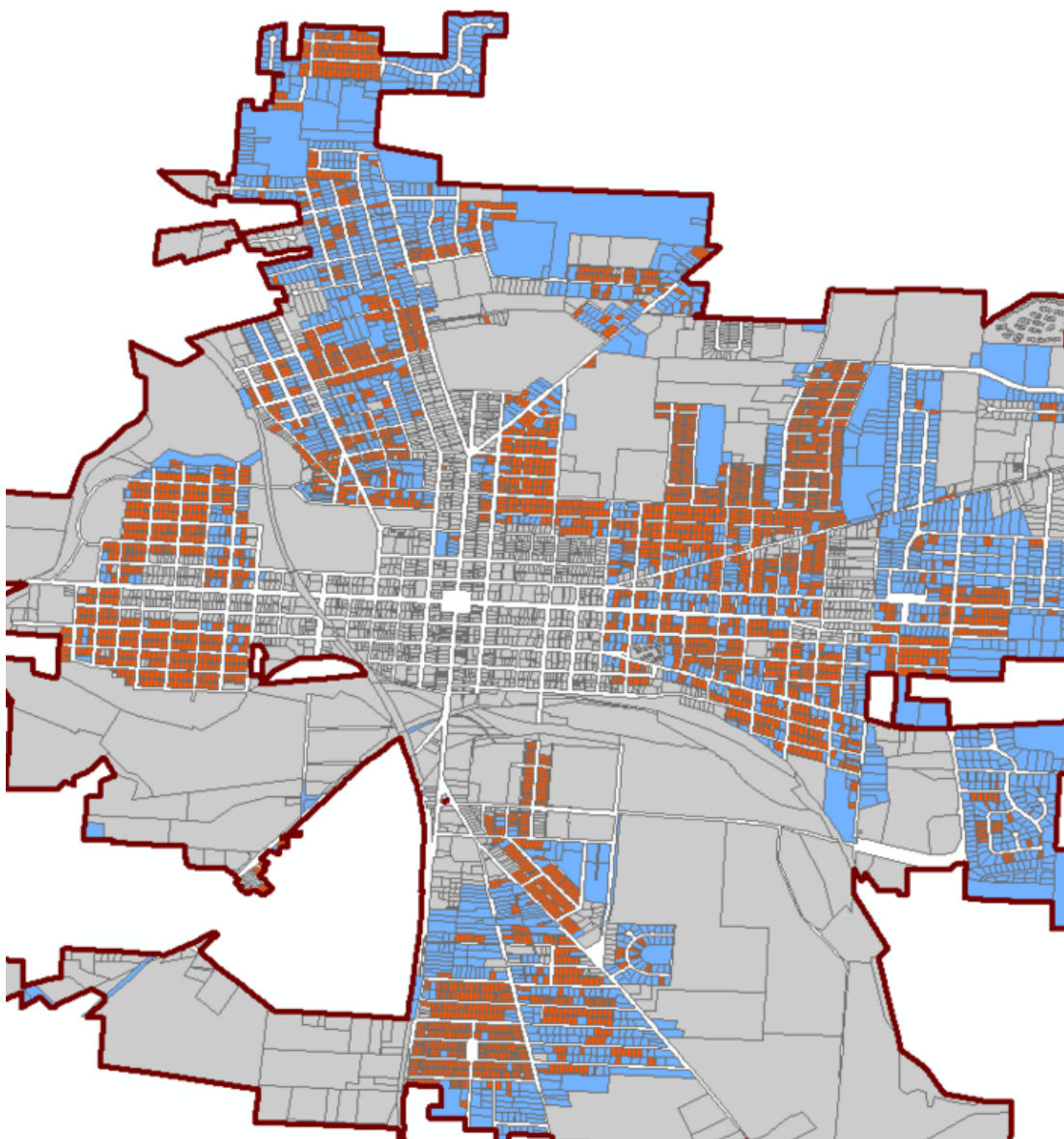
Existing Zoning Districts	Proposed Zoning Districts
RR: Rural Residential District	RR: Rural Residential District
ER: Estate Residential District	<i>Eliminate District</i>
R-1: Single-Family District	R-1: Single-Family District
	R-1A: Single-Family District
R-2 Single and Two-Family District	R-2 Single and Two-Family District
R-3: Multi-Family District	R-3: Multi-Family District
No Existing District	R-4: Multi-Family District
R-MH: Manufactured Home Park District	R-MH: Manufactured Home Park District
NC: Neighborhood Commercial District	NC: Neighborhood Commercial District
CB: Central Business District	CB: Central Business District
TOC: Traffic-Oriented Commercial District	
GB: General Business District	GB: General Business District
O/I: Office-Institutional District	OB: Office Business District
M-1: Manufacturing District	GI: General Industrial District
M-1A: Light Industrial District	LI: Light Industrial District
P-1: Public, Semi-Public District	PI: Public and Institutional District
Special Districts	<i>Eliminate District/Reference</i>
Existing Overlay Districts	Proposed Overlay Districts
FDPD: Flood Damage Prevention District	FDPO: Flood Damage Prevention Overlay District
Historical District	HO: Historic Overlay District
Existing Planned Districts	Proposed Planned Development Districts
PND: Planned Neighborhood District	
PCDD: Planned Commercial Development District	PD: Planned Development District

The following are descriptions of the significant changes suggested for the zoning district structure. Please note that these are preliminary recommendations; there may be more adjustments to the proposed lot area requirements and other standards as we dig deeper into the existing development.

- The ER District can likely be eliminated because it does not appear on the zoning map in its current form. With a 15,000 square foot minimum lot area, it is a relatively low density for development in a city with the infrastructure to support development. Furthermore, with lots of this size, there is a need for increased length of streets and public utilities needed to develop with this lot size. The RR District can be maintained as a general low-density district for any areas of future annexation until the city can rezone the property or for properties that do not have public sewer access.
- The city should consider a new residential district (R-1A) with a minimum lot size of 4,000 or 5,000 square feet to help reduce the number of nonconforming R-1 lots. Currently, over 3,700 lots that are zoned R-1 do not have a minimum lot area of 8,500 square feet, as required by the zoning code. These small lots are illustrated in dark orange on the map below, while the lots that conform to the lot area are shown in blue. Some of the nonconforming lots are used in conjunction with other lots to meet zoning, so there are likely quite a few nonconforming lots that are naturally not buildable even with a change to the zoning. However, creating a new zoning district for the areas of concentrated smaller lots can make it potentially easier to invest in properties without having to go to the BZA every time the lot owner desires to improve the home, accessory building, or site. This district can be designated as "discontinued," where language

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would be added to prevent future requests for the R-1A District after the effective date of the code update. The purpose of the district would be to solely tailor a zoning district for pre-existing lots. The district would also require tailoring the lot width and setback requirements based on existing development.



Partial map of Mount Vernon illustrating core neighborhoods. Orange and blue lots are all zoned R-1, with the orange lots smaller than the required 8,500 square feet.

- If the city would like to eliminate the creation of new mobile home/manufactured home parks, the R-MH District should also be established as a discontinued district. The district and development/maintenance standards for mobile homes would be maintained, but no new districts could be established. This discontinuance would not prevent the permanent siting of manufactured homes that meet ORC standards. These types of homes can be placed on lots provided they meet all the same zoning requirements for single-family homes.

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- The city might consider incorporating more form-based development concepts, particularly in the higher-density/intensity districts such as the R-3 District or the Planned Development Districts. Form-based regulations are where the building form, setback, and general character of the structure are more of a priority than the specific land use. It is essentially setting out the visual expectation for the use in addition to the use itself. For example, instead of simply stating that multi-family residential uses are permitted in the R-3 District, the new use table might list specific types of attached housing types permissible (e.g., rowhouses, apartment houses, apartment buildings, four-plexes, etc.) and then make it as easy as possible to develop the most desired types of buildings (note that the use itself is still multi-family residential).



The image on the left is an "apartment house" that looks like a large single-family home but accommodated 4 to 6 units. The image on the right is a traditional set of rowhouses that are one form of a multi-family dwelling.



The image on the left illustrates multi-family uses that are commonly called court or garden apartments while the image on the right is a traditional apartment building.

- Form-based regulations can also establish standards for single-family housing development styles such as cottage court developments, tiny homes, or clustered housing. In these cases, unique standards would be crafted for such development styles that could allow for smaller single-family homes clustered around a court or open space. In addition, the city could make it easy to permit these styles of development by allowing them as a conditional use or as a special kind of planned development district that has a simple review process to make it as easy as possible to develop the desired types of housing. This approach could allow for new, smaller, more affordable single-family options in the city. See an example of a cottage court development on the following page.

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The above is an illustrative example of a cottage court development that provides for smaller, single-family homes arranged around a court or small open space.

- The city might also want to consider modifying the existing R-3 Multi-Family District to allow for increased densities or adding a new R-4 Multi-Family District to provide opportunities for higher density residential or mixed-residential (various housing products). Currently, the R-3 District allows for approximately 12 units an acre. However, various marketable housing products are of a higher density that could fit into the context and scale of Mount Vernon. See examples on the following pages drawn from an article called *Visualizing Compatible Density* (The Urbanist, May 4, 2017).



The above images illustrate a mixed-housing development with a density of 15 dwelling units per acre that includes duplexes, townhomes, and small-scale apartment-style housing.

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Many apartment building developments, such as the example above, have densities of 18-20 units per acre but still do not exceed three floors in height.



Compact urban development, often common near downtown areas, can reach densities of 30 to 40 units per acre.

