



Unified Development Ordinance

Revised:

April 19, 2010 (Ord. 04-10)
March 21, 2011 (Ord. 01-11)
June 20, 2011 (Ord. 12-11)
January 23, 2012 (Ord. 14-11)
May 20, 2013 (Ord. 04-13)
December 16, 2013 (Ord. 16-13, 17-13 & 18-13)
June 16, 2014 (Ord. 04-14)
October 17, 2016 (Ord. 15-16, 16-16, 17-16, 18-16)
February 19, 2018 (Ord. 4-18, 5-18, 6-18, 7-18)

July 22, 2010 (Ord. 07-10)
April 18, 2011 (Ord. 07-11)
September 19, 2011 (Ord. 13-11)
January 28, 2013 (Ord. 30-12)
October 21, 2013 (Ord. 13-13)
April, 21, 2014 (Ord. 01-14)
October 20, 2014 (Ord. 17-14)
June 19, 2017 (Ord. 10-17)

Mayor and City Council

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Planning Commission

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Scott Liberman, Municipal Attorney

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ORDINANCE NO. 14-08
CITY OF CENTERVILLE, OHIO

SPONSORED BY COUNCILMEMBER Paul Gresham ON THE 15th DAY
OF December, 2008.

AN ORDINANCE ENACTING THE UNIFIED DEVELOPMENT ORDINANCE FOR THE CITY OF CENTERVILLE, OHIO, FOR THE CLASSIFICATION AND REGULATION OF ALL USES OF LAND AND STRUCTURES WITHIN THE CITY OF CENTERVILLE IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 713 OF THE OHIO REVISED CODE. ALSO, THIS ORDINANCE REPEALS EXISTING ORDINANCE NUMBER 11-86, AN ORDINANCE ENACTING REVISED ZONING DISTRICTS AND REGULATIONS FOR THE CITY OF CENTERVILLE IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 713 OF THE OHIO REVISED CODE ADOPTED ON JULY 21, 1986 AND ALL AMENDMENTS THERETO; CHAPTER 838, ADULT ENTERTAINMENT; PART 12, TITLE FOUR, SUBDIVISION REGULATIONS; CHAPTER 1202, PLANNING COMMISSION; CHAPTER 1204, PARKLANDS; CHAPTER 1206, LANDMARKS; CHAPTER 1460, EROSION AND SEDIMENTATION CONTROL; CHAPTER 1462, FLOOD DAMAGE PREVENTION; CHAPTER 1466, OUTDOOR DISH-TYPE ANTENNAS; AND CHAPTER 1468, OUTDOOR ILLUMINATION.

WHEREAS, Chapter 713 of the Ohio Revised Code, empowers the City to enact a zoning ordinance and to provide for its administration, enforcement and amendment; and

WHEREAS, the City Council deems it necessary, for the purpose of promoting the health safety, convenience, comfort prosperity or general welfare of the city to enact such ordinance; and

WHEREAS, the City Council, pursuant to the provisions of Chapter 713 of the Ohio Revised Code, has appointed a Planning Commission to recommend the boundaries of the various districts and appropriate regulations to be enforced therein; and

WHEREAS, the Planning Commission has divided the city into districts and has prepared regulations pertaining to such districts which are designed to lessen congestion in the streets; to secure safety from fire,

panic and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewage, schools parks and other public requirements; and

WHEREAS, the Planning Commission has given reasonable consideration, among other things, to the character of the districts and their peculiar suitability for particular uses, with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the municipality; and

WHEREAS, the Planning Commission has developed a Unified Development Ordinance to encompass the classification and regulation of all uses of land and structures with the City of Centerville, Ohio; and

WHEREAS, the Planning Commission has adopted the Unified Development Ordinance and held public hearings thereon, and submitted the Unified Development Ordinance to the City Council; and

WHEREAS, the City Council has given due public notice of hearings relating to zoning districts, regulations, and restrictions and has held such public hearings; and

