`

ANNOTATED OUTLINE

FOR THE

YOUNGSTOWN, OHIO REDEVELOPMENT CODE

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ANNOTATED OUTLINE

This annotated outline provides an overview of the proposed structure and content of the new Youngstown Redevelopment Code. It incorporates the recommendations discussed in the ordinance-by-ordinance analysis (Part Two) above. The purpose of this outline is to give city staff, officials, and the public an opportunity to examine and comment on the proposed restructuring of the ordinances. Following the review and discussion of this outline, we will begin drafting the new ordinance in two installments. To keep this document relatively short, many of the detailed corrections and suggestions identified in the previous sections of this document are not repeated here, however, the Redevelopment Code will incorporate those comments.

PROPOSED ORGANIZATION

The table below provides a comparison of Youngstown's existing ordinance structure to the proposed Redevelopment Code structure. A more detailed explanation of where specific provisions within the current ordinances will be located in the new Redevelopment Code is provided further below in individual sections of this annotated outline.

COMPARISON OF ORDINANCES	
Current Youngstown Ordinances	**Proposed Redevelopment Code**
Zoning Ordinance	Table of Contents
505.17: Keeping and maintaining wild animals and livestock	Chapter 1: General Provisions
709: Sexually Oriented Businesses	Chapter 2: Zoning Districts
1101: Design Review Board	Chapter 3: Permitted Uses
1102: Standards for Development	Chapter 4: Development Standards
1103: Timber Harvesting	Chapter 5: Administration and Procedures
1105: Sign Regulations	Chapter 6: Definitions
1305: Flood Damage Prevention	Appendices
1744: Group Homes	Index
Subdivision Regulations	
Historic Preservation Regulations	

CHAPTER 1 GENERAL PROVISIONS

This chapter will contain general provisions that are relevant to the entire code. Some of the provisions will be based on the existing general provisions from current ordinances while other provisions will be new. Major sections will include:

1.1 Purpose

This section will consolidate language from the existing purpose and intent statements in the 11 included ordinances and regulations.

1.2 Citation and Title

This section will indicate that the ordinance may be referred to as the Youngstown Redevelopment Code.

1.3 Statutory Authority

This section will cite those provisions of Ohio law giving Youngstown the authority to enact each of the types of controls included in the Redevelopment Code, including but not limited to zoning, subdivision, historic preservation, timber harvesting controls, design review and planned developments.

1.4 Applicability and Jurisdiction

This section will clarify that all land within the City of Youngstown is subject to the Redevelopment Code, including public land owned by the city and any other public entities subject to municipal regulations. It will consolidate the applicability provisions in almost all of the freestanding ordinances reviewed in Part 2 of this document, as well as introductory language on applicability in Chapters 1101 and 1102 on design review. It will consolidate information founded in several sections of the current ordinances, as noted in Section 2 above. It is very important that this section clearly state how the new code will be applied to new development, which portions will apply to redevelopment, and which portions will apply to expansions of existing buildings and uses.

1.5 Compliance Required

This section will require compliance with all provisions of the Redevelopment Code, and will incorporate the requirements in zoning ordinance Sections 22 (Use) and (23) (Height and Density), and Chapter 1305.38 (Compliance with flood damage prevision standards) among others.

1.6 Relationship to the Youngstown 2010 Plan

This section will include language that connects the land use regulations to the goals of the Youngstown 2010 Plan and will require interpretation of the Redevelopment Code to carry out the intent of the Plan within the limits of state and federal law.

1.7 Relationship to Other Regulations

This new section will state that the Redevelopment Code is intended to complement other regulations associated with affected properties and land uses, including those regulations found in state and federal law. It will incorporate the content of zoning ordinance Section 121 (Conflict with Other Laws). It will also provide that when the requirements of the Redevelopment Code come into conflict with other city regulations, the more restrictive regulations shall apply, with one exception: Where conflicts between basic zoning controls and the requirements of overlay districts conflict, the provisions of the overlay district apply regardless of whether they are stricter than the base district.

1.8 Relationship to Third-Party Private Agreements

This new section will address how conflicts between the Redevelopment Code and private covenants agreements will be handled. It will clarify that the city is not responsible for enforcing third-party agreements such as deed restrictions and private covenants.

1.9 Interpretation

This section will clarify that the Community Development Director shall be authorized to interpret the provisions of the Redevelopment Code, with his or her decisions subject to appeal to the Planning Commission as described below. This will include the right to interpret zoning district boundaries currently found in Section 33 of the Zoning Ordinance.

1.10 Effective Date

This section will state the effective date of the new Redevelopment Code (as Section 123 does in the current zoning ordinance).

1.11 Transitional Regulations

This section will clarify that applications pending on the date the Redevelopment Code is adopted may, at the applicant's option, be approved subject to the previous laws or the Redevelopment Code as it applies to that property. It will also clarify that outstanding violations on the date the new Redevelopment Code is adopted remain in effect and may be enforced pursuant to the ordinance that applied when the violation occurred. We recommend that this new section allow for applications to be processed under the rules in place at the time a complete application is submitted unless the terms of the Redevelopment Code now permit the structure or use that was previously a violation and the city has not instituted enforcement proceedings under the prior ordinances.

1.12 Severability

This new section will consolidate all of the severability clauses in each of the 11 ordinances and regulations and will specify that invalidation of any specific provision of the Redevelopment Code by a court shall leave the remainder of the code in effect.

CHAPTER 2: ZONE DISTRICTS

This chapter will identify four categories of base zone districts: residential, mixed use, special purpose, and overlay districts. It will serve the purpose currently served by Article III (Establishment of Districts) of the zoning ordinance. This chapter will be relatively simple and consist mainly of purpose statements for each district, as well as any district-specific regulations (i.e. regulations of a type that apply only to that district – like flood protection overlay controls -- and that do not need to be consolidated with similar regulations for other districts). It will not include information on the uses permitted in each district, because that information will be summarized in a use table located in Chapter 3 (Permitted Uses). The table below compares the existing zone districts in Youngstown to the new line-up of zone districts proposed for the Redevelopment Code.

2.1 Summary Table

This table will appear at the start of Chapter 2 of the Redevelopment Code.