- This code audit recommends that the O/I Office-Institutional District be renamed the OB Office Business District. First, the existing P-1 District serves more as an institutional district for the city as compared to the O/I District. Second, the existing zoning code sets out the purpose for this district as more office and transitional rather than the institutional uses in the name. Finally, the change to the OB District makes it abundantly clear that the district is more business in nature. Still, minimizing retail uses continues to be an essential distinction from the other business districts.

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- The city might consider the suggested renaming of the manufacturing and industrial district to be more explanatory and reflect the current form of nonresidential district abbreviations. Instead of the Manufacturing (M-1) District and the Light Industrial (M-1A) District, this audit suggests a General Industrial (GI) District for the broadest of manufacturing, industrial, and distribution uses. At the same time, the Light Industrial (LI) District would accommodate industrial uses that have minimal external impacts (e.g., no outside operations or significant storage areas).
- This code audit also suggests a slight naming change for the current Public, Semi-Public (P-1) District to reflect that that district is primarily for public and institutional uses and not just public and semi-public uses. The suggested new name is the Public and Institutional (PI) District.
- The current Flood Damage Prevention District and Historical District are listed in the current code in a manner that seems like they are stand-alone base zoning districts when they are clearly overlay zoning districts. In order to make it even more clear to code users that those districts are overlaid on top of base zoning districts, this audit recommends that the districts be slightly altered to reflect the overlay nature in both the name and abbreviations.
- The references to special districts currently found in Section 1158.16 can be eliminated. This section notes that the existing Flood Damage Prevention District, Historical District, and Manufactured Home Park District are special districts for no apparent reason. If the city moves forward with clarification of the two overlay districts as noted above, then that addresses two of the three districts. The Manufactured Home Park District may differ from other residential districts, but it can be treated similarly to other base zoning districts.
- The city has two planned development districts, including the Planned Neighborhood District and the Planned Commercial Development District. The two chapters related to these districts contain some very basic development standards and a review process reflective of a zoning map amendment procedure. It is good that the city offers some form of planned development option as it provides opportunities for a range of development and design that a base zoning district might not accommodate. However, the language in the current districts is very open-ended and doesn't necessarily provide a potential applicant with much guidance on the desired outcome. Therefore, the city should consider the following enhancements for planned development districts:
 - Even though there are two distinct planned development districts in the existing code, there is no real need to have separate districts, especially given the review procedure is the same. This code audit recommends establishing a single planned development district that can have one review process but might have many iterations of the type of development. There is no reason to clarify whether a planned district is a commercial or planned neighborhood on a zoning map. The city can still incorporate specific development standards for different types of development (e.g., commercial-only developments meet certain standards that may differ from residential-only development). Creating one district also opens up more flexibility in what someone might propose. For example, suppose a developer wanted to propose a massive project with a comprehensive design with a commercial center, a senior living community, and additional residential areas. In that case, it could all be accomplished under one district rather than splitting it between two separate planned developments.
 - Whether or not the city consolidates the planned districts, there should be a comprehensive update of the development standards. Currently, the PND allows for a maximum density of eight units per acre but only if it meets some general design standards for development incentives. First, a density of eight units per acre is already less than what can be built under the R-3 district, even though the PND might result in a higher quality design. Second, the development incentives section is very vague and up for debate. For example, one of the criteria is that the development has a "well-designed open space system..." and that land is provided for "major community facilities and schools." Many communities will tell you

there is great debate about what is a well-design open space system. Furthermore, requiring land for community facilities is a good idea in theory, but often, the amount of land available or the location is not ideal for the facilities. If the goal of the planned districts is to enhance open space, then the city should incorporate detailed open space requirements about what counts or doesn't as open space and how such open space will be preserved in perpetuity.

- The city should broaden the types of land uses and densities that could be considered under a planned development but then include a detailed list of review criteria to help decide on whether the proposed development is appropriate. This approach can be an opportunity to entertain any of the types of residential uses discussed previously or a vast mixture of uses that are not allowed in any other singular zoning district. In addition, the design standards can be written in such a way as to allow the city to adopt a list of appropriate uses and/or prohibit specific uses from being located within the planned district as businesses change. Again, this is beneficial if there will eventually be a large-scale development or redevelopment. Doing this will address the original intent of having the two districts.
- The review procedure should be expanded to clarify when the subdivision process can occur (simultaneously or consecutively) and when the zoning permit issuance can occur.
- In conclusion, this code audit recommends that the planned district be rewritten to expand the potential land uses and densities that can be considered but strengthen the review process, standards, and review criteria to allow the city to have the teeth they need to say yes or no depending on whether the proposed development is appropriate for Mount Vernon.

3(B) Clearly Define and Reorganize Permitted and Conditional Uses

We recommend that the updated regulations include use tables to illustrate where and how land uses are permitted within each zoning district. The city currently lists out each use and how it is permitted in the individual chapters related to the applicable district. Furthermore, use-specific standards, especially standards for individual conditional uses, are located in various chapters. For example, Section 1155.26 of the administration chapter includes specific standards for individual conditional uses. Standards for newer conditional uses can be found in separate chapters (e.g., standards for amusement arcades in Chapter 1182 and adult entertainment businesses in Chapter 1183). The city's approach makes it impossible to compare how and where a particular use is permitted in different zoning districts. Utilizing tables to illustrate allowed uses (See example on the following page.) within each district is an effective method of illustrating uses in a single district and district-to-district comparisons. Additionally, this approach helps ensure consistency in the name of uses.

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TABLE 1216-3: PRINCIPAL USES													
Land Uses P = Permitted Use PS = Permitted Use with Standards C = Conditional Use	R-1A	R-1B	R-1C	R-1D	R-2	R-3	B-1	B-2	B-3	I-1	I-2	P-1 ²¹	Use-Specific Standards See Section:
Agricultural Uses													
Agricultural	C	C											1216.06(a)
Residential Uses													
Bed and Breakfast Establishments	C												1216.06(b)
Dwellings, Multi-Family ²²					P	P							
Dwelling, Single-Family	P	P	P	P									
Group Homes	PS	PS	PS	PS	C	C							1216.06(c)
Skilled Nursing or Personal Care Facilities					C	C	C	PS	C			PS	1216.06(d)
Public, Institutional, and Recreational Uses													
Active Recreational Facilities	C	C	C	C	C	C	C	C	C	C	C	PS	1216.06(e)
Cemeteries	C	C	C	C	C	C						P	
Cultural Facilities	C	C	C	C	C	C	P	P	P			P	
Educational Institutions (Higher Education)								P				P	
Educational Institutions (Preschool and K-12)	C	C	C	C	C	C				C		P	1216.06(f)
Essential Services	P	P	P	P	P	P	P	P	P	P	P	P	
Fraternal, Charitable, and Service Oriented Clubs							C	C	C			PS	1216.06(g)
Government Offices and Buildings (No Outdoor Activities)	C	C	C	C	C	C	P	P	P	P	P	P	
Hospitals							C	C					1216.06(h)

Above is an example of a permitted use table from another community that shows the list of permitted uses in the left-hand column and all of the zoning districts across the top row. The districts are color-coded to illustrate residential districts (yellow), business districts (red), industrial districts (purple), and public districts (blue).

The current list of uses that the city includes in the existing code will need to be reviewed but are generally in line with modern codes. This code audit does include a recommendation to include definitions for each use to provide additional criteria for similar use determinations.

The city does have a lot more conditionally permitted uses than most other communities, putting a significant burden on the BZA, especially when such uses are relatively common in the applicable zoning district. As the city undertakes an update of the code, there should be a comparative evaluation of the use table to determine if certain conditional uses could change to a "permitted use with standards," which is where a use is allowed administratively (no conditional use) provided it meets a set of use-specific criteria outlined in the code. This is another method of streamlining development for certain types of uses where the city is largely open to a use as long as it has an appropriate lot size, setback, or parking orientation. For example, the city currently states that antique and craft stores are conditional uses in the NC District, but other retail stores are permitted without the conditional use permit. Both uses are retail in nature and have similar impacts on the surrounding neighborhood, but if the concern is about the storage of antiques or the manufacturing of crafts on-site, these issues could potentially be addressed with some tailored, use-specific standards; eliminating the need for a conditional use review but accomplishing the same goal. This approach can help reduce the number of conditional uses for things that reasonable standards can generally control.

This code audit also recommends taking the language and standards from Chapters 1179 (Regulation of Manufactured Home Parks) through 1184 (Regulation of Adult Entertainment Businesses) and incorporating them into the use table with the applicable standards carried forward. This consolidation will ensure that all principal uses are addressed in one chapter of the updated code.

Finally, when updating the list of permitted principal uses, the city should consider opportunities for allowing use types that are becoming more common in places like Mount Vernon. On previous pages, this code audit includes recommendations for a variety of housing types, but a growing number of communities are specifically allowing for breweries and distilleries (in both commercial and industrial settings) as well as for live/work opportunities. The city already has allowed for breweries in a restaurant setting around downtown, but they are also prevalent in industrial areas, particularly where there will be large production quantities and distribution. Live/work opportunities is a type of use that was common in the 1950s and 1960s and has become popular again. They are homes being used for both businesses and residential uses, but the business is a primary focus of the building, unlike home occupations. The city may already have some type of this development in the O/I District, which is transitional in nature, but there are opportunities to open it up as a mixed-use opportunity in other districts. Additionally, the city may also want to allow mixed-use buildings as a permitted use in the NC and GB Districts, where apartments could be allowed when on the upper floors of dwellings. This approach could provide new business investments in these districts while also creating more housing options for the city as a whole. Finally, this is also an excellent opportunity to look back at recent inquiries into the city's zoning to see if uses such as dog grooming, doggy daycares, tattoo parlors, etc., would be appropriate in particular districts or to clarify that they are prohibited.



