



Village of Centerburg, Ohio Zoning Code Audit

May 24, 2021



Table of Contents

Introduction 1

Themes for Improvement..... 1

 1. Reorganization and Reformatting of the Code2

 2. Update Administrative Review Procedures4

 3. Restructure the Districts and Use Regulations6

 4. Strengthen the Substantive Standards 11

Chapter-by-Chapter Analysis of the Existing Code 14

 Chapter 1101 – Purpose and Nature 14

 Chapter 1103 - Application 14

 Chapter 1105 – Definitions 15

 Chapter 1107 – Administration and Enforcement..... 15

 Chapter 1108 – Site Plan Review 15

 Chapter 1109 – Amendment..... 15

 Chapter 1111 – Conditional Use..... 15

 Chapter 1113 – Variances 16

 Chapter 1115 – Nonconforming Uses 16

 Chapter 1122 – RR Rural Residential District 16

 Chapter 1123 – ER Estate Residential District 16

 Chapter 1124 – R Residential District..... 16

 Chapter 1125 – R-1 Single-Family District 17

 Chapter 1127 – R-2 Single-Family District 17

 Chapter 1128 – PRD Planned Residential District 17

 Chapter 1129 – R-3 Two-Family District..... 17

 Chapter 1131 – R-4 Two-Family District..... 17

 Chapter 1135 – PND Planned Neighborhood District 18

 Chapter 1143 – CC Community Commercial District 18

 Chapter 1148 – VC Community Commercial District 18

 Chapter 1149 – RO Residential Office District 18

 Chapter 1151 – PCC Planned Community Commercial District 18

 Chapter 1155 – O/I Office-Institutional District 18

 Chapter 1156 – PO Planned Office District 18

 Chapter 1159 – ID Industrial District..... 18

 Chapter 1161 – PID Planned Industrial District 18

 Chapter 1162 – PD Planned Development District 19

 Chapter 1165 – OS Open Space District..... 19

 Chapter 1166 – Source Water Protection Overlay District 19

 Chapter 1167 – SFH Special Flood Hazard Areas 19

 Chapter 1169 – Special Overlay District..... 19

 Chapter 1171 – Off-Street Parking and Loading Facilities 19

 Chapter 1173 – Landscaping..... 20

 Chapter 1174 – Swimming Pools 20

 Chapter 1175 – Supplementary District Regulations..... 20

 Chapter 1177 – Home Occupations 21

 Chapter 1179 – Fences and Hedges..... 21

 Chapter 1181 – Signs 21

 Chapter 1183 – Medical Marijuana Activities 22

Appendix: Writing Style Guide 23



Introduction

The purpose of this document is to provide an evaluation of the existing Centerburg Planning and Zoning Code found in Part Eleven of the Codified Ordinances of Centerburg, Ohio. The Village embarked on this process to modernize its zoning regulations following the adoption of the Village of Centerburg Strategic Plan. The update process is funded by the Knox County Foundation and is part of a joint effort by the Knox Area Development Foundation and the Villages of Centerburg, Fredericktown, and Gambier, to update the zoning codes of all three villages. The zoning code update is one of the steps the three villages are taking to implement various recommendations of the strategic plans. This report focuses solely on recommendations for change to the Centerburg Planning and Zoning Code, which is intended to be a comprehensive rewrite of the zoning to address both the approved plan but ongoing issues with the existing code. This document was developed following a series of discussions with Village staff, elected officials, appointed planning officials, and local community leaders, as well as feedback from an online survey that was available to all members of the public. The recommendations in this document are also based on the consultant's experience with drafting regulations for communities across Ohio and the nation.

The intent of this report is to summarize the strengths and weaknesses of the existing regulations in terms of usability, organization, and substantive standards, and to provide options for improvement. This document also includes a proposed outline for the new regulations with a recommended approach that will ultimately result in a complete reorganization of the regulations into a code that will improve usability.

It is important to keep in mind that this audit does not necessarily identify every issue or individual problem with the existing regulations but tries to focus on broader issues that will need direction prior to the text amendments. Once the public and the Village of Centerburg's Technical Review Committee have had an opportunity to review and provide feedback on this document, the consultant will begin work on drafting the updated text for review with the Technical Review Committee and presentation to the public. More information on the project can be found at www.knoxcovillagezoning.com

Themes for Improvement

Based on the initial input from the Village and our review of the document, there are five major themes for improvement that will help achieve many of the goals set out for this project. The intent of this part of the report is to provide an overview of 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. Strengthen 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

The Village of Centerburg’s current Planning and Zoning Code dates back to 2006 and has been modified slightly over the years. The current regulations are grouped into three titles, but one of the major complaints from board members and staff is that it is difficult to understand the relationship between certain sections and to find a variety of regulations. In order to improve the overall usability of the code, we recommend the following changes:

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

The purpose of this project is to update all of Part 11 of the Codified Ordinances (Planning and Zoning Code) that includes three separate titles.

- **Title One – General Zoning Provisions** – This title is related to the purposes of zoning, administration and enforcement, and nonconforming uses.
- **Title Three – Zoning District Regulations** – This title includes requirements for all zoning districts, including allowed uses, development standards, and supplementary standards for conditional uses.
- **Title Five – Additional Zoning Requirements** – This title includes all remaining regulations that are regulated as part of the zoning code, including parking, landscaping, signs, fences, etc.