COMPARISON OF ZONE DISTRICTS	
Youngstown's Current Zone Districts	**Proposed Zone Districts**
RESIDENTIAL (5)	**RESIDENTIAL (8)**

COMPARISON OF ZONE DISTRICTS	
Youngstown's Current Zone Districts	**Proposed Zone Districts**
R-20 Single-family	RS-20 Single-family
R-12 Single-family	RS-12 Single-family
R-7.2 Single-family	RS-7.2 Single-family
	RS-3.0 Single-family small lot (new)
	RS-F1 Single-family form 1 (form-based - new)
R-A Apartment	RM-2.2 Multi-family
R-1.5 Multi-family	RM-1.5 Multi-family
R-1.0 General	RM-1.0 Multi-family
MIXED USE (1)	**MIXED USE (6)**
M-U Mixed Use	MU-R Residential Reuse (current MU District)[1]
BUSINESS AND INSTITUTIONAL (5)	MU-I Institutional (current I)
I Institutional	MU-N Neighborhood (current B-4)
B-1 Central	MU-C Community (current B-2 and B-3)
B-2 General	MU-F1 Form 1 (form-based - new)
B-3 Community	MU-DF Downtown (form-based - new)
B-4 Local	
INDUSTRIAL (2)	**SPECIAL PURPOSE (3)**
I-L Industrial Limited	IG Industrial Green (new)
I-H Industrial Unlimited	IU Industrial Unlimited
	OS Open Space (new)
	AW Agriculture/Wetlands (new)
OVERLAY DISTRICTS (1)	**OVERLAY DISTRICTS (5)**
PD Planned Development	PDO Planned Development Overlay
	CDO Central Design Overlay (Chapters 1101 & 1102)
	FPO Flood Protection Overlay
	HPO Historic Preservation Overlay
	LSO Limited Services Overlay (new)

2.2 Base Zone Districts

The zoning district changes reflected in this table are summarized below. In the Redevelopment Code, each district will have its own section containing a stronger and clearer purpose statement.

RS-20, -12, and -7.2 Residential Single-Family Districts

The three districts are carried over but will be redesignated from R to RS to better communicate their single family character.

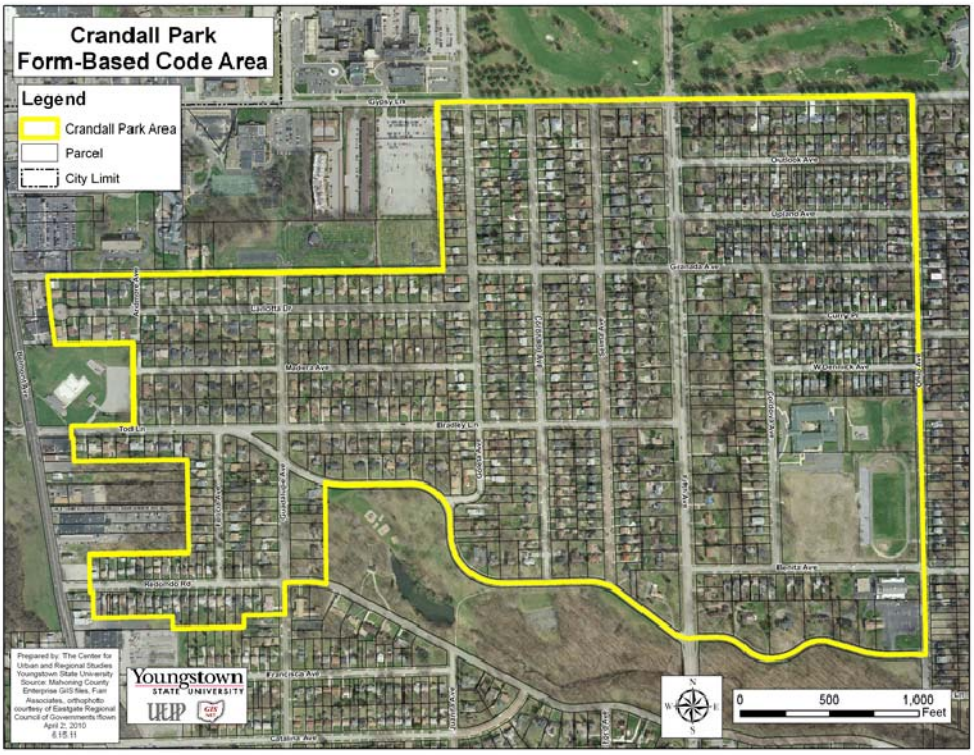
[1] STAFF: It looks like very little land has been zoned into your current Mixed Use district (mostly around Wick Park). Please consider whether we need to retain it, or whether it could be replaced by provisions allowing more flexible use of single family homes as adaptive reuses, or by one of the other mixed use zone districts.

RS-3.0 Residential Single-Family Small Lot District

This new district would allow lots with a minimum of 3,000 sq. ft. of lot are and a minimum width of 25 feet. In addition to allowing new and innovative small lot housing types, it could be used to rezone existing neighborhoods where it fits the existing pattern of platted lots, thereby making them "conforming" lots and encouraging reinvestment and redevelopment.

RS-F1 Residential Single-family Form 1 District

This is the first of three new "form-based" districts to be integrated into the Redevelopment Code. Form districts are typically organized around a variety of building types; however, in this case, one set of regulations will be developed to allow for the variety of building types that exist in this neighborhood. However, the district will require common elements that result in the distinctive character of the neighborhood, such as garages and parking in the rear of the lot, building heights appropriate for the time period, and front entrance location. Although based on the dimensions and character of the Crandall Park North neighborhood (as shown on the map below), it would be a template zone district that could be recalibrated to apply to other neighborhoods in the future. For example, if it were revised for use in the Wick Park neighborhood the building type requirements would be tailored to reflect the existing fabric of that neighborhood and the new district might be designated RS-F2 (for the Residential Single-Family Form 2 district). Additionally, care will be taken not to conflict with the requirements of the historic district that exists within this neighborhood. The form district will reinforce the general character of these homes, while the historic district designation requires a higher level of maintenance and design detailing not required by the form district.



RM-2.2, -1.5, and 1.0 Multi-family Districts

These three districts would be carried over from the current R-A (Apartment), R-1.5 (Multi-family) and R-1.0 (General) districts with an RM designator to better reflect their character and a number designator reflecting the required lot area per dwelling unit.

MU-R Mixed Use- Residential Reuse District

This district is carried over from the current M-U district, but may be significantly revised. Although the district is flexible, its structure is complex, partly because it appears intended for use in existing residential neighborhoods and because it was designed to address many different types of mixed use development. Because the current business districts allow residential use, they are in fact mixed-use districts. After redesignating the B districts as MU districts, revising the permitted use table to allow more flexibility, and including the new Development Standards in Chapter 4, we will re-evaluate whether this district is still needed or whether its purpose is met by one of the other mixed use districts.

MU-I Mixed Use-Institutional

Much of Youngstown is currently zoned into the I district, so the content of that district will be carried over but with revisions to permitted uses and development standards discussed elsewhere in this document. In general, large institutions need increased flexibility to engage in new and different activities as the economy evolves, so the Redevelopment Code should accommodate a wide variety of uses, buildings, and site layouts.