Above is an image of live/work units where the business is a prominent feature of the first floor.

3(C) Clarify Accessory and Temporary Use Standards

One of the significant issues identified with the current code is accessory uses and structures. This is not unusual because regardless of whether a community has room to grow or is entirely built up, every community constantly deals with accessory uses. The existing code contains some regulations for some accessory uses but not many for temporary uses, and those regulations that exist are scattered throughout the existing document. The updated code should consolidate all of these regulations within a single chapter because it is easy for residents to go to one chapter to find all the applicable requirements. In updating the regulations, the city should consider the following:

- All the regulations need to be reorganized to clarify where and how each accessory use is permitted within each zoning district. This reorganization will be accomplished by creating a use table for accessory uses similar to the type proposed for principal uses, as discussed earlier. This approach will ensure consistency in terms and standards regardless of the zoning district.
- The standards should establish clear rules for the most common accessory uses, such as satellite dishes, swimming pools, and detached structures. Additionally, the standards will be updated to reflect current state and federal laws, for example, exempting small satellite dishes under one meter in diameter or providing for amateur radio towers.
- One of the main issues the city has with the current accessory building regulations is in how many buildings are allowed and what size of building is permitted. First, because of the range in lot sizes and neighborhood character throughout Mount Vernon, any updated accessory building

regulations are going to have to be scaled on both the zoning district and the size of the lot. For larger lots that can have more setbacks, a two-car garage with storage space is going to be less of an issue than if that same garage is placed on a 7,000 square foot lot near downtown. Second, a lot of older accessory buildings were constructed before there was zoning in the city, but such buildings are still compatible with the neighborhood (carriage houses or even barns in the core neighborhoods). To address this issue, the city might utilize the infill compatibility standards described on the next pages. This will allow people in a neighborhood block where larger accessory buildings are on a majority of lots to potentially have a similarly sized building. Finally, all accessory buildings should be secondary to the principal building, so no matter what, all accessory buildings should be smaller in footprint and shorter in height than the principal building.



Above are examples of a detached accessory dwelling unit (top) and attached accessory dwelling unit (bottom).

- There needs to be clarification about the ability to have an accessory dwelling unit. The regulations on accessory buildings contains conflicting language where accessory buildings cannot contain a dwelling but then later in those sections, there is a provision for a detached accessory building if it is part of a garage. The city needs to decide whether they want to allow accessory dwelling units or not, and not necessarily tied to whether residency is tied to the family. This code audit recommends allowing accessory dwelling units (attached or detached to the principal building) with a statement that only one family or housekeeping unit can live on any single-family lot. That would allow any person(s) of a group that would normally live in the home to live in the accessory dwelling unit without doubling the density. The accessory dwelling unit should have to be a garage apartment, but it should count toward the number of detached accessory buildings.
- The city has noted that they want to take a look at potential regulations for short-term rentals (e.g., AirBnB, VRBO, etc.). Currently, the city allows for lodging or boarding houses in the RR, R-2, and CB Districts, which is how some communities have classified the use. In updating the code, the city should clarify the definition and use the modern term of short-term rental (usually less than 30 days) and then decide how they want to accommodate them within the city. Regulating short-term rentals can be a challenge, especially if the main issues are operation in nature (registration, noise, etc.), but the city can set some general zoning standards for the uses related to whether it is the principal or accessory use of the building, how parking needs to be included, and the districts where allowed. The latter issue may result in short-term rentals being suggested for the business districts where mixed-use is allowed rather than in core residential neighborhoods.

- The city does not have any standards for accessory uses such as solar panels, wind turbines, or urban agriculture (e.g., community gardens, beekeeping, or small livestock). For example, city staff noted that some people are already raising chickens within the city, but it is unclear if it is allowed based on zoning or other ordinances. However, these uses are becoming more popular in communities across the United States. Therefore, the city might want to consider incorporating provisions into the updated code that includes clarity on how they are allowed or, perhaps, if they are explicitly prohibited.
- The new section should also include updated standards for modern accessory uses such as donation drop-boxes, outdoor dining, outdoor storage, and outdoor sales areas. For example, the city has standards for outdoor storage of materials in the manufacturing districts, but many commercial uses have permanent or seasonal outdoor storage areas. In addition, outdoor storage (sometimes bulk sales) can often be separated from outdoor display areas that commercial businesses use along private walkways. Therefore, the city could distinguish between the two types of accessory uses.
- The new code should address common temporary uses, including, but not limited to, seasonal sales, food trucks, temporary gravel parking (for development under construction), construction structures, and temporary events. The city addresses some of these issues in the existing Section 1173.03, but there are some minor adjustments suggested in the next section to enhance those regulations.



New technology is allowing for smaller-scale turbines and solar panels that help promote energy efficiency.

4. Modernize the Substantive Standards

Another major theme in updating the city's regulation is revising the development standards (e.g., signs, parking, landscaping, etc.) to increase the quality of development in the city and to make the various standards clear and predictable. As described earlier in this section of the report, the proposed strategy is to enhance standards and then streamline the review for those applicants who meet all the standards. For those who want to vary the standards or approach development in a different manner, the applicant will have to go through various review boards depending on their specific request. Based on discussions with staff and the boards, the city should establish a reasonable level of standards to ensure quality development without burdening property owners with the requirements. All of this can be accomplished by upgrading the development standards within the development code and integrating new standards as needed.

4(A) Strengthen and Expand the Existing Development Standards

The following are some development standards that the city currently has that could be improved as part of a code update:

- **Landscaping and Buffering**

The city has some basic screening standards in Section 1173.28 that are focused on the separation of different uses, but they are open-ended and don't provide a lot of guidance on the actual requirement. There is a lot the city can do to enhance landscaping screening without creating an extraordinary burden on property owners. Updated standards should be added that expand on the land use buffering with a focus on screening between residential and commercial or industrial uses that is scaled based on the intensity of the nonresidential use. Additionally, new standards should be added to require internal and perimeter landscaping for large parking areas to help soften larger areas of pavement. Such requirements can be done in a way to give flexibility in meeting the standards as well as allowing such landscaped areas to serve as natural stormwater management systems.

- **Minimum Floor Areas**

The city should consider eliminating or reducing its floor area requirements to increase the opportunity for affordable housing but also encourage housing opportunities where the city wants the most density. Currently, the city requires 1,200 square feet of habitable floor area for single-family dwellings and 700 square feet for multi-family dwellings. While these are not excessive large dwelling units, they do prevent or limit the possibility of studio apartments and one-bedroom apartments, especially in areas such as downtown, where the city wants a higher density of people. For single-family dwellings, while 1,200 square feet may not seem large, it does reduce the possibility of reasonably priced starter homes. This is especially true now that the price of homes is greatly increasing.

- **Parking and Access Standards**

We identified several recommended improvements to the existing parking and loading requirements throughout this document. However, as with many standards, the city can be more progressive with regard to parking. The current regulations are typical of most communities, with a minimum number of spaces required and minimum setbacks for parking areas. As discussed in the chapter-by-chapter analysis portion of this document, there is a need to significantly update the regulations to modernize the requirements, particularly in reducing the number of required parking spaces and build in some flexibility. This includes adjustments to the parking ratios and changes to the surfacing requirements. Some communities have even gone as far as eliminating the parking space ratios and simply require the applicant to demonstrate they have enough parking for the nonresidential use, given that most businesses want to have a decent amount of parking. In addition to updating the parking requirements, the city should incorporate standards for drive-through facilities (location and waiting space length) and might want to consider adding guidance for bicycle parking requirements to encourage safe bicycling parking options.



Illustration of porous pavement used in a parking lot to allow stormwater to pass through the pavement.

- **Signage**

The chapter-by-chapter analysis provides a more detailed discussion about potential changes to the sign regulations, but these are regulations that appear to have been updated relatively recently as they do reflect some of the more recent case law that applies to signage. There is still a need for updates to make some additional minor changes and to simplify the sign allowances.

4(B) Add New Development Standards

In addition to modernizing and expanding existing development standards, there are a number of new development standard types the city might want to consider incorporating into a code update, including:

- **Infill Compatibility Standards**

One of the biggest issues with the city's current standards is that there are a lot of development standards that are applied in a one size fits all manner across a large swath of a single zoning district, even if development occurred at very different times. For example, there are a number of blocks in the R-1 District where none of the homes meet the front yard setback because the homes were built before there was zoning. The same can be said about all building setbacks, accessory buildings, building height, etc. The city should consider incorporating infill compatibility standards to help build in tailor dimensional standards without having to create numerous zoning districts. These would be a general set of standards that would allow an applicant to construct a building that reflects the predominant site characteristics of buildings in the same block without getting a variance. For example, someone building on a vacant lot in an R-1 District could build with the front of the house 10 feet from the back of the sidewalk if the majority of homes along the same block face were setback 10 feet, as compared to the 30-foot setback requirement in zoning. The same idea can be applied to allowances for accessory or principal building height, accessory building locations, side yard setbacks, front yard setbacks, and dwelling sizes. This should help reduce variance requests, encourage reinvestment, and ensure compatibility within a specific block rather than across an entire zoning district.

- **Architectural Standards**

The city does not have any architectural standards other than the minimal federal guidelines for construction in historic districts and standards that apply to factory-built housing. The city might want to consider adding some very basic architectural standards that could apply to downtown and possibly to larger commercial developments and multi-family developments. For downtown, this audit does not recommend going so far as to implement historic architectural standards, but the city could require infill compatibility on building height, alignment of floors and windows, setbacks, and some other simply standards that will ensure the continued appearance of downtown Mount Vernon without overly regulating architecture. For other areas, many communities institute basic architectural standards for other uses simply to keep someone from building a basic cinder block building on prominent commercial corridors.