There is no real reason to separate the entire Part Eleven into multiple titles. In the current format, there is a lot of overlap with some language related to procedures and uses found in all three titles. To make the new code as efficient as possible, the Village should consider a complete reorganization of the code with chapters and sections that are reordered based on function such as administration, development review procedures, zoning districts, and development standards (e.g., parking, buffering, lighting, etc.). The table to the right provides a brief summary of the proposed restructuring of the updated Centerburg 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 Village. For example, the new Chapter 1101 (General Provisions) will include the overall purpose of the code, transitional regulations (described late), required compliance, etc. The new Chapter 1111 (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
1103	Administration and Enforcement
1105	Zoning Districts and Principal Uses
1107	Planned Developments
1109	Accessory and Temporary Uses
1111	General Development Standards
1113	Architectural Standards
1115	Landscaping and Screening
1117	Parking, Access, and Connectivity
1119	Signs
1121	Nonconformities
1123	Enforcement and Penalties
1125	Definitions

1(B) Improve Referencing

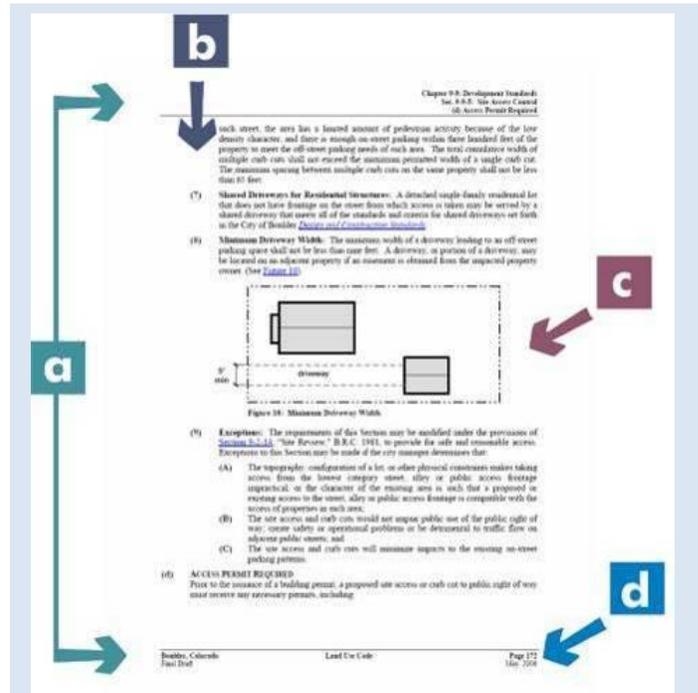
A detailed table of contents, page numbers, and enhanced use of headers and footers on each page will make for much easier navigation through the new code. The new code should include an expanded table of contents that breaks some of the chapters down further so users can easily identify the locations of specific requirements such as zoning certificate or fencing requirements. The Village 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 ordinances so that users can easily click on the cross-reference and be taken to the appropriate section or graphic.

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

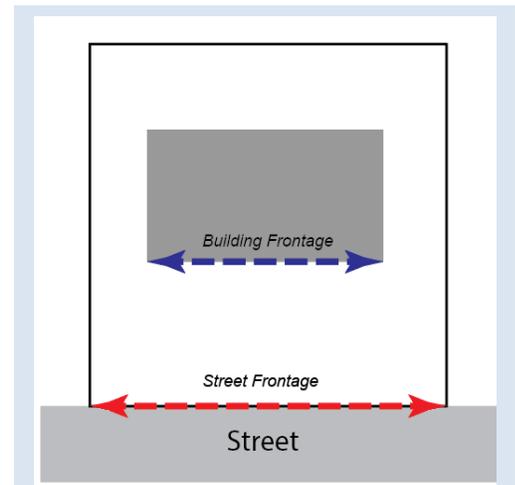
Modern development codes explain and summarize development standards, permitted uses, and procedures using tables, illustrations, and flow charts where possible. The current planning and zoning code utilizes only a few illustrations, largely within the chapter on site plan review. There are numerous standards, such as signage and parking, which would benefit from the inclusion of graphics for the purposes of clarity. Illustrations and photos can often describe the required or desired relationships among development standards, adjacent uses, or dimensions much 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 to summarize detailed lists of information. Where appropriate, 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 clearly establish that the text of the regulations rules in the case of a conflict.



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.



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



1 (D) Eliminate Submittal Requirements

There are many examples of where the current regulations list the exact number of plans and information required as part of many of the Village’s review procedures (See site plan example in Section 1108.05 (b).). Not only does this add to the length of the regulations, but it also complicates matters when the Village wants to amend the submittal requirements because the lists are part of the adopted text and any change requires a text amendment. We recommend the specific application submittal requirements be removed from the new regulations and maintained as a checklist outside of 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.

2. Update Administrative Review Procedures

One of the more important attributes of an effective zoning code is that procedures are efficient, logical, and easily understood by the average user. In particular, the board or department responsible for review should correspond with the required level of review. Centerburg utilizes a number of 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. This 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 permit, rezonings, conditional uses permits, subdivisions, variances, etc.). The Village comes close to this with the current code, but there will be some reorganization within the chapter to ensure clarity for each procedure. This will be supplemented with suggested revisions to the review criteria to ensure they are reflective of modern standards and in line with case law.

Another suggested improvement is the inclusion of a “common review requirements” section prior to 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. This prevents the code from having to repeat this common information for every procedure.

2(B) Incorporate an Administrative Waiver Procedure

One new procedure that the Village 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 certain minor variances. In practice, the provision has been most valuable to the average homeowner seeking a minor modification of dimensional standards, for example, to build 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 is by no means a waiver that is granted simply by asking for it. This authority is typically capped at a maximum percentage of change allowed, for example, up to a 10% change in a quantitative lot dimension or area standard, but not for items such as signs.



2(C) Clarify the Appeals Process

The entire appeals procedure in the Village needs clarification. Currently, almost all decisions of both the Planning Commission and Board of Zoning Appeals (BZA) are appealable to the Village Council. Some communities do this because they feel that their council is the elected leadership and, therefore, should have the final say in most, if not all, decisions. However, this is becoming an increasingly unusual step because most communities use their BZAs as their final board of appeal before going to the larger court system. This is because the BZA is established as a quasi-judicial board specifically designed to act as a mini-court system for the Village. The board is authorized to swear in witnesses, hear testimony, and undertake a procedure that has the look and feel of a trial.