MU-N Mixed Use-Neighborhood District

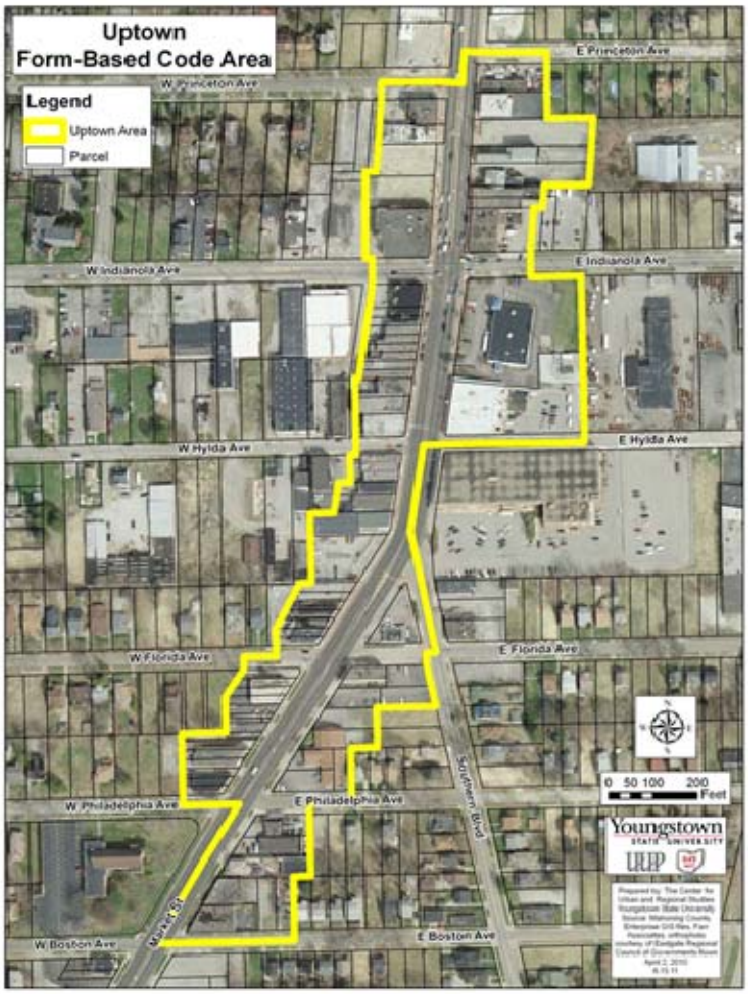
This neighborhood scale mixed use district will carry over the content of the current B-4 Business-Local district, but with revisions to permitted uses and development standards discussed elsewhere in this document.

MU-C Mixed Use-Community District

This community scale mixed use district will carry over and combine the content of the current B-2 Business-General and B-3 Business-Community districts, but with revisions to permitted uses and development standards discussed elsewhere in this document.

MU-F1 Mixed Use-Form 1 District

This is the second of three new "form-based" districts to be integrated into the Redevelopment Code. Although based on the dimensions and character of the this intact collection of commercial buildings in the Uptown community shopping area on South Market Street (as shown on the map to the right), it would be a template zone district that could be recalibrated to apply to other community shopping areas in the future. Like all form-based districts, this district would document specific building types common in this area or similar areas that promote walkability, safety, and connections to the surrounding neighborhoods, as well as helping enclose and improve the appearance of the street itself.



MU-DF Mixed Use-Downtown Form District

This new form-based district would be tailored specifically to reinforce the urban fabric and form of downtown Youngstown in the area shown on the map to the right. It would replace the current B-1 district. Because the types of buildings appropriate for different subareas of downtown may differ, this district may be separated into two different downtown form districts after form analysis is completed.

IG Industrial-Green District

This new district would replace the current Industrial-Limited district and would accommodate the types of clean new industrial uses identified in the Youngstown 2010 Plan while encouraging greener and more sustainable development patterns and technologies.

IU Industrial-Unlimited

This flexible industrial district will carry over the content of the current I-H Industrial-Unlimited district, but with revisions to permitted uses and development standards discussed elsewhere in this document. As noted above, permitted uses would be simplified significantly to allow for more flexible operations and investment. The long lists of special conditions attached to those uses would also be simplified to better protect surrounding areas from heavy industrial impacts.

OS Open Space District

Youngstown currently has no open space zoning district. This new district would be used to zone parks, trails, and the "green corridors" that form the framework of the Youngstown 2010 plan. It would allow active or passive park/trail uses, based on city programming, and would allow urban agriculture through a permit system. The district would be used primarily for public lands and connections to those lands. It is possible that this district will be subdivided to create a second OS-agriculture district during the drafting process.[2]

AW Agriculture/Wetlands

Youngstown is currently supporting several initiatives to repurpose vacant urban land for agricultural uses and/or an urban wetlands mitigation bank. This new district would be available for use in those circumstances where the viability of agricultural or wetlands mitigation activities requires that more intense development be restricted. As required by the federal and Ohio constitutions, it will allow for reasonable economic use of property, but will limit the type, size and intensity of development permitted and will prohibit the use of city economic incentives to promote development in these areas.

2.3 Overlay Districts

This section would explain how overlay districts work with base districts – namely, that they supplement but do not replace underlying zoning. While the general zoning rule is that when two regulations address the same topic "the stricter provision governs", overlays are an exception. The rule with overlays is that they prevail over inconsistent base zoning provisions even if they are more lenient (in some cases the point of the overlay is to allow more flexibility). To avoid confusion, each overlay district designator ends with an "O". Where land is subject to an overlay district, the zoning

[2] STAFF: Generally, we have not been creating agriculture districts for mature cities, because most community agriculture operations are either (1) on city owned land, in which case many cities consider zoning unnecessary because the code already allows urban agriculture in those districts, or (2) on private land, in which case private owners are seldom willing to allow a rezoning to agriculture because of the risk that they may want to develop it in the future. Let us know if you would like to discuss this or include an agricultural zoning classification.

designator includes both the base and overlay designations separated by a slash – for example MU-DF/CAO

PDO Planned Development Overlay District

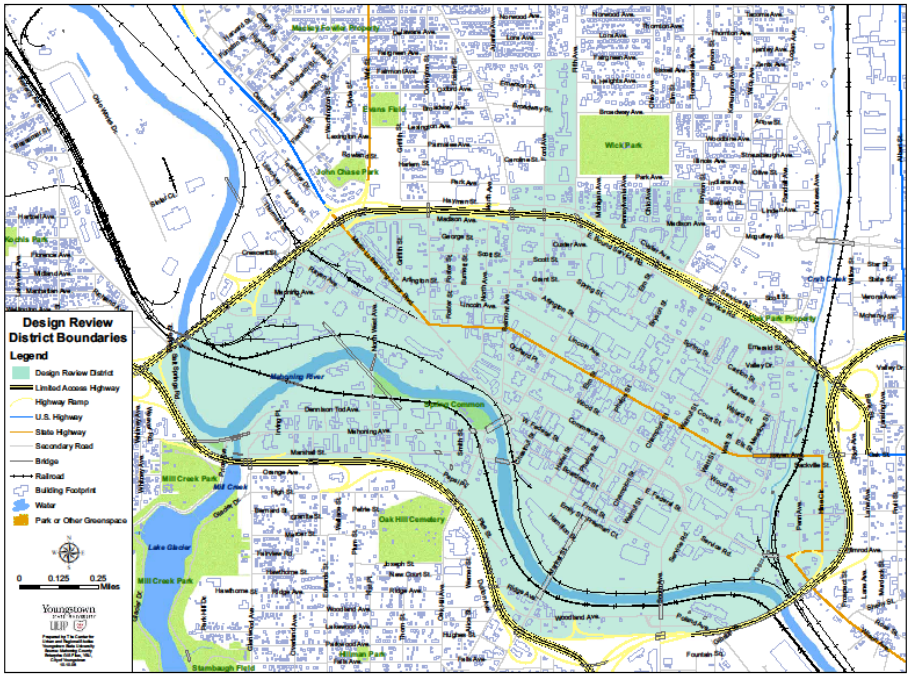
This overlay will carry over the content of the current PD overlay, but with revisions to permitted uses and development standards discussed elsewhere in this document. In particular, it will be more specific about the types of quality or sustainability improvements or amenities the city intends to require when this overlay is used.