WHEREAS, the City wishes to repeal the current zoning ordinance and other regulations now specifically provided for in the Unified Development Ordinance and adopt the Unified Development Ordinance; and

WHEREAS, all requirements of Chapter 713 of the Ohio Revised Code, with regard to the adoption of the Unified Development Ordinance by the Planning Commission and subsequent action of the City Council have been met;

NOW THEREFORE, THE MUNICIPALITY OF CENTERVILLE
HEREBY ORDAINS:

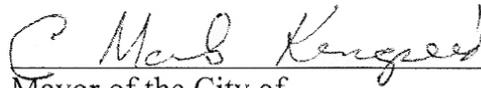
Section 1. That Ordinance number 11-86, an Ordinance Enacting Revised Zoning Districts and Regulations for the City of Centerville in accordance with the provisions of Chapter 713 of the Ohio Revised Code adopted on July 21, 1986 and all amendments thereto; Chapter 838, Adult Entertainment; Part 12, Title Four, Subdivision Regulations; Chapter 1202, Planning Commission; Chapter 1204, Parklands; Chapter 1206, Landmarks; Chapter 1460, Erosion and Sedimentation Control; Chapter 1462, Flood Damage

Prevention; Chapter 1466, Outdoor Dish-Type Antennas; chapter 1468, Outdoor Illumination of the Codified Ordinances of Centerville are hereby repealed.

Section 2. That Unified Development Ordinance be enacted in accordance with Exhibit A, as attached hereto.

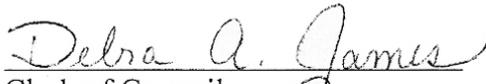
Section 3. This ordinance shall be effective from and after the earliest date allowed by law.

PASSED THIS 15th day of December, 2008.



Mayor of the City of
Centerville, Ohio

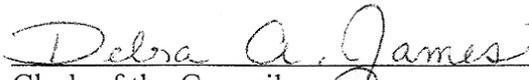
ATTEST:



Clerk of Council
City of Centerville, Ohio

CERTIFICATE

The undersigned, Clerk of Council of the City of Centerville, Ohio, hereby certifies the foregoing to be a true and correct copy of Ordinance No. 14-08, passed by the Council of the City of Centerville, Ohio on the 15th day of December, 2008.



Clerk of the Council

Approved as to form, consistency with the
Charter and Constitutional Provisions.
Department of Law
Scott A. Liberman
Municipal Attorney

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1.01 Purpose of the Unified Development Ordinance

The City of Centerville carries out the policies of the Comprehensive Plan by classifying and regulating the uses of land and structures within the City. This Unified Development Ordinance (UDO) is adopted to protect and promote the public health, safety, and general welfare of the community. More specifically, the purpose of this UDO is to:

- A. Provide standards and guidelines for the continuing orderly growth and development of the City;
- B. Conserve and protect the City’s natural, cultural and historic resources;
- C. Ensure that proposed development and new land uses conserve energy and natural resources;
- D. Create a comprehensive and stable pattern of land uses upon which to plan transportation, water supply, sewerage, energy, and other public facilities and utilities;
- E. Ensure that proposed development is of human scale, pedestrian-oriented, and designed to create attractive streetscapes and pedestrian spaces;
- F. Minimize vehicle traffic by providing for a mixture of land uses, pedestrian-oriented development, compact community form, safe and effective traffic circulation, and adequate on- and off-street parking facilities;
- G. Provide neighborhoods with a variety of housing types to serve the needs of a diverse population; and
- H. Ensure compatibility between different types of development and land uses.

1.03 Title

This Unified Development Ordinance shall be known and may be cited as the “Unified Development Ordinance of the City of Centerville, Ohio,” the “UDO,” the “Unified Development Ordinance,” or just the “Ordinance.”