The reason behind this shift is that there can be a perception that the Village Council will act on an appeal in a way that will garner more votes, particularly close to an election, regardless of what the standards are that are being appealed. This is not intended to imply that the Village Council is acting improperly, only that by having another board act as the appeals board, will separate decisions from politics. We recommend that the Village reconsider its appeals process and have the BZA serve as the last board of appeal for all applications. If the Village is to continue to want to have Council as the final appeals board, such appeals should be done in a similar fashion as a BZA appeal procedure. Also, in these cases, the regulations should be written so that Village Council's decision becomes the final decision, appealable to court.¹

2(D) Incorporate an Alternative Equivalency Procedure

The Village currently has provisions for considering variances where an applicant can request a reduction or lowering of an established standard. With site plans, the Planning Commission can make the decision on variances, while in other cases, the BZA does. As part of the recommendation to clarify the review process, the Village might want to consider the addition of an alternative equivalency procedure that would allow an applicant to propose an alternative to an established standard that equals or exceeds the original standard and then make any applicant seeking to reduce or weaken standards take the extra step of going to the BZA. The alternative equivalency review can be a valuable tool that could, for example, allow an applicant to propose a buffering option that was perhaps not envisioned in the zoning code language but would actually be a better solution. The Planning Commission would be the board responsible for this type of review as it is not a reduction of the standards. As with all review procedures, there will be a set of review criteria for the applicant to consider.

2(E) Add Transitional Regulations

The current regulations do not fully address what happens to applications that are under review at the time the planning and zoning code is amended and the updated regulations become effective. We recommend 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 prior to the enactment of the revised code shall remain violations after the effective date of the regulation.

¹ COMMITTEE DISCUSSION – This is recommendation we should discuss to determine if it should even be included. The Committee made the recommendation to take the discussion to both Planning Commission and Council regarding the appeals process and alternative equivalency.



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. In order to ensure accountability and responsibility for moving applications forward for the Village and applicant, the Village should consider a “complete application” requirement. A complete application provision explicitly authorizes the Zoning Administrator to review submitted applications and to make a determination that they are “complete” and should be formally accepted for further review and action.

The provision, which would be applicable 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, and plans, and are accompanied by the required fee. Without such requirements, staff and decision-makers may waste time and effort reviewing incomplete applications only to have to re-review applications once any errors or omissions are corrected. Formally instituting this step can help prevent the Village from processing incomplete applications, which is frustrating to staff, decision-makers, and the applicant. 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 no more than three to five days to review and make a determination 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.

3. Restructure the Districts and Use Regulations

One of the key goals in this project is to enhance the opportunity for development while also streamlining the Village’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 Village consider the revisions discussed in this section.

If the Village moves forward with some or all of these suggestions, we also recommend including a transitional zoning district table as part of the updated 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 Village 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 updated code.

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

The Village of Centerburg has an excessive number of zoning districts, several of which are not even located on the zoning map. After reviewing the existing zoning district structure, the uses allowed in each district, digital maps of the Village, 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 districts and uses allowed within the Village without substantially changing how zoning is applied to various properties.



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 below and after the table. Please note that these are preliminary recommendations. There may have to be some adjustment to the proposed lots area requirements and other standards as we dig deeper into the existing code.

- The Village should consider consolidated the RR and ER District. The RR District requires a minimum lot of three acres and is typically used for a type of holding zoning code the Village. A holding zone is land that may be developed in the future should infrastructure become available. The RR District appears to be designed to ensure that a lot is large enough to accommodate on-site sewage treatment where centralized sewer is not available. The ER District is a similarly large lot zoning district, but only requires a 40,000 square foot lot. We recommend consolidating the two districts and maintaining the 40,000 square foot lot area requirement with the added statement that the Board of Health can require a larger lot area, if needed for on-site sewage systems.
- The R Residential District can be eliminated simply by the fact that there are no areas of the Village zoned for this district, which provides for residential uses on 20,000 square foot lots.
- The remaining single-family residential districts should remain, but there needs to be further refinement of the existing development standards (lot area, setbacks, etc.) to make sure that the predominant character of the existing development in these districts is reflected in the zoning; thus, reducing nonconformities that may have been unintendedly created.
- The R-3 and R-4 District can be consolidated into a single multi-family district because there are no existing R-3 areas. Given that the R-3 is a two-family zoning district, such uses could be accommodated in the consolidated district, which we recommend being renamed as the R-3 District.
- The Village should maintain the three primary commercial zoning districts that are already on the zoning map with adjustments to standards for parking, landscaping, and signage, as established in other sections of this code. The O/I Office-Institutional District can be eliminated as it is not on the zoning map and does not include any special uses that could not be accommodated in other zoning districts in the Village.
- The Village does not currently have any industrial zoning on the zoning map, but we recommend that the community keep the industrial district as there could be potential opportunities for industrial zoning in the future.
- The Village currently has a few areas of land zoned as the OS Open Space District. This district appears to allow for open space, certain agricultural uses, and various other public uses. We recommend replacing the OS District with a Public Institutional (P-I) District. The P-I District is a district focused on a broader range of public uses beyond just open space. It can serve as a way of identifying and protecting major public and institutional use areas within the Village that could include Village-owned properties, schools, parks, and other institutions such as the new hospital. This is a common practice in many communities and could accommodate some of the OS areas that are not privately owned and are maintained for public uses.
- The table includes a recommendation for the creation of the Route 36 Corridor Overlay District. This district is one that has been initially discussed with Hilliar Township where there could potentially be a district that is adopted by the Village and Hilliar Township separately, but that would maintain uniform standards along Route 36. This district is likely to incorporate a set of uniform design standards for different types of uses that could locate along the corridor, given that there is a range of ways the corridor could develop. This overlay district will be prepared with joint work with the township in a process that will run parallel with the overall code update.