CDO Central Design Overlay

This new overlay will carry over the content of Chapter 1102 (Standards for Development) that currently apply in the downtown area shown on the map below. In fact, the city's current design review process already acts much as an overlay district, but this structure will make that fact clearer to the public. This section will include not only the intent statement for theses controls, but also the controls themselves, because they apply nowhere else in the city.

The content will clearly distinguish between design standards and design guidelines applicable in the CDO area. Design standards are mandatory and compliance is confirmed by staff. Design guidelines are those that are encouraged, but for which compliance is not required, and the guidance is applied through a design review process with Planning Commission. Projects are not denied for failure to comply with guidelines, but they can be denied for failure to comply with standards (unless a variance is obtained). While many of the standards in Chapter 1102 can be transformed into objective standards, and some of those standards should apply outside the Central Area of the city, others materials should remain advisory. Advisory materials should be applied through a design review process with the Planning Commission that (a) does not overlap with those topics covered by objective design standards and (b) is limited to sizes and types of development that have a significant impact on the public realm and the surrounding area (not every project). If the Redevelopment Code contains an objective standard on a topic, the design review process is not used to obtain "more" in that area. This subsection will therefore include those aspirational standards in Chapter 1102 that the city wants to encourage but does not want to require compliance. Examples include the standards currently found in subsections 1102.03(a)(2) (Application of Color), (a)(3) (Roofscape Design), (e) (Street Furniture), and 1102.06 (Residential Development in Central Area).

Because this area overlaps the new MU-DF district will address many building form and street orientation issues that are currently addressed in design review, we will need to specify which design review controls are not applied within the MU-DF district (to avoid inconsistency with form controls). The same is true for areas of overlap with the Arlington Avenue, Wick Avenue, and Wick Park Historic Districts; we will need to coordinate and avoid overlaps between the requirements of this design overlay district and the requirements of historic controls applicable to those three areas.



HPO -- Historic Preservation Overlay

This overlay is being created to integrate historic preservation controls with the zoning and subdivision standards and procedures. It will contain a map of the designated historic districts and properties, as well as will identify the various approved historic districts in the city and will cross-reference a list of designated historic structures. It will carry forward the development standards in the current historic regulations. As noted above, we will need to coordinate and avoid inconsistencies between the requirements of these historic district requirements and the requirements of the CDO (Central Design Overlay) district and the RS-F1 (Residential Single-family Form-1 district) designed for use in the Crandall Park area. No substantive changes are anticipated except as necessary to avoid inconsistencies.

FPO – Flood Protection Overlay

This overlay would incorporate the substantive standards of current Chapter 1305 (Flood Damage Prevention) as well as the most current available maps used to implement those controls. Procedures, definitions, and similar materials would be integrated into the appropriate chapters of the Redevelopment Code as described in Part 2 of this document.

LSO – Limited Services Overlay

Some outlying areas of Youngstown have experienced only isolated, scattered development in since their annexation early in the last century. Other areas have experienced serious disinvestment and demolition since 1950 and have large areas of now-vacant land. In both cases, the extension or upgrading of urban services and facilities to service new development may be cost prohibitive to the city. This overlay will be available for designation in areas where Youngstown needs to discourage significant investment because of the related costs of public services and facilities. As required by the

federal and Ohio constitutions, it will allow a reasonable economic use of property, but will limit the type, size and intensity of development permitted and will prohibit the use of city economic incentives to promote development in these areas. This overlay will provide an appeal procedure allowing property owners to demonstrate that the economic benefits of development exceed the costs of related public services and upgrades and to obtain specific relief for projects that meet that standard.

2.4 Official Zoning Map

This section will incorporate the language from Section 32 of the zoning ordinance (Zoning Map). If permitted by Ohio law, it will provide that the official map is the latest version of an electronic maintained by the city on its web site, rather than a paper copy in a specific office or location.

2.5 Interpretation of District Boundaries

This section will incorporate the language from Section 33 of the zoning ordinance (Interpretation of District Boundaries).

CHAPTER 3: PERMITTED USES

This new chapter will consolidate regulations related to permitted uses from:

- The zoning ordinance (both in the district specific use lists and the permitted use table that follows Article XIII);
- Chapter 505.17 *Keeping and maintaining wild animals and livestock;*
- Chapter 709 *Sexually Oriented Businesses;*
- Chapter 1103 *Timber Harvesting;*
- Chapter 1305 *Flood Damage Prevention;* and
- Chapter 1744 *Group Homes.*

It will also consolidate all of the conditions and "special conditions" attached to those uses – which are currently scattered in (a) names and definitions of the uses themselves (definitions should not include substantive standards), (b) Article XIII of the zoning ordinance (Special Conditions), and (c) the five freestanding chapters listed above.

Very importantly, the dated lists of fine-grained uses in the current zoning ordinances will be simplified into broader, more flexible use categories. Major areas of consolidation are likely to be:

- Retail sales uses;
- Personal service uses;
- Professional/business service uses; and

- Industrial use.

Although only the M-U district currently offers conditional uses (i.e. uses that are not available by right, but that require a public hearing before the Planning Commission to evaluate impacts on the surrounding community), many cities find conditional uses a useful zoning tool. In addition, the freestanding ordinances on animals, sexually-oriented businesses, timber harvesting, and group homes contain several provisions requiring Planning Commission or City Council review and approval of specific uses in specific circumstances.

3.1 Permitted Use Table

The heart of this chapter is a permitted use table similar to that currently found after Article XIII, but significantly revised as described in Part 2 of this document – which will replace district-specific use lists. The table will be preceded by an explanation of abbreviations and symbols used in the table that will cover the information currently shown in Article V of the zoning ordinance. Accessory and temporary uses will be identified in separate portions of the table so the public understands the difference between these and primary uses of land. Because the current ordinances identify and define temporary and accessory uses very poorly, we will suggest additional common ones used by major cities.

The use table will therefore indicate whether a specific use is (a) allowed by right, (b) allowed by right subject to certain conditions, (c) allowed only above the ground floor of the structure, (d) allowed only as a reuse of an existing structure, (e) allowed as a conditional use subject to a public hearing and decision by the Planning Commission, or (f) allowed only as an accessory or temporary use. Material on uses available only for adaptive reuse of vacant buildings will be based on the content of the current M-U district provisions in Article IV and from Section 80.01 (Regulation of Abandoned Public Buildings).