1.05 Ordinance Authority

The authority to adopt this UDO within the City of Centerville, Ohio, is derived from the authority provided under Article 5 of the Charter of the City of Centerville, Ohio and from the powers granted and limitations imposed by the Ohio Revised Code. Whenever the Charter or other laws referenced in this UDO have been amended or superseded, this UDO shall be considered amended in reference to the new or revised Charter or other laws.

1.07 Ordinance Jurisdiction

This UDO shall apply to all land and land development within the incorporated area of the City of Centerville, Ohio. The City may exercise extraterritorial jurisdiction for a distance of up to 3 miles of its corporate limits if county or township zoning is not in effect within the area as provided in Section 711.09 of the Ohio Revised Code and the City has adopted a major thoroughfare, parks, and public open space plan for the territory within the City limits and within three miles of the City. The Planning Commission may receive advice from the county or regional planning commission upon all subdivisions plats located within 3 miles of the corporate limits.

1.09 Ordinance Effective Date

This UDO was enacted by Ordinance No. 14-08, adopted by the Centerville City Council on December 15, 2008, and shall become effective on January 15, 2009.

1.11 Repeal of Existing Ordinances

The following Ordinances are hereby repealed:

Ordinance Number 11-86, An Ordinance Enacting Revised Zoning Districts and Regulations for the City of Centerville, Ohio in Accordance with the provisions of Chapter 713 of the Ohio Revised Code adopted on July 21, 1986 and all amendments thereto;
Chapter 838, Adult Entertainment, of the Centerville Municipal Code;
Part 12, Title Four, Subdivision Regulations, of the Centerville Municipal Code;
Chapter 1202, Planning Commission of the Centerville Municipal Code;
Chapter 1204, Parklands, of the Centerville Municipal Code;
Chapter 1206, Landmarks, of the Centerville Municipal Code;
Chapter 1460, Erosion and Sedimentation Control, of the Centerville Municipal Code;
Chapter 1462, Flood Damage Prevention, of the Centerville Municipal Code;
Chapter 1466, Outdoor Dish-Type Antennas, of the Centerville Municipal Code;
Chapter 1468, Outdoor Illumination, of the Centerville Municipal Code;

This UDO and the referenced Official Zoning Map hereby replace all stated Sections, Chapters, and Ordinances of the Centerville Municipal Code.

1.13 Relationship to Repealed Ordinances

To the extent that the provisions of this UDO are the same in substance as the previously adopted provisions that they replace in the zoning ordinances, they shall be considered as continuations thereof and not as new enactments unless otherwise specifically provided. In particular, a situation that did not constitute a lawful, non-conforming situation under the previously adopted zoning ordinance does not achieve lawful nonconforming status under this chapter merely by the repeal of the zoning ordinance.

1.15 Organization of the Unified Development Ordinance (UDO)

The Unified Development Ordinance, as established in this chapter, has been developed in accordance with “Create the Vision,” a Comprehensive Plan for the purpose of promoting health, safety, and the general welfare of the community. It is intended to consolidate—in one place and in logical order without unnecessary duplication—all of the regulations pertaining to land use and development. It is designed to make it possible for all of those concerned with land use and development to have access to all city legislation with respect thereto in one convenient document which is capable of being published and distributed as a separate and comprehensive segment of the City code as a whole.

- A. Article 1, General Provisions, establishes the purpose of the UDO, the authority to administer and enforce the UDO provisions, the relationship to existing ordinances, and ordinance effective date.
- B. Article 3, Administration, establishes the various administrative agencies involved in the development approval process, as well as the role of administrative and legislative bodies.
- C. Article 5, Development Procedures, is designed to consolidate the location of regulations governing the processing of permits for the development of land. The purpose is to ensure that notification and procedures comply with state enabling legislation, provide ample opportunity for public participation in the land development process, provide for the efficient and timely processing of development permits, and to promote the readability of the document for the general public and for applicants requesting a permit.
- D. Article 7, Districts and Use Standards, identifies the various residential, commercial, industrial and planned districts and the uses permitted within each district as well as the appropriate development standards.
- E. Article 9, Development Standards, consolidates the substantive standards relating to the issuance of permits for zoning and subdivision approval in order to provide clarity and certainty in the development approval process.
- F. Article 11, Definitions, is established in order to provide guidance to readers of this code, while reserving the balance of the code for substantive standards.