Existing Zoning Districts		Proposed Zoning Districts	
Abbr.	Name	Abbr.	Name
Residential Districts			
RR	Rural Residential District	ER	Estate Residential District
ER	Estate Residential District		
R	Single-Family District	---	<i>Eliminate District</i>
R-1	Single-Family District	R-1	Single-Family District
R-2	Single-Family District	R-2	Single-Family District
R-3	Two-Family District	R-3	Multi-Family District
R-4	Multi-Family District		
Nonresidential Districts			
CC	Community Commercial District	CC	Community Commercial District
VC	Village Center District	VC	Village Center District
RO	Residential Office & Services District	RO	Residential Office & Services District
O/I	Office-Institutional District	---	<i>Eliminate District</i>
ID	Industrial District	ID	Industrial District
Special Districts			
OS	Open Space District	P-I	Public Institutional District
---	<i>District Does Not Exist</i>	RCO	Route 36 Corridor Overlay District
SWPO	Source Water Protection Overlay District	SWPO	Source Water Protection Overlay District
SFH	Special Flood Hazard Areas District	---	<i>Eliminate District</i>
SO	Special Overlay District	---	<i>Eliminate District</i>
PRD	Planned Residential District	PD	Planned Development District
PND	Planned Neighborhood District		
PCC	Planned Community Commercial District		
PO	Planned Office District		
PID	Planned Industrial District		
PD	Planned Development District		

- The Village maintains a zoning district for special flood hazard areas (floodplains and floodways) that should either be maintained as an overlay district or the district could be eliminated, and the requirements for development in these areas would be established as general development standards. This approach would allow the standards to apply should the flood areas change during future mapping processes without requiring the Village to amend its zoning map.
- The existing zoning code includes a provision for a special overlay district, which is a district that some communities use to address unique uses or activities that may not have been accommodated elsewhere in the zoning code. While there are a number of larger cities that use these for unique uses, it is unlikely that Centerburg would need such a district. Any new use that might be unique to the Village should be considered for inclusion in either another zoning district, through a zoning map amendment, or through the use of the PD Planned Development District.



- The Village currently has six variations of planned development districts, none of which are actually on the zoning map. It is not necessary for the Village to have various special planned development districts if the one district is written in a way that allows for the Planning Commission and Village Council to review the proposed uses in a development and approve them as part of any approvals related to the development. For example, the Village could use a single process to approve a planned development that is all residential (current PRD) or one that includes a mixture of uses (PND) through a single planned development district with the right procedure and standards. We recommend that individual types of planned development districts be eliminated and replaced with a single district with clear procedures and standards for future use.

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

We recommend that the updated regulations include use tables to illustrate where and how uses are permitted within each zoning district. The Village currently lists out each use and how it is permitted in the individual chapters related to the applicable district. Furthermore, use-specific standards, especially for those that are conditional uses, are located in a variety of chapters. The approach the Village currently uses makes it almost impossible to compare how and where a particular use is permitted in different zoning districts. Utilizing tables to illustrate allowed uses (See example below.) within each district is an effective method of illustrating uses both in a single district and in district-to-district comparisons. Additionally, this approach helps ensure consistency in the name of uses.

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 Village includes in the existing code will need to be reviewed but are generally in line with modern codes. We do suggest including definitions for each use to provide additional criteria for similar use determinations.

In general, the Village has a lot more conditionally permitted uses than most other communities, putting a significant burden on the Planning Commission, especially when such uses are fairly common in the applicable zoning district. As part of the update of the use table, we will work with the review committee 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 set forth in the code. This is another method of streamlining development for certain types of uses where the use is permitted with a conditional use review provided it meets a certain set of standards in the applicable zoning district. For example, the Village currently states that motels and hotels are conditional uses in the CC District. If the concern is for these uses is the size or scale of such use, then the updated code could include specific standards to address those issues. This can help reduce the number of conditional uses for things that can generally be controlled by reasonable standards.

3(C) Clarify Accessory and Temporary Use Standards

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 Village should consider the following:

- All of the regulations need to be reorganized to clarify where and how each individual accessory use is permitted within each zoning district. This will be accomplished through the creation of a use table for accessory uses similar to the type proposed for principal uses, as discussed earlier. This approach will ensure consistency in the use of terms and standards regardless of the zoning district.
- The standards should more clearly establish 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, where applicable—for example, exempting small satellite dishes that are under one meter in diameter.
- The Village does not have any standards for accessory uses such as solar panels, wind turbines, or urban agriculture. These uses are becoming more popular and should be addressed within the new regulations based on further discussions with the Village.



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



- The new section should also include updated standards for modern accessory uses such as community gardens, clothing drop-boxes, outdoor dining, outdoor storage, and outdoor sales areas.
- 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.

4. Strengthen the Substantive Standards

Another major theme in updating the Village’s regulation is revising the development standards (e.g., signs, parking, landscaping, etc.) to increase the quality of development in the Village and to make the various standards clear and predictable. Based on discussions with staff, review committee, and comments from the public, the Village 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 Village has some very basic design and development standards that help define what a development will look like, including parking, landscaping, and signage standards, but as noted below and in the second part of this audit, there are several enhancements that could be incorporated into the code update.

- **Landscaping and Buffering**

The Village had some extensive landscaping and buffering requirements that includes provisions for tree and wooded area preservation. It has been noted that these provisions generally work for development, but we recommend considering the elimination of most of Section 1173.03 (Preservation of Trees and Wooded Areas) since they have not been heavily enforced. Instead, the language of this chapter should be carried forward with the inclusion of some additional provisions to allow for flexibility in the design of landscaping while also encouraging the preservation of existing trees and wooded areas, rather than mandatory preservation.

- **Improved 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 Village 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. In the chapter-by-chapter analysis section, there is an overall analysis of the major issues with the current parking and loading standards, including significantly high parking requirements and a lack of drive-through waiting standards. Currently, the major parking issues seem to revolve around parking in downtown, especially related to the residential uses located downtown. Zoning does not regulate how on-street parking is utilized, other than noting if it can count toward any parking requirements. The updated code should provide special zoning regulations for downtown but due to the fact that it is an on-going problem with an already developed area, changes to the zoning requirements will have little impact on the existing problems. In the long-term, the Village may need to evaluate options such as more enforcement of parking violations and the creation of off-street parking areas for all of downtown.

Regarding the remainder of the parking requirements, the Village can opt to simply move forward with adjustments to the current ratios with, perhaps, the addition of a “cap” on the maximum amount of parking that can be provided, or the Village might evaluate alternatives. For example, some communities are moving away from parking ratios and either eliminating the minimum number of parking spaces completely or, alternatively, simply eliminating the parking ratios and allowing the applicant to demonstrate that they have sufficient parking. Both of these approaches are based on the idea that developers want to be able to serve their own uses with parking and therefore will provide a reasonable amount, especially outside of the downtown area where parking should be waived. In addition to changes to the parking standards, the updated code can incorporate better maneuverability standards to ensure safe paths for pedestrians.