Because conditional uses take time and effort to approve, they can discourage investment, they will be used sparingly, and only when external impacts of the use cannot be mitigated by objective conditions attached to the use. In addition, because approvals that need both a recommendation by the Planning Commission and a decision by City Council take longer than decisions by the Planning Commission, most conditional uses will be made subject to approval by the Planning Commission, with an appeal right to City Council.

A sample portion of a permitted use table from another city is shown below.

TABLE 50-19.8: USE TABLE
P = Permitted Use U = Upper Story Only S = Special Use A = Accessory Use T=Temporary Use

Zone District Name	Residential						Mixed Use					Special			
LAND USE CATEGORY	R-C	RR-1	RR-2	R-1	R-2	R-P	MU-N	MU-C	MU-I	MU-B	MU-W	I-G	I-W	P-1	Use-Specific Standards
COMMERCIAL USES															
Food, Beverage, and Indoor Entertainment															
Convention or event center								P		P	P				
Indoor entertainment facility								P		P	P				

TABLE 50-19.8: USE TABLE
P = Permitted Use U = Upper Story Only S = Special Use A = Accessory Use T=Temporary Use

Zone District Name / LAND USE CATEGORY	Residential						Mixed Use					Special			Use-Specific Standards
	R-C	RR-1	RR-2	R-1	R-2	R-P	MU-N	MU-C	MU-I	MU-B	MU-W	I-G	I-W	P-1	
Restaurant (no drive-in/drive-through)					S	P	P	P	P	P	P				50-20.3.N
Restaurant (with drive-in/drive-through)								P		P					**Error! Reference source not found.**.O
Theater							P	P			P				
Lodging															
Hotel or motel							P	P	P	P	P				
Bed and breakfast				S	P	P	P	P	P	P	P				50-20.3.F
Seasonal camp or cabin	P	P				P					P			S	50.20.3.P

3.2 Use-specific Standards

Primary Uses of Land

This section of the Redevelopment Code will consolidate all of the conditions that apply to specific uses in the permitted use table – including those that are currently found in the freestanding chapters addressing animals, sexually-oriented businesses, timber harvesting, and group homes. Subsections will correspond to the numbers in the right-hand column of the use table. Uses-specific standards will be grouped to match the order in which they appear in the permitted use table, with a separate subsection for accessory and temporary uses. Obsolete standards and conditions will be deleted if the same level of protection for surrounding areas can be achieved through a simpler standard or through other protections in the Redevelopment Code. For example, if the Development Standards in Chapter 4 require mandatory buffering of property boundaries for a category of uses or certain edge/adjacency situations, then there is no need to have separate buffering provisions attached to specific uses.

Accessory and Temporary Uses and Structures

Home occupation standards from zoning ordinance Section 79 will appear hear, with changes as noted in Part 2 of this document. In addition, materials from Section 80 (Regulation of Accessory Buildings in Residential Districts) will appear in this subsection..

3.3 Nonconforming Uses

Because readers of the table may discover that their current use of land is not permitted in the zone district where their property is located, this section will refer readers to the non-conforming use conformity provisions in Chapter 5 of the Redevelopment Code.

CHAPTER 4: DEVELOPMENT STANDARDS

This chapter will consolidate requirements on the size, form, layout, quality and sustainability of new development and redevelopment. Many of these issues are currently addressed only in the design review provision applicable only to the Central Area of the city, but the 2010 Plan calls for quality and image to be improved throughout the city. By codifying and integrating standards in these areas, the chapter can help the public and investors understand what sizes of structures are permitted and what quality of development is required for different types of development. Reasonable, objective standards on these topics sends clearer message to investors and allows them to quickly calculate development costs, rather than gambling on the time and expense of a discretionary review process.

4.1 Dimensional and Form Standards

Dimensional Standards

This section will include a table of dimensional standards that incorporates and builds on the content of zoning ordinance Article VI (Area, Yard, and Height Requirements). That table will be expanded to include the new RS-3.0, RS-F1, MU-F1, MU-DF, IG, OS, and AW districts. Changes described in the ordinance-by-ordinance review in Part 2 of this document will be incorporated. Because form-based zoning districts often present different dimensional standards in a different graphic format, this section will not include those standards. The requirement in zoning ordinance Section 29 (Public Street Frontage) should be revised to allow for the use of private streets meeting city specifications if the owner is obligated to maintain those streets (which will allow the code to accommodate a wider variety of new and innovative housing types). The materials from zoning ordinance Sections 71 (renamed “Double Frontage Lots”), 73 (Corner Lot), 74 (Front Yard Transition), 84 (Front Yard Setbacks for Dwelling), and the dimensional standards in Section 72 (Residential and Non-residential Abutting Lots) will appear in this section,

Building Form Standards

This subsection will contain descriptions of building types, frontage types, roof types, site organization, and terminology applicable in the three new form districts (RS-F1, MU-F1, and MU-DF). While the specific building types available in each district will be summarized in the description of that district in Chapter 2, the technical specifications applicable to each building type, as well as related form-based controls, will appear in this section. The information will be displayed in a highly graphic format based on drawings and tables.

Exceptions Table

In addition, this section will include an Exceptions table containing those portions of zoning ordinance Sections 83 (Height Limits), 85 (Projections into Yards), and Article VIII (Exceptions) that address site and building features that can encroach through height limits and into setbacks. The existing materials will be expanded to address solar panels, geothermal energy equipment, wind energy equipment, rainbarrels, and other features that promote sustainable development. The table will list each of these elements, the setback or height standard they are allowed to penetrate, how much penetration is allowed (i.e. "up to 2 feet of encroachment into setbacks", or "encroachment not closer than 2 feet from the side lot line").

4.2 Parking and Loading

This section will contain the information from zoning ordinance Sections 77 (Off-street Parking Requirements) and Section 78 (Off-street Loading Requirements), except as noted in Part 2 of this document, as well as many provisions from Subsection 1102.04 (Parking) that should be made more generally applicable throughout the city. Standards from Section 1102.04 that apply only in the Central Area will be located in the CDP overlay standards. As noted in Part 2 of this document, these provisions will contain significant revisions to:

- Lower required parking off-street parking standards where possible;
- Include new tools to reduce parking requirements when two or more uses share a parking facility, a property is located near a transit line, or on-street parking is provided in front of the property;
- Include maximum parking ratios for accessory surface parking lots in denser, more walkable areas of the city;[3]
- Permit required off-street parking in the Mixed Use districts to be provided within a stated distance of the applicant's site, but not in a Residential district;
- Allow changes of use between broad categories without the need to calculate and provide additional parking (except in the case of high traffic uses such as restaurants, bars, and medical offices); and
- Integrate the provisions of zoning ordinance Sections 79.01 (Parking of Commercial and Industrial Vehicles on Residentially Zoned Land) and 79.02 (Parking or Storage of Recreational Vehicles on all Residentially Zoned Land), because they really address parking rather than home occupations (where they currently appear in the zoning ordinance).