1.17 Relationship to Existing Ordinances and Rules of Construction (*Ord. 4-18*)

In their interpretation and application, the provisions of this UDO shall be the minimum requirements, unless otherwise noted and shall be deemed neither to limit nor repeal any other powers granted to the City under its Charter and Ordinances or under State Statutes.

It is not intended by this Ordinance to repeal, abrogate, annul, or in any way impair or interfere with any existing ordinances or provisions of law, or with any rules, regulations or permits previously adopted or

issued pursuant to law, relating to the use of buildings and land, except as provided for in Section 1.11 herein.

Where this Ordinance imposes a greater restriction on the use of buildings or premises, or on the heights of buildings, or requires larger yards, courts, or other open spaces than are imposed or required by such existing provisions, the provisions of this Ordinance shall prevail and control to the extent permitted by law.

The UDO contains graphics, pictures, illustrations and drawings in order to assist the reader in understanding and applying the regulations. However, to the extent that there is any inconsistency between the text of this ordinance and any such graphic, picture, illustration or drawing, the text shall control unless otherwise provided in the specific section.

1.19 Relationship to Comprehensive Plan

The “Create the Vision” Comprehensive Plan for the City of Centerville, or Comprehensive Plan as referenced in the UDO, consists of Volumes I, II, and III, adopted on June 14, 2004, and as amended. It establishes the goals, objectives and strategies that serve as a basis for the UDO. All regulations or amendments adopted pursuant to this Ordinance shall be consistent with the Comprehensive Plan as adopted and revised or updated. In cases of inconsistency with other regulations or amendments, the UDO regulations shall prevail.

1.21 Conformance to Regulations

Except as specified herein, no land shall be subdivided, no building, structure, premises, or part thereof shall be used, occupied, located, moved, erected, constructed, reconstructed, converted, extended, enlarged, or altered except in conformity and full compliance with the regulations herein specified for the district in which it is located.

1.23 Establishment of Fees

City Council shall establish by ordinance a schedule of fees for all permits and applications required by the UDO. In so doing, the City Council shall consider the recommendations of the City Planner with respect to actual administrative costs. Fees shall increase 50% for repeat violations of Article 5.09(D), Certificates of Zoning Compliance. (*Ord. 15-16*)

1.25 Ordinance Separability

Each chapter, section, paragraph, sentence, clause, phrase or other divisible part of the UDO is hereby declared to be severable. If any such chapter, section, paragraph, sentence, clause, phrase, or other divisible part of the UDO is declared unconstitutional or otherwise invalid (by any court of competent jurisdiction in a valid judgment or decree), such unconstitutionality or invalidity shall not affect any of the remaining chapters, sections, paragraphs, sentences, clauses, phrases, or other divisible parts of the UDO.

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Article 3. Administration

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3.01 Purpose

The purpose of this article is to describe the authority and responsibilities for administering this UDO. It provides regulations for legal nonconforming land uses, structures, and parcels, that were lawful before the adoption, or amendment of this UDO, but which would be prohibited, regulated, or restricted differently under the current terms of this UDO or an amendment that changed applicable requirements. It also describes how the ordinance is to be enforced, the penalties resulting from non-compliance and identifies the process to follow in resolving difference in interpretation.