- **Green Infrastructure**

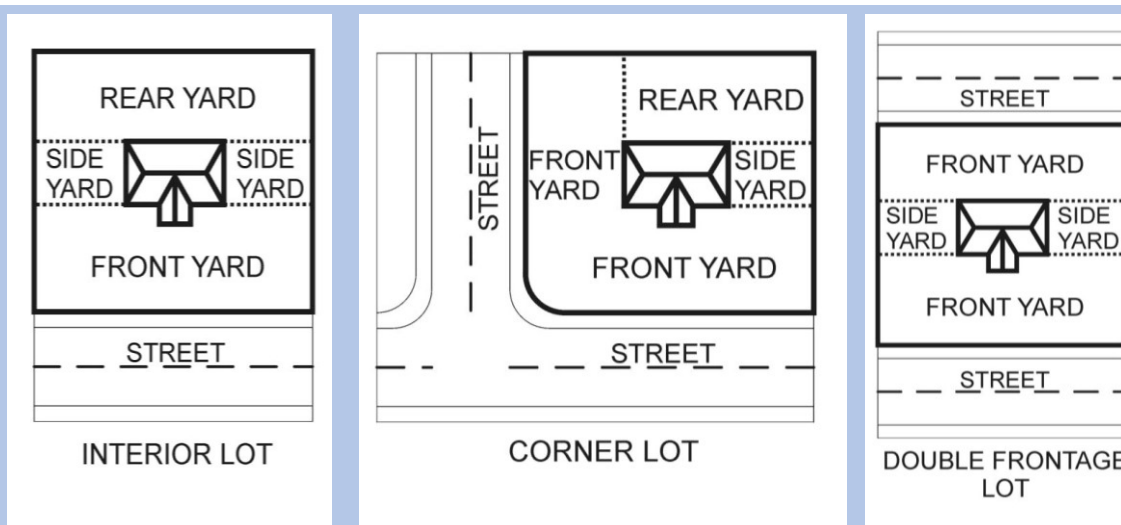
Since any code update would likely include zoning and subdivision regulations, now is the time to determine if the city wants to encourage, or require, various elements of green infrastructure or sustainable development. Simply put, green infrastructure is where natural areas or natural processes are utilized to deal with things like stormwater runoff as an alternative to gray infrastructure, which includes culverts, pipes, and other manmade forms of infrastructure. Examples of green infrastructure include utilizing pervious pavement (not typically allowed for streets but possible for sidewalks), encouraging the use of more native vegetation that can minimize erosion, or allowing for the installation of rain gardens or bioswales that are natural areas designed to accommodate stormwater runoff. Options for green or sustainable development included provision for the use of pervious pavement on private property, green roofs, and grass swales in landscaping. If the city wants to work towards accommodating greener infrastructure options or more sustainable development options, we will work with the City Engineer and staff to determine acceptable forms of green infrastructure and the best practices that should be applied through standards.

4(C) Flexibility for Some Design Standards

The city has a mix of development types and intensities that range from urban and compact to suburban and industrial. Because of the range of development intensities, this audit recommends incorporating some flexibility in the design standards that will provide for distinctions between more urban, compact development and areas that are more suburban in character. For example, the landscaping, and particularly the screening standards, should provide for options in meeting any of the requirements so that someone building a compact development in the older areas of Mount Vernon are not required to have wide buffer yards because the standards are one-size-fits all. On the other hand, a large commercial complex with multi-family apartments behind it might not need as extensive screening if there are wider setbacks and more vegetation. Wherever possible, the standards should be written to be predictable and easy to interpret yet include some flexibility to encourage more creativity in design.

4(D) Clarify Rules of Measurement

As suggested throughout this code audit, the revised code should list all dimensional requirements in a summary table (e.g., density requirements, building heights, setbacks). In addition, the code should contain a section devoted to rules for measuring dimensions. Such rules should be explicit (e.g., to measure a setback, the rules might state, "measure from the furthestmost projection of structure and any abutting right of way line"), and exceptions and permitted encroachments should be clearly defined. There is currently minimal guidance on how the city measures specific requirements, and this type of section can be greatly beneficial to the interpretation of the code.



Illustrations such as these help code users understand how yards and setbacks are measured for various lot types.

Chapter-by-Chapter Analysis of the Existing Code

This part of the report sets forth a chapter-by-chapter review of the current planning and zoning code. It identifies any proposed changes in either organization or substance based on our initial discussions with the city and its boards. This section intends not to provide line-by-line edits but to identify critical issues that should be addressed in the code update. While all the text should be reviewed and updated as appropriate, this part of the document aims to outline only the significant changes, additions, and deletions.

Title One: Planning

Chapter 1101: Planning Commission

This chapter consists of cross-references to appropriate ORC provisions for a statutory city. An updated code should include similar cross-references, except that the cross-reference to interstate regional planning commissions is likely unnecessary due to Knox County's distance from adjacent states. Furthermore, this section can be rolled into a new chapter that covers the establishment of all boards and commissions that deal with the planning and zoning code.

Chapter 1103: Land Development

This chapter only has one section related to the development of land along Beech Street between Vernonview Drive and Hilltop Drive. It requires that the development complies with standards set forth by the Planning Commission and the submission of a site plan, but there are no clear standards outside of those that apply to all other development in the applicable zoning districts. According to staff, this appears to be an outdated regulation from long before Beech Street development and can be eliminated.

Title Three: Subdivision Regulations

Chapter 1131: General Provisions and Definitions (Subdivision Regulations)

- **Section 1131.01** is the purpose statement for subdivisions in Mount Vernon. This language can be consolidated into a single purpose statement for zoning, development, and subdivisions if the updated code is consolidated from the three existing titles as recommended in the first part of this audit.
- **Section 1131.02** sets out the authority for subdivision regulations and the jurisdictions the city has over the application of subdivision regulations. This language should be carried forward into the new General Provisions section of the updated code.
- **Section 1131.03** establishes all of the definitions of terms used in the subdivision regulations. At the end of the code, all definitions should be consolidated into a single chapter, with a comprehensive update to ensure that all appropriate terms are defined, and obsolete terms are deleted. For example, terms like "superblock" can be removed because while the term is defined in this section, it is not used anywhere else in the planning and zoning code. However, commonly used terms such as "easement" and "right-of-way" are not defined and should be added to the list of definitions. In addition, the new definitions chapter will include rules for interpretation that will identify how the city will determine the definition of any undefined term similar to what is in the introduction to Section 1152.01.

Chapter 1133: Enforcement and Penalty

- **Section 1133.01** establishes the basic applicability rules and enforcement provisions for subdivision regulations. This language should be carried forward into a consolidated chapter on enforcement and penalties for the entire planning and zoning code. There is no need for separate enforcement provisions and penalty statements for subdivisions versus zoning.
- **Section 1133.02** sets out three statements related to variance for subdivisions. This code audit recommends a complete revision of this section to accomplish the following:
 - The exceptional variance provision allows the Planning Commission to vary subdivision regulations in the same manner as the BZA can vary a zoning requirement. There is, however, no call for a public hearing or review outside of the platting process. Therefore, this audit recommends that a procedure for this review be separately established and renamed as a "subdivision modification" to make a clear differentiation between a zoning variance and a subdivision modification. The procedure would also establish enhanced review criteria to further expand on the definition of a hardship.
 - The group housing developments statement can be eliminated. This statement states that the Planning Commission can review a group housing development through the subdivision process even if there isn't any street, lot or subdivision arrangement. First, if there are no public improvements or the creation of lots, there is no need for a subdivision review, regardless of the type of use. Second, some developments (e.g., large-scale mixed-use development) may occur in the future, requiring public improvements even without the subdivision of lots. In these instances, the subdivision process is necessary to review the public improvements. Consolidating the zoning and subdivision regulations into a unified code can make this type of applicability clearer to users.
 - The final statement of this section establishes a procedural variance for small subdivisions that have no more than ten lots without a new street or no more than five lots with a new street. This type of subdivision is often referred to as a minor subdivision and is commonly reviewed administratively by staff, including the City Engineer. Instead of calling this a procedural variance, the updated code should establish separate minor and major subdivisions procedures. Additionally, a minor subdivision is traditionally defined as creating no more than five lots, including the original tract of land, with no new street or public improvements (See ORC Section 711.131). Updated applicability standards and definitions can clarify the difference between a minor and a major subdivision.
- **Section 1133.99** establishes the penalty clause for not complying with the subdivision regulations. This section should be consolidated into a single section on the penalties related to any violation of the entire planning and zoning code.

Chapter 1135: Preliminary and Final Plats

This section sets out the basic review process for subdivisions in Mount Vernon. The following are recommended changes to the sections of this chapter:

- **Section 1135.01** establishes a requirement ("shall meet and consult" rather than "may meet and consult") for subdividers to meet informally with the Planning Commission regarding proposed subdivisions before filing a plat. Pre-application meetings are almost always encouraged as they can prevent applicants from wasting money on engineered drawings before finalizing the preliminary plat for submission. However, the city might want to either make the pre-application optional or, if the meeting remains mandatory, the city should consider giving staff some authority to waive the requirement based on the scale/scope of the project.