Because parking lot landscaping should be integrated with other site landscaping, those standards will be included in the landscaping section below, with a cross-reference in this chapter. Generally, minimum parking and design standards apply to form-based as well as traditional zoning districts, unless the form-based district imposes a stricter standard.

[3] STAFF: Most new codes include maximum parking ratios in at least some districts, so we have recommended them. However if you feel they would not be helpful given the serious need for reinvestment and the likelihood that the city would grant variances from these caps, we can delete this bullet point.

4.3 Connectivity and Circulation

This proposed new section will promote walkability and alternative transportation modes by requiring minimum levels of auto, pedestrian, and bicycle connectivity within and between new developments and significant redevelopments. Controls will include minimum numbers of access points (based on project size and surrounding streets), maximum block sizes and dimensions, requirements for end-of-cul-de-sac walkways to adjacent streets, mid-block connections for larger blocks and projects, bike and pedestrian path connections, and "safe routes to school" provisions. These standards would be applicable to both new subdivisions and to redevelopment of existing platted lots.

4.4 Landscaping, Buffering, and Fencing

This new section will contain minimum landscaping provisions for new multi-family, mixed use, commercial, institutional, and green industrial development. Content from Chapter 1102.03(b) Plant Materials, (c) Paving Materials, (d) Screens and Fences, (g) Allocation and Treatment of Open Spaces and Yards, and Chapter 1102.04(c)(3) Peripheral Lot Treatment, (c)(4)(C) Landscaping, and other code and ordinance requirements for planting, buffering, and fencing shall be integrated in this section. Because of the role of mature trees in absorbing carbon from the atmosphere, these standards will provide strong incentives for preserving existing vegetation, including credits against landscaping otherwise required. Often, the inclusion of basic buffering and neighborhood protection standards can significantly reduce neighborhood opposition to proposed development, shorten the approval process, and reduce the level of controversy. The standards will include a species list that will prevent noxious and invasive species while allowing native species that are appropriate to Youngstown's climate. This section will also clearly state that required plantings be maintained as approved and replaced upon disease or death.

The materials in this section will be organized into separate sections covering:

- General Provisions – including plant species and minimum sizes and coverage
- Street Trees/Lot Frontage Landscaping – required along all street frontages for significant development or redevelopment projects.
- Buffering along Side and Rear Lines – only required when significant development or redevelopment differs significantly in type or scale from adjacent lands and along property edges occupied by surface parking lots. Options will include both narrow buffering strips including a fence or wall (with landscaping along the base) or a wider buffer strip using more intense plantings rather than a fence or wall.
- Interior Parking Lot Landscaping – required for significant development or redevelopment projects.
- Reforestation – enhanced landscaping requirements for larger parcels in less intense zone districts
- Preserve Existing Landscaping – gives landscaping credits against new landscaping required.

- Wall and Fence Regulations – addressing location, height, and materials, and incorporating the content of zoning ordinance Section 87 (Fences, Walls, and Hedges).
- Buffering of Service Areas and Equipment – covering rooftop and ground mounted equipment (but not including solar collectors or wind energy devices) for multi-family, mixed use, commercial, institutional, and Green Industrial development.
- Visibility at Intersections – from zoning ordinance Section 75.

In order to keep the Redevelopment Code flexible and encourage investment in Youngstown, this section will include an "Alternative Compliance" provision. Under this provision, applicants may propose other ways to achieving the same quality and level of landscaping and buffering, and the Director can approve those alternatives administratively if he or she believes they produce an equivalent or a better outcome for the surrounding area and the city as a whole.

4.5 Design Standards and Guidelines

While Youngstown has addressed the design of new development primarily through the design review process described in Chapter 1101 and 1102, cities that revised their development codes are generally choosing to address those issues primarily through objective design standards, with subjective design review playing a secondary role. There are three reasons for this change. First, objective design standards send clearer messages to investors about what is required, and make it more likely that they will chose to invest in property where their proposed development can meet those standards. Second, objective standards give investors and neighbors more assurance about the quality and look of what may be built on the vacant lot next door after they have made their own investment. Third, objective standards save the time required to send applicants through a design review process. We recommend that Youngstown follow this approach.

Design standards are those that apply to all development or redevelopment of a specific type or size unless the applicant obtains a variance. Unlike the design guidelines applied in the CDO overlay district, compliance with the standard is required, not just encouraged. Compliance is confirmed by staff, not the Planning Commission. This section will extract from Chapter 1102 those reasonable design standards that many medium sized cities apply, and that investors are used to seeing when they develop or redevelop property. These will generally apply to multi-family, mixed use, commercial, and institutional development, outside of the CDO overlay area[4], and will probably include minimum standards for façade articulation, streetscaping, and other factors that influence the appearance of the public realm (i.e. the view and function of the property from streets and open spaces. This section may incorporate some content from Subsections 1104.02(a)(1)(Façade Treatment), and (a)(4)(Scale, Geometry, and Height).[5] Standards that apply only in the Central Area will be located in the CDO overlay standards, rather than in this section.

[4] Since the MU-F1 district is within the CDO overlay area, these standards also would not apply to the MU-F1 district.

[5] STAFF: Again, we have included this because most modern codes do have at least minimal design standards for multi-family and non-residential development. Most investors are used to seeing them and can comply without significant effort, because they are required to do so in other cities. If you believe that these will discourage investment, we can drop this section.

As with the landscaping and buffering standards section, this section will include an "Alternative Compliance" provision. Under this provision, applicants may propose other ways to achieving the same quality and level of building and site design, and the Director can approve those alternatives administratively if he or she believes they produce an equivalent or a better outcome for the surrounding area and the city as a whole.

4.6 Exterior Lighting

This section will include lighting standards from Section1102.03(f) that should be generally applicable to mixed use, commercial, institutional, and Green Industrial development. In addition, it will propose new standards for commercial, mixed use, industrial, and multi-family residential lighting within the city. Generally, the proposed lighting standards will require downcast and shielded lighting that does not spill onto adjacent properties. Because even downcast lights create glare if mounted too high, these standards will also address maximum pole and wall heights for different types of development). This section will also include minimum energy efficiency standards for outdoor lighting based on standards being adopted by other large and medium sized cities. We will draw on recent studies that demonstrate enhanced safety through more uniform lighting (rather than having "hot spots" that cast adjacent areas into deeper shadows). Increasingly, cities are requiring that business signage be turned off at night during hours when the business is closed, in order to reduce energy consumption, and that provision will be included.

4.7 Signs

This section will incorporate the content of Chapter 1105 with those minor changes identified in Part 2 of this document. Special sign standards for the Central Area from zoning ordinance Section 1102.05 will appear in the CDO overlay district standards.