3.03 City Council Role and Responsibility

- A. Role: The role of City Council in land use regulation and development approval includes considering amendments to the text of existing planning ordinances and documents and adopting or rejecting new planning documents, considering amendments to the text of the UDO and Official Zoning Map, establishing fees, hearing appeals, accepting final plats, and confirming appointments to the Planning Commission and Board of Architectural Review as submitted by the City Clerk of Council.
- B. Powers and Duties: For the purposes of this UDO, the City Council shall have the following powers and duties:
 - 1. To adopt the official Comprehensive Plan of the City of Centerville;
 - 2. To determine the number, qualifications, and terms of the members of Planning Commission, Board of Architectural Review, and confirm appointments to each Board or Commission based on those determinations;
 - 3. To initiate or act upon proposed amendments, supplements enactments to the UDO and changes to the Official Zoning Map, or changes to the UDO text or map per Section 5.07;
 - 4. To accept final plats;
 - 5. To decline to follow a recommendation of Planning Commission provided that such action is passed or approved by a majority vote of the full membership of the City Council;
 - 6. To modify or postpone the payment of park fees, upon application by the property owner, as provided for in the UDO;
 - 7. To monitor and insure implementation of the principles, goals, and strategies of the Comprehensive Plan; and

8. To adopt or amend the Official Thoroughfare Plan and the Official Zoning Map of the City of Centerville.

3.05 Planning Commission Role and Responsibility

- A. Role: The role of the Planning Commission in land use regulation and development approval includes responsibility for reviewing and recommending to City Council a Comprehensive Plan for the physical development of the City, the Official Transportation Plan, the Official Zoning Map and UDO amendments and/or enactments, amendments to the UDO regulations, preliminary plans and final plats, and other administrative development approvals. The Planning Commission also serves as the Centerville Board of Zoning Appeals.
- B. Powers and Duties: For the purposes of this UDO, Planning Commission shall have the following powers and duties:
 1. The Planning Commission shall have all the powers and duties prescribed by the Ohio Revised Code, the Charter of the City and all other applicable ordinances of the City;
 2. Recommendation of Ordinances to Council. The Planning Commission shall have the power to draft a new ordinance or an amendment to an existing ordinance. The Planning Commission shall recommend action to the City Council on a new ordinance or an amendment to an existing ordinance;
 3. Consultants. The City Manager, at the request of the Planning Commission, may temporarily retain the services of a consultant in special instances or circumstances to assist the Planning Commission in performing its duties;
 4. Rules of Procedure. The Planning Commission shall have the power to adopt rules of procedure as may be necessary to perform its duties;
 5. To make decisions on conditional uses, major site plans, variances, preliminary plans and final plats, and other administrative approvals;
 6. To decide appeals of administrative decisions;
 7. To approve proposed uses that are not listed as substantially similar to a permitted or conditionally permitted use listed in the UDO;
 8. To assist with the implementation of the principles, goals, and strategies of the Create the Vision Community Plan;
 9. To grant variances to the standards of the UDO; and

10. The Planning Commission shall have all additional powers granted by the City Council.

C. Officers; Meetings; Conflicts of Interest

1. Composition: The Planning Commission shall consist of 7 members who are appointed by City Council.
2. Residency: In considering appointments or reappointments to the Planning Commission, the City Council shall consider only those applicants residing within the City
3. Terms of Office: The term of office for a member of the Planning Commission shall be 4 years. Members of the Planning Commission appointed by City Council under Ordinance 13-86, hereby repealed, shall automatically be reappointed to fill their unexpired term of office.
4. Compensation: Members of the Planning Commission shall serve without compensation.
5. Vacancies: City Council shall appoint a new member to fill the unexpired term of any Planning Commission member whose place has become vacant.
6. Removal from Office: Removal from office shall be in accordance with the provisions of the Charter of the City of Centerville, Ohio.
7. Officers: A Chairperson shall be appointed by City Council from the members of the Planning Commission. The Vice-Chairperson shall be appointed by the Chairperson.
8. Terms of Officers: The Chairperson and Vice-Chairperson shall serve a 1 year term of office.
9. Meetings: The members of the Planning Commission shall hold as many meetings as are necessary to carry out their duties.
10. Quorum: Four (4) members of the Planning Commission shall constitute a quorum for the transaction of business. (*Ord 15-16*)
11. Voting: A majority of the quorum shall be required to adopt a motion. A minimum of four (4) votes shall be required to adopt a motion for UDO text and zoning map amendments. (*Ord. 15-16*)
12. Meeting Minutes: The Planning Commission shall keep a record, which shall be open to the public, of its resolutions, proceedings, substantive arguments and actions.