- **Signage**

The chapter-by-chapter analysis provides a more detailed discussion about potential changes to the sign regulations to clarify the rules and bring the code into compliance with federal laws, which mandate a certain level of content neutrality. Content-neutral sign regulations are those that do not require you to read the message to determine how to regulate the sign. For example, communities can no longer regulate real estate signs differently than, for example, construction signs or other temporary commercial message signs where the only difference is the message. While the Village’s regulations avoid a lot of regulation by content, there are still a number of areas where there needs to be some improvement to bring the regulations in line with case law.



4(B) Incorporate New Development and Design Standards

- **Architectural Standards**

The Village does currently have much in the way of architectural standards for downtown or any of the major commercial areas. It is envisioned that the new corridor overlay district will likely include some architectural design standards, but the Village should also consider adding additional architectural standards for any multi-family residential uses with more than two units and for most commercial buildings.

- **Natural Stormwater Infrastructure**

The Village might consider adding some basic requirements that would allow for more natural stormwater options such as encouraging, or possibly requiring, various elements of green infrastructure to support more sustainable development and encourage natural stormwater control. 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 (discussed in more detail in later sections of this report), encouraging the use of 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.

- **Demolition**

The Village has a number of older buildings that are not necessarily historical, but there is potential for such buildings to be torn down to eliminate a nuisance and/or for redevelopment. The Village should consider incorporating some basic requirements for demolition of any

building that could include requiring a permit that will be tied to a plan for demolition. Such a plan should include information on the contractor and the stabilization efforts that will be put into place once the structure is demolished.

- **Open Space and Exactions**

Stakeholders have noted that the Village should work to increase the amount of open space and parks available in the Village, as well as provide more for maintenance of such parks. The Village could do this with a number of improvements, including incorporated a recreation impact fee, which would require that any new development contributes to a fund based on the scale of development. Such funds could be used for the purchase or improvement of parks for the entire community. Either as an addition to that requirement or, as an alternative, the Village could consider open space requirements for all new development. This is typically done as a requirement for new residential subdivisions and/or planned developments. The requirements would establish the minimum amount of open space that would be required, established standards for what kind of land can count toward that open space, and standards for how it will be maintained and protected.

- **Enforcement and Penalties**

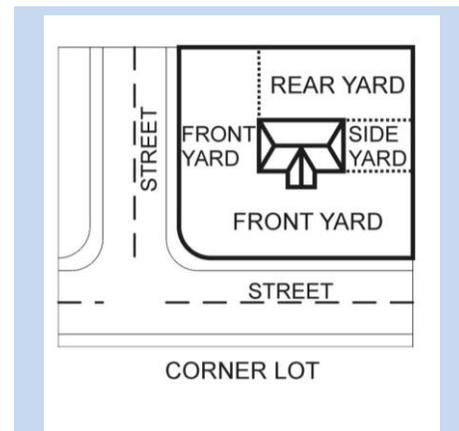
The Technical Review Committee members noted that enforcement of certain provisions is increasingly problematic. In order to provide the Village with the necessary provisions to adequately enforce the standards, the updated code will include modifications to the sections on enforcement and penalties to potentially include additional tools such as escalation of penalties or civil ticketing.

- **Flexibility in the Design Standards**

While enhancing design standards will include increasing things such as landscaping and better parking design, there are ways to set out some flexibility so that applicants have options in how they meet the standards. One of the ways is by providing the alternative equivalency option discussed under the procedural section where applicants are encouraged to be creative. There are also ways to include options in standards for signs or landscaping that take into consideration the distinctions between different areas of the Village and whether it is a compactly built area like downtown or a more suburban-style development such as Route 36. Wherever possible, the standards will be written to be predictable yet include some flexibility to encourage more creativity in design.

4(C) Clarify Rules of Measurement

As suggested in previous sections, the revised code should clearly 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 furthest projection of structure and any abutting right of way line”), and exceptions and permitted encroachments should be clearly defined. There is currently minimal guidance in how the Village measures certain requirements.



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



Chapter-by-Chapter Analysis of the Existing Code

This portion of the report sets forth a chapter-by-chapter review of the current planning and zoning code and identifies any proposed changes in either organization or substance based on our initial discussions with the Village and its stakeholders. The intent of this section is not to provide line-by-line edits but to identify key issues that should be addressed in the code update process. While all of the text will be reviewed and updated, as appropriate, the purpose of this part of the document is to outline significant changes, additions, and deletions.

Chapter 1101 – Purpose and Nature

This chapter includes basic language on the purpose and nature of the code, which is important for outlining the legislative intent of zoning overall. This language will be carried forward with the addition of sections that will address the scope of the regulations, compliance, authority pursuant to the state constitution, and other sections outlined in the first part of this report.

One suggested change is to move the general language of Section 1101.04 (Relief from Application of Zoning Ordinance and Zoning District Map) to the new chapter that will consolidate review procedures. Additionally, the updated code should be revised to establish provisions for use variances where there is a proposal for a use in a zoning district that is not otherwise allowed in that district. The current language allows for the possibility of uses not allowed in a zoning district if approved by a conditional use review. This is a very broad allowance and could, in theory, allow for intense commercial uses or industrial uses in residential districts. Instead, a use variance creates a higher level of standard for review and typically would require that an existing building is on the lot that cannot be reasonably used for permitted uses in the zoning district (e.g., an old school building in a residential district). This approach is far more common and will give the Village more control over uses.