4.8 Subdivision Standards

This section will carry forward and codify the existing subdivision regulations with changes as described in Part 2 of this document. Additional provisions would be included to (a) protect sensitive lands, (b) encourage more energy and resource efficient subdivision design, and (c) to allow narrower and more innovative streets and connectivity patterns. To promote sustainability, for example, standards would require that subdivisions be designed so that the long axis of the lot and house will be within 15% of east-west wherever practicable in order to increase solar gain and reduce energy consumption. Many of the current subdivision regulations reflect 1950s-era biases in favor of suburban development patterns that do not apply well in older areas of the city, and those would be modified. Because all subdivisions are required to comply with the zone districts in which the land is located, those topics would not repeated. Instead, this section would only address issues that only arise when land is platted or replatted. The section would also clarify that the standards apply regardless of the form of ownership or development approval. For example, a "site condominium" in which land is kept in common ownership but individual areas are designated as development parcels (but without platting) would be required to meet the same quality standards as a formal subdivision plat.

4.9 Operating and Maintenance Standards

This new section will require approved development to maintain required design and development elements (including landscaping) in good condition and replace them if they become inconsistent with the conditions under which the approval was given. It will allow for enforcement of the city's quality expectations after a certificate of occupancy is granted. It will also include any existing requirements regarding noise, vibration, odor, radiation, and other nuisance-like impacts.

CHAPTER 5: ADMINISTRATION AND PROCEDURES

This chapter will consolidate all requirements from the 11 ordinances and regulations related to decision-making bodies, permitting procedures, development review and approval procedures, design review procedures, non-conformities, enforcement, and penalties. In other words, it will include all materials regarding "how" the city grants permission (or does not require permission) for developments to proceed. As itemized in Part 2 of this document, the content of this chapter will be taken from the appropriate sections in each of the included ordinance and regulations that are to be consolidated into the Redevelopment Code, but they will be integrated for consistency. In many cases, integrating these materials will make some provisions irrelevant (for example, only one severability clause is needed, the others can be dropped). Revisions to be included during the consolidation will be outlined below.

5.1 Reviewers and Decision-Makers

This section will consolidate and clarify the roles of different groups and individuals in reviewing and approving proposed development. It will incorporate the content of:

- Zoning ordinance Sections 91 (Zoning Enforcement Officer) and 101 (Establishment of Board of Zoning Appeals) and language clarifying that the Planning Commission acts as the Board of Zoning Appeals;
- Chapter 1101 (Design Review Board);
- Section 1305.12 (Designation of Floodplain Administrator), Section 1305.13 (Duties of Floodplain Administrator); and 1305.32 (Floodplain Appeals Board);
- Designation of the Historic District Preservation Commission (from the uncodified Historic District standards);
- All other provisions identifying roles and responsibilities related to the Redevelopment Code; and
- The role of City Council in approving amendments to the redevelopment code or official zoning map will also be included.

5.2 Procedures Table

This section would include a table summarizing who is responsible for the review and approval of each procedure identified in the Redevelopment Code. It would clarify who reviews each type of

application, who makes the decision, and who hears the appeal, and would include cross-references directing the reader to the specific code section outlining each specific application procedure. A sample portion of a procedures table from another city is shown below.

Table 1131-1: Procedures Table					
H = Hearing (Public Hearing Required) M = Meeting (Public Meeting Required)			D = Decision (Responsible for Final Decision) A = Appeal (Authority to Hear/Decide Appeals)		
R = Recommendation (Responsible for Review and a Recommendation)					
Procedure	**Section**	**City Council**	**Planning Commission**	**Board of Zoning Appeals (BZA)**	**Planning Department**
Zoning Ordinance Text or Map Amendment	1132.05	H-D	M-R		R
Site Plan Review	1132.06		M-D		R
Conditional Use Review	1132.07		H-D		R
Certificate of Appropriateness	1132.08		M-D		R
Appeals	1132.11			H-A	
Dimensional Variance	1132.09			H-D	R
Nonconforming Use Review	1132.10			H-D	R
Minor Administrative Modification	1132.12				D
Zoning Permit	1132.13				D
Certificate of Occupancy	1132.14				D

5.3 Redevelopment Approval Procedures

This chapter will contain all review and approval procedures from each of the 11 ordinances and regulations included in the Redevelopment Code. The first part of this new section, Common Procedures, will contain regulations generally applicable to several procedures – such as public notice provisions. A second section will list each specific type of application and will identify the specific steps required for approval (e.g., whether public hearings are required, what body makes the final decision, etc.).

Common Procedures and Requirements

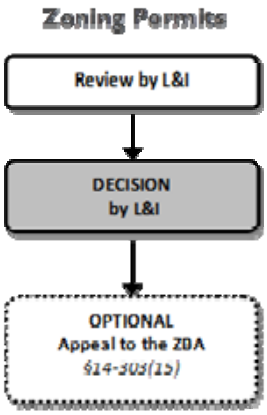
This new section will include steps that are common to all procedures, which can significantly reduce redundancy in the code, fill unintentional gaps, and improve public understanding of how the Youngstown government operates. It will probably include separate subsections addressing:

- Authority to file applications;
- Application materials (cross-reference to an administrative list maintained by staff);
- Application fees (cross-reference to the most recent schedule approved by Council);
- Requirements for complete applications;
- Notice requirements for public hearings;

- Conduct of public hearings;
- Conditions that can be attached to approvals;
- Major and minor amendments to approvals after they have been granted; and
- Liability of the city (based on Section 1103.12, currently applicable to timber harvesting decisions).

Specific Procedures

This section will list each type of application from each of the 11 included documents, outline the required steps, and include a flowchart to aid in public understanding of the process. A sample flowchart from another city is shown to the right. Appeals procedures for each specific procedure will be clarified. Separate subsections will address each of the following (which are organized beginning with the simplest procedure and moving on to those requiring more levels of review or higher approval).



- **Zoning Permit.** This is the basic procedure to obtain approval under the Redevelopment Code as outlined in zoning ordinance Sections 92 (Zoning Permit Required) and 93 (Application for Zoning Permit), and will include provisions for a Sign Permit under current Chapter 1105 (Signs). It only requires that staff review the application and confirm that it complies with the provisions of the code.[6]
- **Building Permit.** This section will clarify that a building permit may only be obtained after a certificate of zoning compliance, or where a certificate of zoning compliance is not required because the improvement is exempt from the zoning code.
- **Certificate of Occupancy.** This will carry over the provisions of zoning ordinance Section 93 (Certificate of Occupancy Required).
- **Multi-building Layout Permit**. This new section would replace current zoning ordinance Section 86 (Group Development Projects) and prove for administrative approval of (a) more than one building on a lot or (b) more than one building on a group of lots when the buildings will cross interior lot lines.
- **Minor Subdivision.** This new section would provide for administrative approval of subdivisions creating or reorganizing less than four lots. It would also carry over the content of Section 4 of the uncodified subdivision regulations (Transfers of Property without a Plat), which already covers some types of minor subdivisions.
- **Group Home License.** This section would carry over the licensing procedures from Chapter 1744.02.

[6] STAFF: Please advise if you would like Sign Permits to have a special procedure. We usually combine them with Zoning Permits since they are administrative approvals.