13. **Public Meetings:** All meetings of the Planning Commission shall be open to the public. Persons attending a meeting of the Planning Commission shall be given the opportunity to speak for or against any application before the Planning Commission.
 14. **Conflicts of Interest:** No member of the Planning Commission shall vote or participate in the Commission’s discussion of any question before the Planning Commission in which he or she has a personal or pecuniary interest. All members of the Planning Commission are subject to the City's Code of Ethics as provided in Chapter 206 of the Administration Code.
- D. **Work Session:** The Planning Commission may hold a work session(s) as needed to review informal proposals, provide information and feedback to an applicant prior to filing of a formal application, and to request additional information for pending applications.
 - E. **Formal Meeting:** The Planning Commission shall hold a formal meeting at which complete applications and cases referred to the Planning Commission by the Technical Review Committee (TRC) and/or the City Planner shall be considered. Prior to review and action by Planning Commission, these applications may be reviewed by the TRC, reported on, and presented to the Planning Commission by staff.

3.07 Board of Architectural Review (BAR) Role and Responsibility

- A. **Role:** In order to execute the purposes declared in this ordinance, there is hereby created a commission to be called the Board of Architectural Review (BAR).
- B. **Duties and Powers of the Board of Architectural Review**
 1. **Site Plan Review:** The BAR shall have the power to approve or disapprove alterations to site plan element(s) within the Architectural Preservation District (APD) in accordance with the requirements and procedures contained within this Zoning Ordinance;
 2. **Design Review Criteria Booklet:** The BAR shall adopt, update, and make available to any interested persons a booklet containing architectural design guidelines for buildings, signs, landscaping;
 3. **Demolitions:** The BAR shall have the power to approve or disapprove the demolition of all buildings within the APD in accordance with the procedures and criteria established within this ordinance;
 4. **Adoption of the BAR Color Chart:** The BAR shall adopt a color chart of exterior building color schemes approved for use within the APD. This color chart and all adopted amendments to it shall be known as the BAR Color Chart and shall hereby be incorporated by reference and made a part of this Ordinance;

5. The BAR shall recommend to Council structures or sites to be designated as landmarks;
6. The BAR shall decide applications regarding the preservation, restoration, reconstruction, or rehabilitation of a designated landmark;
7. Consultants: The City Manager, at the request of the BAR, may temporarily retain the services of a consultant for special instances or circumstances to assist the BAR in performing its duties;
8. Education of the Community: The BAR shall have the power and duty to inform the citizenry about the cultural and architectural history of the community;
9. To assist with the implementation of the principles, goals and strategies of the Create the Vision Community Plan; and
10. Additional Powers: The BAR shall have all additional powers granted by the City Council.

C. Officers, Meetings, Conflicts of Interest

1. Composition: The BAR shall consist of 7 members who are appointed by City Council. In considering appointments or reappointments to the BAR, City Council shall attempt to achieve the following BAR composition:
 - a. At least 4 members residing, conducting business, or owning a property or business within the Architectural Preservation District;
 - b. At least 1 member of the Centerville-Washington Township Historical Society;
 - c. 2 members not included in either category "a" or "b" above; and
 - d. At least 2 of the above 7 members should be professionals in the disciplines of architecture, history, architectural history, historic preservation, city planning, archaeology, or related disciplines, to the extent such professionals are available in the community.
2. Terms of Office: The term of office for a member of the BAR shall be 4 years. Members of the BAR appointed by City Council under Ordinance 11-86, hereby repealed, shall automatically be reappointed to fill their unexpired term of office.
3. Compensation: Members of the BAR shall serve without compensation.