- **Section 1135.02** establishes the submittal requirements for preliminary plats. As suggested in the first part of this audit, submittal requirements should be removed from the code and maintained as checklists outside the code.
- **Section 1135.03** is the general review process for the preliminary plat. This language can be generally updated and clarified, as noted in the first part of this audit.
- **Section 1135.04** appears to require submitting a sketch plan for an entire tract of land if the entire tract is ultimately going to be part of the subdivision. This is not unusual, but most communities clarify that a preliminary plat should cover the entirety of a proposed subdivision while a final plat may be submitted in phases for only portions of the larger tract. This audit recommends clarifying this approach.
- **Section 1135.05** sets out the fee for reviewing subdivisions. This language can be removed from the code as suggested in the first part of this audit
- **Section 1135.06** establishes the submittal requirements for final plats. As suggested in the first part of this audit, submittal requirements should be removed from the code and maintained as checklists outside the code.
- **Section 1135.07** is the general review process for the final plat. This language can be generally updated and clarified, as noted in the first part of this audit.

Chapter 1137: Improvements Required

This chapter contains the basic standards for subdivisions common to all codes. This language should be carried forward into the new chapter on subdivision design and consolidated with the standards from the existing Chapter 1139. It should be updated based on additional discussions with the City Engineer to ensure that they reflect modern engineering practices. Section 1137.06 should be made a part of the major subdivision process to ensure that applicants know at what point they have to ensure that the improvements are installed and inspected before dedication and recordation.

Chapter 1139: General Requirements and Design Standards

As with Chapter 1137, these standards are common to most subdivision regulations and can be applied to the updated code with some modernization. The following are some recommendations for specific sections of this chapter.

- **Section 1139.01** on compliance can be rolled into the general compliance requirements of the entire code.
- **Section 1139.06** on off-street parking and loading facilities can be deleted because it is redundant with existing parking and loading requirements. All lots need to be large enough to accommodate the structures, parking, and landscaping.
- **Section 1139.12** can be simplified to address the condominium language, but the term "community unit plan" can be eliminated as it is not used in general subdivision regulations.
- **Section 1139.15** on Planned Unit Residential Developments may also be eliminated. First, there is no reference to planned unit residential developments (only planned neighborhood developments and planned commercial developments). Second, this language includes references to nonresidential uses. Finally, the updated planned development district procedure will address all of this.

As with Chapter 1137, the language in this chapter should be updated based on additional discussions with the City Engineer to ensure that they reflect modern engineering practices.

Chapter 1141: Tree Planting Regulations

This chapter addresses tree plantings in new subdivisions. No significant issues were identified in this chapter; however, there should be a discussion on whether these provisions should apply to just subdivisions or whether they could apply to large-scale developments over "x" acres. The language can be moved to the new subdivision design chapter if they only apply to subdivisions. However, if the city wants to extend the provisions to large developments, the language should be moved to the new landscaping and screening chapter.

Appendix I: Preliminary Plat Checklist

As noted in the first part of this code audit, submittal requirements such as these should be removed from the codified ordinances and used as checklists for application forms.

Appendix II: Final Plat Checklist

As noted in the first part of this code audit, submittal requirements such as these should be removed from the codified ordinances and used as checklists for application forms.

Appendix III: Suggested Forms for Final Plat Certification

As noted in the first part of this code audit, submittal requirements such as these should be removed from the codified ordinances and used as checklists for application forms.

Title Five: Zoning**Chapter 1151: General Zoning Provisions**

This chapter contains standard components of most planning and zoning codes and should be carried forward with the following considerations:

- **Section 1151.01** is the essential authority for zoning given to communities across Ohio and should be carried forward into an updated code.
- **Section 1151.02** is the overall purpose for Title Five (Zoning). If the city moves forward with a unified code, as suggested earlier in this audit, this purpose statement should be expanded to include purpose statements related to subdivisions. Additionally, the purpose statement can be further expanded to address the modern issues discussed during the preparation of this code audit.
- **Section 1151.03** is the scope of the applicability of the zoning regulations. This section should also be carried forward but may need to be expanded to address the expanded scope of subdivision review.
- **Section 1151.04** is entitled "Nature" and appears to compliment the purpose statement and set up the overall scope of the code. This language can be consolidated with the updated purpose statement and incorporated into the purpose language for zoning districts.
- **Section 1151.05** is a basic applicability standard for all codes that requires compliance with zoning standards. Therefore, this language should be carried forward. In addition, by consolidating the subdivision and zoning regulations, this updated language will help make it abundantly clear that all development is subject to the entire planning and zoning code.
- **Section 1151.06** sets out that this code establishes the minimum standards for enforcing zoning and sets out the conflict provisions. This language should be carried forward and should be expanded to address the relationship of zoning and subdivision standards with private covenants (e.g., conflicts between zoning and homeowner association covenants).

- **Section 1151.07** is a separability clause found in all codes that should be carried forward in case the standards of the code are ever challenged in court.
- **Section 1151.08** is language about repealing conflicting ordinances and the effective date of amendments that should be carried forward.
- **Section 1151.09** addresses how land that is annexed is zoned upon annexation. This language appears to follow state law and should be carried forward to the section that addresses the zoning map and establishment of zoning districts.
- **Section 1151.10** is the newest section of this chapter that outlines the prohibition of medical marijuana activities. If this prohibition remains city policy, the definitions of this section should be consolidated with the rest of the planning and zoning code's definitions. Additionally, the prohibition of these activities should be incorporated into the section on principal and accessory uses.

Chapter 1152: Definitions

This chapter includes definitions for some of the most commonly used terms in the zoning code. As noted earlier, this entire definition should be updated comprehensively while the code is updated. All major land uses and terms should be defined, and unused terms should be deleted. Any definitions found within other sections of the planning and zoning code, such as those for medical marijuana activities, should be consolidated into a single definitions chapter. The updated definitions chapter should include extensive graphics, as noted in the first part of this code audit.

Chapter 1153: Enforcement

This chapter focuses on the need for zoning permit approvals, the process for such approvals, and other basic sections related to the day-to-day administration and enforcement of the planning and zoning code. The following are some key recommendations for the update of this chapter:

- **Section 1153.01** establishes that a zoning permit is required for most work. This language should be carried forward as part of the applicability section of the updated zoning permit review procedure.
- **Section 1153.02** sets out the submittal requirements for zoning permit applications and should be removed from the code as recommended earlier in this code audit.
- **Sections 1153.03 through 1153.10** essentially set out the process, time limits, and standards for approving zoning permits. This language should be carried forward as part of the zoning permit review procedure.
- **Section 1153.11 through 1153.13** establishes how complaints can be filed and the potential penalties and remedies. These sections appear to have been recently updated and reflect modern standards. Therefore, this language should be carried forward into the enforcement and penalties chapter of the updated code.
- **Section 1153.14** sets out that Council shall adopt a separate ordinance with the fee schedule. This is a recommendation in the first part of the code audit because there are still a few places in the existing code that relate to fees and charges. The language of this section should be incorporated into the new common review requirements discussed earlier. The actual fee schedule should then be updated to incorporate any remaining fees and charges in the current code.
- **Section 1153.15** is a cross-reference to the BZA appeals process for an appeal of the Zoning Enforcement Officer's actions regarding zoning permits. Therefore, this language should be carried forward.

- **Sections 1153.16 through 1153.19** are additional provisions related to violations, penalties, and notice of violations that should be carried forward into the updated code.

Chapter 1154: Nonconformities

Mount Vernon has a relatively modern set of nonconformity regulations. First, the city makes clear distinctions between a nonconforming use, a nonconforming structure, and nonconforming land. This helps apply different standards based on the severity of nonconformity (i.e., a nonconforming use is generally more of an issue than a nonconforming home where the front porch encroaches into the front yard, but the use is permitted). The city should consider the following improvements to the standards of this chapter:

- The city might want to consider allowing the reconstruction of a nonconforming dwelling when the residential use is nonconforming (e.g., a nonconforming home in an M-1 District) in **Section 1154.06**. A growing number of communities allow this because it is a challenge for the owners to finance ownership if the home cannot be rebuilt, and the city itself doesn't want to tell someone they can't rebuild their homes.
- **Section 1154.07** addresses nonconforming structures and when such structures can be rebuilt as originally situated. This section could be updated to address the difference between a nonconforming residential principal structure and a residential accessory structure. Currently, any "residential structure" can be rebuilt, but often this type of provision is typically intended to allow the reconstruction of a home and not necessarily the residential accessory garage, as an example.
- **Section 1154.10** could be expanded to note that if a variance is granted to allow for, as an example, an encroachment into a front yard, such encroachment is authorized according to the variance approval and is not considered a nonconformity.

Chapter 1155: Administration

Outside of Chapter 1101, on the Planning Commission, this chapter contains most language related to staff, the Board of Zoning Appeals (BZA), and common review procedures. While there does not appear to be any significant issues with this chapter, the following are some recommendations for improvements or clarification.

- **Sections 1151.01 and 1151.02** establish and outline the roles of the Zoning Enforcement Officer and are typical of language found in most codes. The list of duties of the Zoning Enforcement Officer should be updated to reflect any changes or clarifications made as part of other recommendations of this audit. Additionally, the list should be checked against actual practice. For example, if the Zoning Enforcement Officer always serves as the secretary of the BZA (and likely the Planning Commission), then it should be maintained, but if the city clerk or other person could take on that responsibility, then the administration section should reflect that situation. Additionally, it is appropriate to include a general interpretation standard that wherever one person is established with a particular role, that also includes any of their designees. This is helpful if the Zoning Enforcement Officer role is split across multiple staff members. Redundant language, such as paragraph (j), can be eliminated because the Zoning Enforcement Officer is responsible for administering and enforcing the entire code. There is no need to specifically call out a role in the administration and enforcement of the sign chapter. Finally, while it might be a good protocol to have the Zoning Enforcement Officer prepare an annual report, it is not always necessary to codify the language because failure to submit a report could be seen as a code violation.
- **Section 1151.03** on the establishment of the Planning Commission is language from the Ohio Revised Code (ORC) that is a cross-reference in **Section 1101.01**. This language should also be updated to reflect any changes made based on recommendations of the code audit (e.g.,

subdivision modifications or possible alternative equivalency review). The city may also consider whether they want to include language that would allow for alternatives for the two members from the public if there are ever issues with quorum. Finally, this section could be expanded to clarify whether it takes a majority of the quorum (potentially two people if only three members attend) to move a recommendation or decision forward or require a majority vote of the entire membership (always three concurring votes). The BZA has language to address this issue in **Section 1155.07**.