- **Certificate of Appropriateness.** This section carries over the procedures for reviewing the appropriateness of a proposed construction, alteration, or demolition in a historic district, as outlined in Section 6 of the uncodified historic district regulations.
- **Conditional Use Permit.** This section will outline the procedure for Planning Commission (acting as the Board of Zoning Appeals) to approve those uses listed as conditional uses in the permitted use table in Chapter 3 of the Redevelopment Code.
- **Design Review in Central Area.** This section will carry forward the procedures for Planning Commission design review within the mapped Central Area currently found in zoning ordinance Chapters 1101 and 1102.
- **Floodplain Development Permit.** This section will include the procedures outlined in Subsection 1305.14 (Floodplain Development Permit), .15 (Review and Approval), .16 (Inspections), .17 (Post-construction Certification), and .18 (Revocation of Permit).
- **Wild Animal Permit.** This section would include the provision for approval of designated types of wild animals to be kept in Youngstown from current Chapter 505.17 (Keeping and Maintaining Wild Animals and Livestock). However, the procedure would be revised to provide for Planning Commission approval, subject to an appeal to City Council.
- **Major Subdivision.** This section would carry over the provisions of Section 5 of the Subdivision Regulations (Procedures for Review of Subdivisions), which would now be applicable to land divisions creating four or more lots and would require Planning Commission approval.
- **Variance.** As outlined in Part 2 of this document, this section will incorporate and standardize the provisions in the 11 current ordinances and regulations relating to variances and waivers granted by the Planning Commission (acting as the Board of Zoning Appeals). To the degree possible, we will standardize these procedures into a single variance process, even though the criteria required for each type of variance will be different. The materials to be consolidated will come from:
    - Zoning ordinance section 106.3 (Variances);
    - Section 709.04(c) (Waiver of spacing requirements for sexually oriented businesses);
    - Section 1105.11(d) (Variance of sign regulations);
    - Sections 1744.02(h) (Waiver of spacing requirements for group homes);
    - Section 6.G of the subdivision regulations (Variance of subdivision standards);
- **Floodplain Variance.** This section would carry over the content of Subsections 1305.35 (Floodplain variances), since they are decided by the Floodplain Appeals Board rather than the Planning Commission (acting as the Board of Zoning Appeals).
- **Appeals:** This section will incorporate and standardize the provisions in the 11 existing ordinances and regulations relating to appeals. We will standardize these procedures into a single appeals process (or as few different procedures as possible). The information to be consolidated would come from:

  - Zoning ordinance Sections 103 (Appeals, How Made), 105(Stay of Proceedings), 107 (Decisions of the Board of Zoning Appeals); and 109 (Appeals from the Board of Zoning Appeals).
  - Section 1103.10 (Appeals of timber harvesting decisions);
  - Section 1105.11(e) (Appeals of sign regulations);
  - Section 7 of the uncodified historic district regulations (appeal of decision on certificate of appropriateness);

- **Floodplain Appeals.** This section would carry over the content of Subsection 1305.34 (Floodplain appeals), since they are decided by the Floodplain Appeals Board rather than the Planning Commission (acting as the Board of Zoning Appeals).
- **Redevelopment Code Text or Map Amendment.** This section will carry over the provisions of zoning code Article XI (Amendments).
- **Designation of Historic District.** This new section would address how to designate a historic district, which is not covered in any of the existing ordinances or regulations. It would involve recommendation by the Historic District Commission and a decision by City Council.
- **Comprehensive Plan Amendment.** This new section would address the procedure for amending the Youngstown Comprehensive Plan, which would involve review by the Planning Commission and a decision by City Council.

5.4 Pre-existing Development (formerly called non-conformities)

This section will carry over the city's regulations related to development that does not currently meet the requirements of the zone district where it is located, or that complies on the effective date of the Redevelopment Code but later comes out of compliance through an amendment to the code, with those changes outlined in Part 2 of this document. Because the public sometimes does not understand the term "non-conformities" this section and the text within it will use the terminology of pre-existing development. Older zoning ordinances (such as the Youngstown's) often addressed this topic in a way that confuses treatment of pre-existing structures and pre-existing uses. There are in fact five different types of pre-existing development that need to be addressed, and that will be addressed separately in this section:

- Pre-existing structures (from zoning ordinance Section 76);
- Pre-existing uses (from zoning ordinance Section 76);
- Pre-existing lots (from zoning ordinance Sections 81 and 82);
- Pre-existing site features (like parking or landscaping – not currently addressed); and
- Pre-existing signs (from Subsections 1105.07(b) and 1105.09).

5.5 Enforcement and Penalties

This section will consolidate the enforcement and penalty provisions from Youngstown's 11 ordinances and regulations, as described in Part 2 of this document. The materials to be incorporated

include but are not limited to zoning ordinance sections 79.03 (Abatement of Nuisances), 95 (Penalties for Violation) and 96 (Remedies) and Subsections 1105.09 (Removal of unused signs), 1103.99 (Timber harvesting violations), 1105.10 (Sign violation penalties), 1305.39 (Notice of sign violation), 1305.99 (Floodplain violation penalties), 1744.99 (Group home violation penalties), Section 8 of the uncodified subdivision regulations, and Section 8 of the uncodified Historic Preservation regulations.

CHAPTER 6: DEFINITIONS

Virtually all of the 11 ordinances and regulations that are to be consolidated into the Redevelopment Code contain definitions of terms used in that document. One of the most helpful things to improve user- and investor-friendliness is to consolidate those terms in a single chapter. This chapter will do that. While we will carry forward most of the existing definitions in the ordinances, we will revise and add to them as necessary to delete obsolete terms, clarify vague language, add undefined terms, and ensure that the definitions do not contain substantive or procedural requirements. We will also ensure that each land use shown in the permitted use table is defined in this chapter. The material will be organized into three subsections, as shown below.

6.1 Rules of Construction

This new section will specify the general rules of construction for important terms or concepts, including the meanings of common regulatory words (e.g., “may,” “should,” and “shall”), the ability to delegate (e.g., the Youngstown Planning Director includes his or her designee), and the computation of time under the ordinance. The meanings of code language should be made as clear as possible – especially in light of the small size of Youngstown’s planning staff.

6.2 Measurements and Exceptions

This new section will include text and appropriate illustrations to establish rules of measurement and permitted exceptions. Rules of measurement will be provided for each type of measurement listed in the dimensional standards table. In the current Youngstown these are often found mixed in with other types of definitions, but they will be pulled out and inserted in this subsection. Common terms to be addressed in this subsection include lot area, lot frontage, building setbacks, and building height. Illustrations will be provided showing how to make certain measurements, such as setbacks on flag lots and lots with no street frontage.

6.3 Definitions

This section will include alphabetized definitions from all of the 11 included documents. The section will be expanded to include definitions of all land uses used in the permitted use table and any new terms used in connection with the form-based districts. Where a term is defined for use in a specific context (for example, flood protection) but it has a different meaning in common English, we will clarify that the definition is for a specific purpose (for example “structure, for the purposes of the flood plain regulations in Section X, means . . .”).

INDEX

The Redevelopment Code will include a brief index of key terms to help supplement the table of contents.