Chapter 1103 - Application

This chapter includes a number of somewhat related sections that will be carried forward with a number of revisions and reorganizations as described below:

- **Section 1103.01: Conformance Required** simply notes that any development has to comply with the zoning regulations and will be carried forward in the new code, under the general provisions.
- **Section 1103.02: Zoning District Map** establishes the zoning map, which is considered part of the code, and will be carried forward in the new chapter on zoning districts.
- **Section 1103.03: Zoning Districts** sets out a general-purpose statement for the creation of zoning districts and will be carried forward to the new code.
- **Section 1103.04: Establishment of Zoning Districts** identifies the zoning districts that are available in the Village of Centerburg. This type of language on the establishment of districts will be carried forward, but the list of districts will be revised as described in the first part of this report.
- **Section 1103.05: Definitions** is the introductory language for definitions that will be expanded and moved to the new definitions chapter.
- **Section 1103.06: Zoning of Annexed Territory** is a general statement of how newly annexed land is zoned and will be carried forward into the updated section on the establishment of zoning districts.



Chapter 1105 – Definitions

This chapter includes definitions for some of the most commonly used terms in the zoning code. The definitions within this chapter, as with all definitions, will be updated and moved to the new Chapter <> (Definitions). The entire chapter will be updated to define new terms that may be added to the code but also revise existing terms, where needed.

Chapter 1107 – Administration and Enforcement

This chapter focuses on the roles of the Village Council, Zoning Administrator, Planning Commission, and Board of Zoning Appeals (BZA) with regards to the zoning code, along with remedies and penalties for violations of the code. We recommend carrying forward the majority of this language with the same boards and staff administering the new code. The content of this chapter could be expanded to include provisions for alternates for each board.

Language on the penalties and remedies should be moved to the new chapter on enforcement and penalties.

Chapter 1108 – Site Plan Review

This chapter establishes the site plan review procedure and where site plans are required. The Village should maintain the current approach of having a major and a minor site plan review as this provides for a streamlined review for minor work.

As noted in the first part of this report, the submittal requirements list should be removed from this chapter and modified to be a checklist that will be a part of the applications. Additionally, changes should be made to the provisions on variances and appeals based on the direction for change discussed in the first part of this report.

Chapter 1109 – Amendment

This chapter establishes the process for amending the zoning code text and map. This language should be carried forward with the removal of the submittal requirements, as recommended earlier. The language should be expanded to include some basic review criteria for the Planning Commission and Village Council to consider when making recommendations and decisions.

Chapter 1111 – Conditional Use

This chapter establishes the conditional use process and reflects common procedures, although we have included a proposal to reconsider appeals to Council. If that is to be eliminated, the appeals process would be to the court system. This language should be carried forward with some suggested expansion of the review criteria to reflect current case law.



Chapter 1113 – Variances

This chapter establishes the variances and reflects common procedures, although we have included a proposal to reconsider appeals to Council. If that is to be eliminated, the appeals process would be to the court system. This language should be carried forward with some suggested expansion of the review criteria to reflect current case law. In particular, we recommend that the new code includes language for area/dimensional variances and use variances. A use variance would replace the ability of someone asking for a use, not allowed in a district, as a conditional use. Additionally, most use variance review criteria require that there be an existing building that cannot be reasonably used for an approved use.

Chapter 1115 – Nonconforming Uses

This chapter contains the nonconforming use language, sometimes referred to as the grandfathering clauses. It addresses what happens to use that was legally established at one point in history but no longer comply with zoning due to amendments. The Village appears to have a relatively modern set of standards, making clear distinctions between a nonconforming use (the actual use is not permitted) versus nonconforming structures or sites (the use is okay, but the building or site conditions do not comply with zoning) and nonconforming lots. We do recommend that the Village consider adding a provision that would allow for the reconstruction of any nonconforming residential use, regardless of the level of destruction. Banks and other financial institutions have made significant changes in how they finance uses and are often denying financing for nonconforming residential homes. This new provision would allow for the use to be rebuilt. Additionally, most communities do not want to tell someone they cannot rebuild their homes.

Chapter 1122 – RR Rural Residential District

The RR District will be carried forward into the new code as suggested earlier in this report. As noted in the previous section on general improvements, instead of listing out all of the uses allowed in the district, the zoning districts and list of permitted uses will be consolidated into a use table (principal and accessory). As part of the review of land uses, there may be some consideration for additional use-specific standards depending on the review committee's review of the overall set of permitted uses. The standards for conditional uses that are found at the end of this chapter will be updated and carried forward as use-specific standards related to the individual uses, regardless if conditional or permitted with standards.

Chapter 1123 – ER Estate Residential District

The ER District will be maintained as part of the new zoning code and will be updated in the same manner as suggested for the RR District (Chapter 1122).

Chapter 1124 – R Residential District

This district is not used in Centerburg Zoning Code, and the recommendation is to remove the district from the code as there is no long-term need for the district.



Chapter 1125 – R-1 Single-Family District

The R-1 District will be maintained as part of the new zoning code and will be updated in the same manner as suggested for the RR District (Chapter 1122). Additionally, we will undertake an analysis of the lot development standards to ensure that they generally align with the requirements of zoning.

Chapter 1127 – R-2 Single-Family District

The R-2 District will be maintained as part of the new zoning code and will be updated in the same manner as suggested for the RR District (Chapter 1122). Additionally, we will undertake an analysis of the lot development standards to ensure that they generally align with the requirements of zoning.

Chapter 1128 – PRD Planned Residential District

This chapter establishes the review process and standards for one of Centerburg’s planned development districts. The overall two-step procedure required in this chapter, which includes a preliminary plan and zoning map change, approved by Council, followed by the Planning Commission’s review and decision on a more specific development plan, is one of the most common procedures for planned developments. We recommend that this procedure be carried forward for use in the proposed, singular Planned Development District (PD). As noted in the first part of this report, the recommendation is to establish one PD District. Such consolidation would include the following changes.

- The specific building and lot requirements for various uses, from all of the various planned development districts, will be updated and carried forward to the new code.
- As suggested in the first part of the report, the new PD District should include an open space provision that will require a certain amount of property to be set aside for open space, some of which may be improved for the community. This would be in exchange for applicants being able to cluster residential uses on somewhat smaller lots so that the overall density is maintained.
- The principal land use that would be allowed would be as approved by the Village Council in the preliminary plan. This will give the applicant the flexibility to propose any number of uses, provided that they are allowed in the Village, to begin with. Ultimately, the Council will have the ability to consider the individual location of the PD to determine if the proposed uses are appropriate.