- **Section 1155.04** on the role of the Council in zoning is good. It should be carried forward with an expansion to address their role in planned developments and determination on whether to accept public dedications in subdivisions.
- **Sections 1155.05 through 1155.08** deal with the BZA. There are no significant recommendations in this code audit that would adjust the role of the BZA, so this language should all be carried forward and reorganized as may be appropriate. The one unusual requirement Mount Vernon has is that the BZA has five members, and four members establish the quorum needed to meet. Most communities with a five-member board have three members who make a quorum. If only three members attend, then business can proceed, but three concurring votes are still required to move a decision forward.
- **Section 1155.09** deals with initial interpretations and expands on the role of the Zoning Enforcement Officer. This language should be consolidated into the sections related to the Zoning Enforcement Officer.
- **Sections 1155.11 through 1155.20** deal with the procedural requirements for variances and appeals. This language should be reorganized and carried forward to an updated code. There should be a clearer distinction between variances and appeals. While the procedure and notification may be similar, the criteria for decisions are different. The current code has clear criteria for variances, but there should be a basic standard for an appeal. Generally, the criteria is that the BZA determines that a decision was made in conflict with the code. As noted in the first part of this report, the actual submittal requirements for variances should be removed from the code.
- **Section 1155.21** is an unusual provision that is not found in many codes. This section limits what standards an applicant can request a variance for and to what extent. While it is understandable that the city does not want to review applications for extensive variances, having specific thresholds such as those in this section is challenging because there could be reasonable requests for variances that slightly exceed the thresholds. Additionally, some of these thresholds can be addressed through better standards. For example, this section includes a threshold that a variance cannot be requested to reduce off-street parking by "generally" more than 30%. First, the current parking standards are excessive, so 30% may be too low of a threshold. Second, modernizing the parking standards and incorporating alternative parking options may eliminate the need for this type of threshold. If the city wants to keep this type of language in the code, it should be assessed after the rest of the standards are updated and reviewed in collaboration with legal counsel.
- **Sections 1155.22 through 1155.24** include all of the provisions related to conditional use permits. This language includes good review criteria that would apply to all conditional use applications, and as such, the criteria should be carried forward. In addition, the submittal requirements for conditional uses should be eliminated per the recommendation earlier in this report.
- **Sections 1155.25 and 1155.26** have use-specific standards for certain districts and certain uses. These standards should be reviewed as part of the comprehensive land-use review

discussed in the first part of this audit. In some cases, these standards could be applied to a use without it being a conditional use any longer (permitted use with standards); in other cases, the standards might need to be adjusted to address ongoing issues or modern requirements. As appropriate, any regulations specific to signs should be addressed in the sign chapter with cross-references. The standards should also be checked against actual practices. For example, remove requirements for a certificate of fire code compliance, which doesn't exist.

- **Sections 1155.27 through 1155.30** are additional sections related to conditional uses that should be carried forward, as discussed in this chapter.
- **Section 1155.31 and 1155.32** deal with the interpretation of the zoning map and should be carried forward into the new code.
- **Sections 1155.33 through 1155.37** address how the city deals with a proposed use not explicitly included in the current code. This language helps establish a process for determining if proposed uses are similar to other uses and, therefore, should be allowed like those uses, or whether they are not, and the remedies an applicant has. All of this language should be carried forward into an updated code.

Chapter 1156: Amendments

This chapter outlines the procedure for amending the planning and zoning code text or zoning map. The procedure is typical of all communities and should be carried forward with the addition of some general review criteria that both the Planning Commission and City Council can use in considering each application. Also, as noted in the first part of the code audit, the list of submittal requirements can be removed from the ordinance.

Chapter 1157: Provisions for Official Zoning Map

This chapter establishes that the zoning map is an official part of the planning and zoning code and how to interpret the boundaries if there are questions about district locations. This language should be carried forward with cross-references to the BZA, as Chapter 1155 notes that it is the BZA's role to interpret any questions about zoning district boundaries.

Chapter 1158: Establishment and Purpose of Districts

This chapter sets out the established zoning districts (base and overlay) regulated by the code and the purpose statements. Purpose statements for districts are good to have to establish legislative intent. The purpose statements should be reviewed to ensure they still reflect current goals and then carried forward into an updated code.

Chapter 1159: RR Rural Residential District

As suggested in the first part of this code, the RR District should be carried forward into the new code. The information within this chapter should incorporate changes recommended in the first part of the report as summarized below:

- As suggested in the first part of this code audit, the permitted and conditional use lists should be identified in a new comprehensive use table. In addition, there will be a separate use table for principal uses and accessory uses. Finally, the tables will be followed by any use-specific standards that are appropriate for certain uses, including updated standards similar to those found in the current administration chapter (for conditional uses) and those found in the final chapters of the existing code.
- Uses typically considered accessory uses (e.g., home occupations and Type A or B child day cares) should be moved into the updated accessory and temporary use chapter.

- The yard, lot, and height requirements found in the district will be consolidated into a new section that:
 - Defines how all of these standards are measured, including multiple graphics that can illustrate different scenarios (corner lot versus interior lot);
 - Consolidate all the requirements into tables; and
 - Adjust the requirements, if needed, to reflect actual development in the district. For example, The maximum lot coverages and setbacks should be checked against current development and then amended, if needed, to reduce nonconformities.

Chapter 1160: R-1 Single Family District

The R-1 District should be maintained as part of the updated Mount Vernon Planning Zoning Code and should be updated in the same manner as suggested for the RR District in Chapter 1159.

Chapter 1160A: ER Estate Residential District

This zoning report recommends the elimination of the ER District.

Chapter 1161: R-2 Single and Two-Family District

The R-2 District should be maintained as part of the updated Mount Vernon Planning Zoning Code and should be updated in the same manner as suggested for the RR District in Chapter 1159.

Chapter 1162: R-3 Multiple Family District

The R-3 District should be maintained as part of the updated Mount Vernon Planning Zoning Code and should be updated in the same manner as suggested for the RR District in Chapter 1159.

Chapter 1163: PND Planned Neighborhood District

The first section of this report outlines issues and opportunities for a comprehensive update to both the PND District and the PCDD from Chapter 1185.

Chapter 1164: NC Neighborhood Commercial District

The NC District should be maintained as part of the updated Mount Vernon Planning Zoning Code and should be updated in the same manner as suggested for the RR District in Chapter 1159. In addition, the general site development requirements related to the location of parking areas, trash receptacles, and outdoor storage should be incorporated into the updated parking requirements or general development standards, as applicable.

Chapter 1165: TOC Traffic-Oriented Commercial District

This zoning report recommends the elimination of the TOC District.

Chapter 1166: CB Central Business District

The CB District should be maintained as part of the updated Mount Vernon Planning Zoning Code and should be updated in the same manner as suggested for the RR District in Chapter 1159. In addition, the general site development requirements should be carried forward with the recommendations for basic architectural standards and enhanced development standards outlined in this code audit. For example, while buildings can have zero setbacks from the back of the sidewalks/right-of-way, they can also set back any distance allowed by the Planning Commission. The CB District could be updated to place a maximum setback of "x" feet, provided the setback offers open space, streetscape enhancements, or a dining area so that the Planning Commission has some guidance on when to allow a deeper setback as an alternative to a completely open standard. Furthermore, the 700 square foot dwelling area requirement for apartments should be eliminated or significantly reduced. It is unlikely that many existing dwelling units comply, but it also opens up more reinvestment

opportunities to allow for smaller units above commercial space. Most communities do not have minimum dwelling sizes in commercial areas where such communities want to encourage higher densities near crucial business areas.

Chapter 1167: GB General Business District

The GB District should be maintained as part of the updated Mount Vernon Planning Zoning Code and should be updated in the same manner as suggested for the RR District in Chapter 1159. In addition, the use-specific standards should be incorporated into the updated use table, and the general site development requirements related to the location of parking areas, trash receptacles, and outdoor storage should be incorporated into the updated parking requirements or general development standards, as applicable.

Chapter 1168: O/I Office-Institutional District

This code audit recommends renaming the OI District to the OB District in the first part of the report. Otherwise, the O/I District should be maintained as part of the updated Mount Vernon Planning Zoning Code and should be updated in the same manner suggested for the RR District in Chapter 1159. In addition, the general site development requirements related to the location of parking areas, trash receptacles, and outdoor storage should be incorporated into the updated parking requirements or general development standards, as applicable.

Chapter 1169: M-1 Manufacturing District

This code audit recommends renaming the M-1 District to the GI District in the first part of the report. Otherwise, the M-1 District should be maintained as part of the updated Mount Vernon Planning Zoning Code and should be updated in the same manner suggested for the RR District in Chapter 1159. In addition, the general site development requirements related to the location of parking areas, trash receptacles, performance standards, and outdoor storage should be incorporated into the updated parking requirements or general development standards, as applicable.

Chapter 1169(A): M-1A Light Industrial District

This code audit recommends renaming the M-1A District to the LI District in the first part of the report. Otherwise, the M-1A District should be maintained as part of the updated Mount Vernon Planning Zoning Code and should be updated in the same manner suggested for the RR District in Chapter 1159. In addition, the general site development requirements related to the location of parking areas, trash receptacles, performance standards, and outdoor storage should be incorporated into the updated parking requirements or general development standards, as applicable.

The M-1A District appears to be the only district where a site plan review is required by the Planning Commission. All other development is reviewed through the zoning permit procedure, even if a site plan is required for the application submittal. The city should consider whether this is still necessary or if enhanced development standards could address any concerns over development in the district. If the latter is true, then the site plan review procedure should be eliminated and replaced by the zoning permit review. If the city still wants to maintain site plan review by the Planning Commission, such procedure should be incorporated into the administration chapter of the updated code.

Chapter 1170: FDPD Flood Damage Prevention District

The city's staff has not identified any specific issues with the existing FDPD language. As such, this code audit recommends that the FDPD be renamed to the Flood Damage Prevention Overlay (FPDO) District to clarify the type of district. Additionally, the definitions within this chapter can be consolidated into the updated definitions chapter. Finally, several sections, including Sections 1170.09 and 1170.10, can be eliminated because they are covered by other general provisions that apply to all applications, so they do not need to be repeated within the district language.

Chapter 1171: P-1 Public, Semi-Public District

This code audit recommends renaming the P-1 District to the PI District in the first part of the report. Otherwise, the P-1 District should be maintained as part of the updated Mount Vernon Planning Zoning Code and should be updated in the same manner suggested for the RR District in Chapter 1159. In addition, the general site development requirements related to the location of parking areas, trash receptacles, and outdoor storage should be incorporated into the updated parking requirements or general development standards, as applicable.

Chapter 1171: Historical District

This code audit recommends some minor edits to the Historical District that includes:

- Renaming the Historical District to the Historical Overlay (HO) District to clarify that it is an overlay district used to include additional standards above the base zoning district.
- The updated district should include a clear reference to the Secretary of the Interior's guidelines for rehabilitation and renovation that already apply to the three established zoning districts.
- The first part of this code audit includes a discussion on enhanced architectural standards that could provide a base for some expansion of standards for the three established historical overlay districts. However, at a minimum, the updated code should include an examination of any common site development standards in each district to see if there should be specific standards for setbacks or building heights in each of the individual overlay districts. This review may also be addressed by incorporating infill compatibility standards, also discussed in the first part of this code audit.
- The language on the establishment and role of the Historical Review Commission can be consolidated with the administration chapter of the updated code, as can the review procedure for certificates of appropriateness.
- The city might consider including some additional review criteria for establishing any new historical overlay district. Outside of zoning, there is a separate procedure for formally designating an area as a historic district. Still, there are also considerations for using the overlay district as a tool that the city should consider as part of the zoning amendment process to establish a new overlay district.

Chapter 1173: Supplementary District Regulations

This chapter of the planning and zoning code includes a series of regulations that are important to zoning regulations but don't have a natural place to be located in the existing code. In addition, the following is a summary of proposed reorganization efforts as well as suggested improvements:

- The purpose statement in **Section 1173.01** can be eliminated as many of the sections of this chapter will be moved. Each chapter in an updated code should have its own purpose statement, so this language could be consolidated with other purpose statements.
- **Section 1173.03** deals with converting one dwelling unit into additional units (e.g., dividing a single-family dwelling into a duplex). This code audit recommends the removal of this language because it is not necessary. Any change of use, including single-family dwellings to duplexes, would need a zoning permit that demonstrates compliance with the zoning code. If the proposed duplex does not meet the standards of the code, which is all this section requires, then it should be denied without this additional language.
- **Section 1173.04** on temporary uses can be updated and carried forward into the updated accessory and temporary use chapter. The current provisions are pretty common, but the section could be updated to address other temporary events and uses, as outlined in the first part of this code audit.

- **Sections 1173.05 through 1173.10** are the primary regulations for accessory buildings and uses. These sections need to be updated because accessory uses and buildings are a significant issue for the city. See the recommendations of the first part of the report for more detail on suggested changes.
- **Section 1173.11** limits principal buildings to one building per lot. This is appropriate for most residential districts, but the city should consider allowing multiple principal buildings in nonresidential lots (e.g., multiple buildings on an industrial lot) and where a condominium development has been approved.
- **Section 1173.12** is standard language about not reducing any area or space required by zoning unless granted by variance. This language should be carried forward with a caveat that would allow it for governmental acquisition (e.g., right-of-way acquisition). This language can also be clarified to state that lot splits and adjustment of lot lines (transferring land to neighbors) can occur as long as the resulting lots still meet the applicable lot requirements.
- **Section 1173.13** protects dedicated easements throughout the city, and this language should be carried forward into an updated code.
- **Section 1173.14** contains the regulations for commercial and recreational vehicles in residential districts. While staff and city officials did not raise any specific issues with this section, it is typically an issue with most communities. This code audit recommends carrying this forward with some revisions focused on the definition of recreational vehicle and parking/storing regulations. First, there needs to be a definition of the difference between parking and storing a vehicle. Is temporarily parking the vehicle in the front yard considered storage? Related to that issue is clarifying whether the vehicles can be temporarily parked in the front yard for packing or unpacking, cleaning, etc. Second, some communities allow small recreational vehicles (under a certain length) to be parked or stored in side yards on paved surfaces. This approach reduces the amount of paved surfaces in yards as a whole, but the side yard is typically where driveways are already located. This language should be compared against property maintenance requirements to ensure there isn't any conflicts between the two separate ordinances.
- **Section 1173.15** establishes the basic standards for refuse collection in nonresidential and multi-family developments. This language should be carried forward with some additional standards on appropriate screening and adjustments to ensure that the language does not continue to conflict with the property maintenance requirements.
- **Section 1173.16 and 1173.23** are special requirements related to the interpretation of site development standards that should be carried forward and supplemented with graphics to illustrate the standards.
- **Section 1173.24** contains common performance standards for all uses that should be carried forward into an updated code.
- **Section 1173.25** limits the accumulation and storage of junk. This language should also be carried forward into an updated code.
- **Sections 1173.26 and 1173.27** are basic administration and enforcement standards that should be consolidated into the zoning permit procedure and overall enforcement provisions of an updated code.
- **Section 1173.28** are the screening requirements for nonresidential uses adjacent to residential districts. This is essential language, but the current provisions are rather vague. This kind of approach can be good in that the applicants can propose several options to best screen their use, but it also opens things up for interpretation. Additionally, this language does not account for the scale or intensity of the nonresidential use. As noted in the first part of this audit, this entire

section should be updated with clear standards on the level of screening required but with the provisions of options on meeting those standards (e.g., wide setback with lots of vegetation or narrower setback with a solid fence).

Chapter 1174: Off-Street Parking and Loading Facilities

As noted in the first part of this code audit, this entire chapter needs to be updated to reflect modern parking and loading standards. The city currently has excessive parking requirements for most nonresidential uses. The updated regulations should expand to include an expansion of standards for drive-through waiting/stacking spaces and lanes (currently in Section 1174.09) and include some basic requirements for walkway connections between public sidewalks and commercial businesses.

Chapter 1175: Signs

This chapter establishes all of the requirements for signage in the city. The regulations looked to have been updated in recent history so that, for the most part, they are content-neutral sign regulations where the staff does not have to read the sign message to determine how to regulate the sign. Some suggested changes include:

- The definitions in **Section 1175.02** should be updated as needed and consolidated with all definitions into a single chapter.
- The administrative requirements for a sign permit in **Section 1175.04** seem to mimic the zoning permit process. If so, the updated code can just incorporate a statement under zoning permits that would allow other administrative permits or certificates to be reviewed similarly to the zoning permit. It will reduce the need to have redundant procedures in the code.
- Expand on the sign measurements in **Section 1175.06** to include graphics that will help make the distinction between the different forms of measurement for different sign types.
- Section **1175.07** on signs that do not require a permit includes a number of temporary signs that have exemptions based on content (real estate and political). This will have to be updated to reflect recent case law by either focusing on the size and type of a temporary sign that is exempted, regardless of the message, or making a distinction between a temporary commercial sign and a noncommercial temporary sign. The appropriate approach should be tailored based on further discussions with legal counsel.
- Some of the special provisions for temporary signs in **Section 1175.08** will have to be revised as they give special signage for certain situations that could be interpreted as not being speaker-neutral, which is another similar issue with federal case law. For example, this section gives temporary signage for a “community event or program” (which is not defined). It is unlikely the city can provide temporary signage for just community events but no other activities or events. One option is to provide for certain types of signs with time limits on each lot to accommodate potential events but not classify the type of event. Ultimately, all temporary sign regulations will need a careful review and update to comply with case law. Additionally, the city might consider including an allowance for temporary signs to cover permanent signs when there is a change in occupancy/tenancy.
- **Section 1175.10** on nonconforming and abandoned signs should be revised because it requires the removal of an abandoned sign, which can simply be a sign that remains after the termination of a business. First, signs are not only used for businesses; they are often found with residential and institutional uses, which should be subject to the same rules. Second, if the sign structure is a conforming sign, then it seems like the structure would not have to be removed, regardless if the message no longer identifies a legitimate business unless the city requires the removal of all structures related to the business. The focus of this section should be on maintenance (cabinets are enclosed, no exposed elements, etc.) and nonconforming signs.

- The entirety of the schedule of sign regulations will need to be revised. There are extensive references to what type of content/message can be on a sign when the focus should be on the sign's size, type, height, and location. Additionally, the schedule gives certain uses different amounts of signage within the same district, which could be seen as not applying uniform rules across a single zoning district. As such, the regulations should be updated to focus on the signs allowed in each district with a possible allowance for nonresidential uses in residential districts (e.g., churches, schools, etc.). At the same time, staff can help guide any modifications to the current area and height provisions to tailor those provisions to reflect the city's policies.