Chapter 1129 – R-3 Two-Family District

The R-3 District will be consolidated with the R-4 District as part of the new zoning code and will be updated in the same manner as suggested for the RR District (Chapter 1122).

Chapter 1131 – R-4 Two-Family District

The R-4 District will be consolidated with the existing R-3 District as part of the new zoning code and will be updated in the same manner as suggested for the RR District (Chapter 1122). The new code may include some extra architectural and design provisions, as well as potentially some open space design requirements, for higher density multi-family uses while still allowing for the option of two-family dwellings in certain areas of the Village.



Chapter 1135 – PND Planned Neighborhood District

The PND District will be consolidated into the new PD District and updated as suggested for the PRD District (Chapter 1128).

Chapter 1143 – CC Community Commercial District

The CC District will be carried forward into the new code as suggested earlier in this report. As noted in the previous section on general improvements, instead of listing out all of the uses allowed in the district, the zoning districts and list of permitted uses will be consolidated into a use table (principal and accessory). As part of the review of land uses, there may be some consideration for additional use-specific standards depending on the review committee’s review of the overall set of permitted uses. The standards for conditional uses that are found at the end of this chapter will be updated and carried forward as use-specific standards related to the individual uses, regardless if conditional or permitted with standards.

Chapter 1148 – VC Community Commercial District

The VC District will be maintained as part of the new zoning code and will be updated in the same manner as suggested for the CC District (Chapter 1143).

Chapter 1149 – RO Residential Office District

The RO District will be maintained as part of the new zoning code and will be updated in the same manner as suggested for the CC District (Chapter 1143).

Chapter 1151 – PCC Planned Community Commercial District

The PCC District will be consolidated into the new PD District and updated as suggested for the PRD District (Chapter 1128).

Chapter 1155 – O/I Office-Institutional District

This district is not used in Centerburg Zoning Code, and the recommendation is to remove the district from the code as there is no long-term need for the district.

Chapter 1156 – PO Planned Office District

The PO District will be consolidated into the new PD District and updated as suggested for the PRD District (Chapter 1128).

Chapter 1159 – ID Industrial District

The ID District will be maintained as part of the new zoning code, even though it is not currently on the Centerburg Zoning Map, and will be updated in the same manner as suggested for the CC District (Chapter 1143).

Chapter 1161 – PID Planned Industrial District

The PID District will be consolidated into the new PD District and updated as suggested for the PRD District (Chapter 1128).



Chapter 1162 – PD Planned Development District

The PD District will be consolidated into the new PD District and updated as suggested for the PRD District (Chapter 1128).

Chapter 1165 – OS Open Space District

The OC District will be incorporated into the new Public and Institutional District proposed in the first part of this report.

Chapter 1166 – Source Water Protection Overlay District

This chapter includes language that specifically regulates certain uses from being located in areas that have a higher potential for the contamination of groundwater. This language is very common in areas near water wells and aquifers and should be carried forward into the new zoning district and mapped accordingly.

Chapter 1167 – SFH Special Flood Hazard Areas

As suggested earlier in this report, we recommend that the SFH District be eliminated, unless formally mapped, and instead, that the floodplain/floodway regulations be adopted as general development standards. These regulations would most likely be incorporated into the new chapter on general development standards applicable across the Village.

Chapter 1169 – Special Overlay District

This district is not used in Centerburg Zoning Code, and the recommendation is to remove the district from the code as there is no long-term need for the district.

Chapter 1171 – Off-Street Parking and Loading Facilities

This chapter set's out the Village's parking and loading requirements for all types of development and is significantly out of date as compared to modern zoning codes, particularly in the excessive amount of parking required. The following are some of the major issues and potential solutions:

- The current surfacing requirements in Section 1171.03 (b) are appropriate unless the Village wants to provide for the option of an applicant installing pervious pavement or some other type of porous material. These types of pavements can be effective in addressing stormwater runoff but will require a maintenance plan to ensure such material remains pervious.
- The parking ratios in Section 1171.04 need to be completed updated and could take one of the general approaches outlined in the first part of this report. If ratios are maintained, then the residential requirements should be reduced for apartments as the demand for parking, even for guest parking, is traditionally not two spaces per unit. For nonresidential uses, the number of required spaces is significantly high. For



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



example, most communities now only require one space for every 300 to 400 square feet of total retail space, but the Village’s current requirement is one space for every 150 square feet of area used for sales and one space for every 250 square feet of area used for storage or non-public use.

- Many of the parking ratios are based on employees, which can be a challenge, especially in industrial buildings that can range from warehousing (minimal employees) to research and development or manufacturing that may have a high number of employees. An alternative would be to establish a reasonable requirement on the number of parking spaces but allow an applicant to only build a portion of the parking area while reserving the remainder in greenspace until such time as it is needed. This approach is sometimes referred to as shadow parking or land-banked parking. In this manner, if, for example, a warehouse was built that will have few employees, the applicant still needs to have an area to accommodate parking if it were converted to a heavy employment use but is not required to build it upfront.
- The current provisions for the parking of commercial vehicles and recreational vehicles appear to be in line with what the general public has suggested, which is to maintain the parking behind the front building line unless it is for temporary loading or unloading, cleaning, etc.
- The Village does not appear to have any requirements for drive-through waiting spaces or aisles. These types of modern standards establish basic requirements to prevent the potential for drive-through aisles from backing up and potentially blocking traffic flow on streets. The standards are also sometimes used to establish design requirements so that, as an example, drive-through facilities are located to the rear of the building instead of the front. We recommend incorporating some basic requirements in the updated code.

Chapter 1173 – Landscaping

This chapter addresses landscaping and screening requirements for development within the Village. It should be updated and carried forward as recommended in the first part of this report.

Chapter 1174 – Swimming Pools

The language in this chapter includes common regulations for swimming pools that will be carried forward into the new accessory use regulations.

Chapter 1175 – Supplementary District Regulations

This section includes several provisions that will be carried forward into the new code with some suggested revisions. The following are the major areas of regulation under this chapter:

- **Section 1175.01 Purpose** will be removed as each of the sections in this chapter will be relocated to other chapters where the purpose statements for those chapters will apply.
- **Section 1175.02 Supplemental Yard and Height Requirements** is the language that is common to all codes and will be carried forward, with added graphics, to the new section on lot development standards.
- **Section 1175.03 Nuisance Control** includes provisions for nuisances and nuisance abatement that will be carried forward to the new General Development Standards chapter.
- **Section 1175.04 Satellite Dish Antennas** will largely be eliminated because any satellite dish that is under a meter in diameter is exempt from zoning, including permitting. We will carry some language forward to the new accessory use section that will note this exemption but



encourage the location of such dishes on the side or rear facades. Additionally, we can include regulations for satellite dishes that exceed one meter in diameter.

- **Section 1175.05 Residential Accessory Structures** will be carried forward into the new accessory and temporary use chapter but will have to be updated to address what is on the ground. The current requirements establish that accessory structure shall meet the rear and side yard setbacks of the applicable zoning district but quite often, the accessory structures are set far closer to the lot lines than required. Most communities allow accessory structures to be located nearer to a lot line than principal buildings. As written, many existing accessory structures are nonconforming. We also suggest addressing a wider variety of accessory structures for both residential and nonresidential uses.

Chapter 1177 – Home Occupations

The language in this chapter includes common regulations for home occupations that will be carried forward into the new accessory use regulations. We recommend maintaining provisions for administratively approved home occupations that have minimal impact or visibility, as well as more intense home occupations that will require a conditional use approval.

Chapter 1179 – Fences and Hedges

The fences and hedge regulations of this section will be carried forward with several suggested changes, including:

- Adding graphics that illustrate the concept of where and how fences, walls, and hedges are allowed and how they are measured.
- Adding provisions for fencing, walls, and hedges in nonresidential zoning districts. Currently, they are open-ended and approved as part of site plan review.
- The overall regulations need to be updated to address what has been generally approved by the Village, including where the BZA has consistently approved variances.

Chapter 1181 – Signs

This chapter establishes all of the requirements for signage in the Village. The regulations appear to have been updated over the last decade, but they contain a significant amount of content-based regulations that go against federal case law from 2015. Content-based regulations are when the Zoning Administrator, or other enforcement officers, has to read the sign message to determine how it is regulated. Examples of this are real-estate signs, contract signs, and political signs. The 2015 Supreme Court case of *Reed v. Town of Gilbert, Arizona*, essentially prohibits the ability to regulate by message or speaker with a few gray areas. Since then, additional court cases have ruled out the ability of communities to regulating signage based on if the message is related to an on-premise versus off-premise message. For these reasons, we recommend the Village consider a significant update to the sign regulations to focus on the type of sign structure, the location, illumination, and other non-message-related information. Additional changes could include:

- Expanding on the sign area calculations to include graphics that will help make the distinction between the different forms of measurement for different sign types.
- The temporary sign regulations will be where most of the changes take place because those are the types of signs that the Village currently regulates by message in almost every case. We will work with the Village’s legal counsel to discuss different approaches to regulating temporary signs to determine the best approach for Centerburg, but we anticipate a complete shift in approach. Ultimately, the temporary sign regulations need to be very clear on what types are allowed and for what duration. Additionally, some small temporary signs should be exempt from the permit requirement.
- The overall method of how the Village regulates signage based on the type of use (See Schedule of Sign Regulations) will need to be completely overhauled. The current method is extremely confusing and poses a risk of giving certain uses more signage than another use in the same district. Communities are allowed to have different sign regulations in different zoning districts because the context and character of each district are different. However, the current method could pose issues because while the current approach is not necessarily about the content of the message, it could be interpreted as a way of given certain “speakers” (individual uses) more signage than another use in the same district. For example, a general retail use (single-tenant) can have one eight-foot height ground sign, but if there is a shopping center, the maximum height can be 15 feet, even if the lots are the same size. In general, completely updating the approach the Village uses to regulate signs should greatly clarify requirements.



Example of a temporary banner sign being used as an interim sign until the new permanent sign can be installed.

Chapter 1183 – Medical Marijuana Activities

This chapter includes the most recent text added to the zoning code and largely prohibits any medical marijuana activities in the Village. This language will be carried forward as part of the new chapter on zoning districts and principal uses.



Appendix: Writing Style Guide

The purpose of this appendix is to identify the writing style we propose to use in the new text. We have incorporated this guide into this document to allow the Village to provide feedback on basic rules of writing and grammar style. Having an agreed-upon writing style helps ensure consistency throughout the document and minimizes large-scale formatting changes at the end of the writing process. The following statements highlight some of the rules that we will follow and that we would like to have an agreement on before proceeding with drafting the new zoning code.

Capitalization

- We will capitalize formal staff titles and board names such as “Zoning Administrator” or “Village Council.”
- We will capitalize and use the term “Village” for the Village of Centerburg because that appears to be the consistent approach to capitalization in the existing code.
- When referencing the code itself or generally identifying “this chapter” or “this section,” we will not capitalize the words “code,” “chapter,” or “division.” If the reference is to an actual chapter or section, etc., the term will be capitalized as in Section 1101.01.
- We will not capitalize the names of processes or permits.

Numbers

- To minimize the potential for inconsistencies, we will only write out or use a number once (see next bullet). We will not write out the number and then place the number in parentheses (e.g., eleven (11), twelve (12)).
- We will write out all single-digit numbers (e.g., zero, one, two, three, etc.) and use numerals for all other numbers (e.g., 10, 11, 12, etc.).

Lists

- When using vertical lists of related statements that are dependent on one another, we will use semicolons to separate the listed items with a period on the last item. If the listed items are independent of one another, we will use the appropriate punctuation for each item.

Numbering Format

- We will utilize the Villages’ current outline numbering format so that the existing Part Eleven: Planning and Zoning Code can be replaced with the updated version. The basic hierarchy will be as follows, using Chapter 1101 as the example:
- Chapter 1101: General Provisions
 - 1101.01: Section Heading or Text
 - (a) Subsection/Text
 - (1) Subsection/Text
 - A. Subsection/Text
 - i. Subsection/Text