Chapter 1176: Home Occupations

Mount Vernon requires a conditional use permit for all home occupations, which is very unusual compared to other communities. This is especially unusual given the types of standards already embedded in this chapter to protect neighborhoods, which should minimize the need for conditional use review for all home occupations. This code audit recommends that the city take on a tiered approach for home occupations such as:

- No permit or a simple zoning permit approval for basic home occupations such as office work, small artisan work that requires no machinery, etc.; and
- Conditional use review for more intense home occupations that may or may not be appropriate based on operations (e.g., hairstylist, artisan crafts that require machinery, Type B daycare, etc.)

The updated home occupation regulations should also include expanded standards and potentially a list of expressly prohibited home occupations such as auto repair or landscaping operations where workers come to the home to gather machinery.

Section 1176.05 on violations and permit revocation can be consolidated with other sections on enforcement and penalties because any zoning permit or conditional use permit can be revoked for failure to comply.

Chapter 1177: Advanced Technologies, Satellite Dish Antennas

This entire chapter is focused on different types of satellite dishes (roof-mounted or ground-mounted). The current language does not appear to align with current laws that generally prevent communities from regulating satellite dishes that are smaller than one meter in diameter. Currently, the city only exempts dishes that are less than 18 inches in diameter. This language should be updated to reflect current federal rules but still maintain some of the current provisions for larger satellite dishes that may be necessary for certain business operations.

Per the recommendations from earlier parts of this audit, the definitions section of this chapter should be incorporated into the updated definitions chapter.

Chapter 1178: Fences and Hedges

This chapter's fence and hedge regulations apply only to residential and the O/I District, with no explicit provisions for commercial or industrial uses. The city should consider adding some basic provisions for fencing in the nonresidential districts, especially regarding height and the use of barbed wire for safety purposes. Additionally, the regulations should speak to the use of walls, particularly retaining walls. Finally, the city might want to consider allowing for slightly taller fencing in front yards if the fence is an "open" fence that includes picket or decorative aluminum fencing. Currently, the maximum fencing in the front yard is three feet, but most open fencing is permitted to be four feet in height.

Chapter 1179: Regulation of Manufactured Home Parks

The language in this chapter appears to set standards for new manufactured home parks (in some instances, they are called mobile home parks). This is cross-referenced in the R-MH District as the district's standards. Most of these standards can be eliminated if the city decides to maintain the district but not allow new manufactured/mobile home parks in the same manner (discontinued district). However, this code audit recommends that some basic standards be added that address replacement of existing homes, maintenance, and general enforcement for all existing manufactured/mobile home parks.

Once the language is updated, all definitions should be consolidated into the updated definitions chapter.

Chapter 1180: Regulation of Factory-Built Housing, Design, and Appearance

This entire chapter will need to be revisited as part of the discussion on manufactured homes and mobile homes. Many of the regulations of this chapter apply stricter design standards to factory-built homes or permanently sited manufactured homes than they would to a stick-built single-family home. This may go against statutes in the ORC that allow for permanently sited manufactured homes in the same manner as any single-family dwelling (e.g., lot size, dwelling size, etc.). There should be a discussion on what basic design principles should apply to all dwellings and then distinguish between certain types of housing products based on what is permitted under the ORC.

Chapter 1181: Regulation of Group Residential Facilities

This chapter address the regulation of group homes. It appears that it was last updated in 2005, and since then, there have been significant changes in the state laws that address group homes. Therefore, this entire chapter needs to be overhauled according to state law. For example, there are certain types of group homes/residential facilities that, if licensed by the state under certain provisions of the ORC, have to be allowed wherever single-family homes are allowed, without a conditional use. These group homes are strictly defined and allow up to five unrelated people to live together. Larger ones can be conditional uses in multi-family districts. The city should also consider handling other forms of group living that the ORC does not explicitly regulate when updating the regulations. For example, there are a growing number of sober living facilities (formal and informal) where a few unrelated people live together to maintain sobriety. In other cases, a growing number of young and older people opt to live communally in a house, as roommates, due to the rising costs of housing. All of this will require a discussion around the definition of family and other terms (e.g., housekeeping unit) that will result in fair and legally defensible standards.

Once the language is updated, all definitions should be consolidated into the updated definitions chapter.

Chapter 1182: Regulation of Amusement Arcades

This chapter is focused on the regulation of amusement arcades, which some communities also call internet arcades or cafes. Since this chapter was added to the code, the state has adopted sweeping legislation to regulate these entities (called sweepstake/internet café by the state) and restrict their operations. While the city may want to continue to allow them only as a conditional use, much of the language in this chapter can be eliminated and cross-referenced to state-approved arcades. All of these regulations can be rolled into the use table described in the first part of this code audit.

Chapter 1183: Regulation of Adult Entertainment Businesses

This chapter focuses on the regulation of adult entertainment businesses and appears to follow a model set of standards used by Ohio. When carrying this language forward, the city should apply the setbacks to ensure there are still areas where these uses could occur and then incorporate the

provisions as use-specific standards related to the proposed use table. Once the language is updated, all definitions should be consolidated into the updated definitions chapter.

Chapter 1184: Small Cell Technology in the Right-of-Way

This is one of the newer chapters in the planning and zoning code and appears to reflect common practices for the regulation of small cell technology. Therefore, this language should be incorporated into the updated code as recommended in other parts of this audit related to reorganization.

Chapter 1185: Planned Commercial Development District

The first section of this report outlines issues and opportunities for a comprehensive update to both the PCDD District and the PND from Chapter 1163.

Outline of Updated Planning and Zoning Code

The following is a suggested outline for an updated Mount Vernon Planning and Zoning Code reflecting the reorganization and substantive changes discussed in this report. The table below sets forth the proposed structure of chapters within an updated code for reference purposes. This table is followed by a summary of the overall purpose of each chapter and a general description of the contents of each chapter.

Part Eleven – Planning and Zoning Code	
Chapter	Chapter Name
1101	General Provisions
1102	Administration and Enforcement
1103	Zoning Districts and Principal Uses
1104	Planned Developments
1105	Accessory and Temporary Uses
1106	General Development Standards
1107	Architectural Standards
1108	Landscaping and Screening
1109	Parking, Access, and Mobility
1110	Signs
1111	Subdivision Design
1112	Nonconformities
1113	Enforcement and Penalties
1114	Definitions

Chapter 1101: General Provisions

This chapter will include introductory provisions, including the purpose and intent of the planning and zoning code, severability, and transitional regulations. This chapter is not intended to include any development standards or substantive regulations but will specify that compliance with the code is mandatory.

Chapter 1102: Administration and Enforcement

This chapter will summarize the roles and responsibilities of staff and the decision-making boards. The chapter will also include all zoning and subdivision review procedures in a step-by-step format with clear review criteria. The chapter will incorporate the common review requirements section discussed earlier in the report that will include standards that apply for all procedures, including, but not limited to, cross-references to the fee requirements, complete application requirements, notices, and common procedural requirements that are otherwise duplicated in all of the current procedural language.

Chapter 1103: Zoning Districts and Principal Uses

This chapter will establish all zoning districts, their purpose statements, and identify where and how principal uses are permitted in all zoning districts. The use table, described earlier in this report, will be followed by a section that contains all of the use-specific standards, whether the use is a conditional use or permitted but with additional requirements.

Chapter 1104: Planned Developments

This chapter will incorporate the procedures and regulations for all future planned development districts. In addition, the chapter will include a clear review procedure with expanded review criteria and development standards.

Chapter 1105: Accessory and Temporary Uses

This chapter will contain all regulations related to accessory and temporary use regulations with improvements as stated in the first two parts of this code audit. The focus will be on creating appropriate standards for Mount Vernon and are scaled for the applicable neighborhood.

Chapter 1106: General Development Standards

This chapter will be where we propose to group several small standards that do not generate a need for individual chapters but are important nonetheless. For example, there will be a section on site development standards (e.g., lot area, lot width, setbacks, etc.), exterior lighting, performance standards, trash receptacles, and other supplemental regulations.

Chapter 1107: Architectural Standards

As discussed in the first part of this code audit, this chapter will be new for the city and will establish some very basic architectural standards for downtown and other commercial areas.

Chapter 1108: Landscaping and Screening

This chapter will encompass enhanced landscaping and buffering standards, including recommendations for incorporating native vegetation and potentially incorporating the tree preservation standards currently found in the subdivision regulations.

Chapter 1109: Parking, Access, and Mobility

This chapter will address off-street parking spaces, loading spaces, circulation, and general access, with some changes to encourage implementation of the plan recommendations and other amendments discussed in other parts of this document. As part of the update, adjustments will be made to clarify the applicability of the standards to building expansions and site changes, updating parking space requirements, and all of the standards related to parking and access.

Chapter 1110: Signs

This chapter will include the updated sign regulations, including the expanded use of graphics and general updates to create content-neutral sign regulations.

Chapter 111: Subdivision Design

This chapter will contain the basic design and improvement requirements for subdivisions drawn from the current Title Three.

Chapter 112: Nonconformities

This chapter will incorporate updated language to address the grandfathering of any uses, structures, or lots that will no longer comply with the zoning code after the amendment is adopted.

Chapter 113: Enforcement and Penalties

This chapter will also include the provisions for enforcement of the code, including violations, penalties, and remedies.

Chapter 114: Definitions

The last chapter will be the revised and updated section that consolidates all of the definitions from the entire planning and zoning code and incorporates any general rules of construction or interpretation that apply to the codes.