4. Vacancies: City Council shall appoint a new member to fill the unexpired term of any BAR member whose place has become vacant.
 5. Removal from Office: Removal from office shall be in accordance with the provisions of the Charter of the City of Centerville, Ohio.
 6. Officers: A Chairperson shall be appointed by City Council from the members of the BAR. The Vice-Chairperson shall be appointed by the Chairperson.
 7. Terms of Officers: The Chairperson and Vice-Chairperson shall serve a 1 year term of office.
 8. Meetings: The members of the BAR shall hold as many meetings as may be necessary to carry out their duties.
 9. Quorum: Four (4) members of the BAR shall constitute a quorum for the transaction of business. (*Ord. 15-16*)
 10. Voting: A majority of the quorum shall be required to adopt a motion. (*Ord. 15-16*)
 11. Meeting Minutes: The BAR shall keep a record, which shall be open to the public, of its resolutions, proceedings, substantive arguments and actions.
 12. Public Meetings: All meetings of the BAR shall be open to the public. Persons attending a meeting of the BAR shall be given the opportunity to speak for or against any application before the BAR.
 13. Conflicts of Interest: No member of the BAR shall vote or participate in the Board's discussion of any question before the BAR in which he or she has a personal or pecuniary interest. All members of the BAR are subject to the City's Code of Ethics as provided in Chapter 206 of the Administration Code.
- D. Rules: The BAR shall adopt rules for holding regular formal meetings, work sessions and special meetings, for the transaction and disposition of its business and the exercise of its powers.
- E. Work Session: The BAR may hold a work session as needed to review informal proposals, provide information and feedback to an applicant prior to filing of a formal application, and to request additional information for pending applications.
- F. Formal Meeting: The BAR shall hold a formal meeting at which complete applications and cases referred to the BAR by the Technical Review Committee (TRC) and/or the City Planner shall be considered. Prior to review and action by the BAR, these applications may be reviewed by the TRC, reported on, and presented to the BAR by staff.

3.09 City Planner Role and Responsibility

- A. Role: The City Manager shall assign the City Planner or other appointed designee to administer the UDO.

- B. Administration: For the purpose of the UDO, the City Planner shall:
 - 1. Interpret the meaning and application of the UDO;
 - 2. Issue zoning certificates, accessory use permits, sign permits, and other administrative permits;
 - 3. Serve as administrative staff to the Planning Commission and Board of Architectural Review.
 - 4. Accept and certify, as to completeness, all submitted applications. Incomplete applications will not be placed on an agenda;
 - 5. Establish and publicize the agenda for all meetings;
 - 6. Place informal proposals on the agenda of the TRC, Planning Commission, and Board of Architectural Review;
 - 7. Respond to inquiries;
 - 8. Maintain permanent and current records in conformance with the City’s Records Retention/Disposition Policy.
 - 9. Review and decide on Minor Site Plans.
 - 10. Review and recommend Major Site Plans.
 - 11. Interpret the UDO text and zoning map as outlined in Section 5.07.
 - 12. Serve as chairperson to of the TRC; and
 - 13. Provide minutes of all Planning Commission and Board of Architectural Review meetings.

- C. Enforcement: The City Manager shall assign the City Planner, Code Enforcement Officer or other appointed designee to enforce the UDO. For the purpose of the UDO, the City Planner shall:

1. Conduct inspection of sites, buildings and uses of land to determine compliance with the UDO; and
2. Determine the existence of any violations of this UDO, issue notifications, or initiate other administrative or legal action as needed.

3.11 Technical Review Committee (TRC) Role and Responsibility

- A. Role: The TRC is the technical review body composed of City staff responsible for the initial review of applications submitted to the City under the UDO.
- B. Powers and Duties: The members of the TRC shall review all applications forwarded to it by the City Planner and respond to other issues to be considered by the City Council, Planning Commission, and the Board of Architectural Review that are relevant to the purpose, intent, and implementation of the UDO and other related regulations, as determined by the City Planner, Planning Commission or Board of Architectural Review.
- C. Membership: The TRC shall be comprised of at least 1 staff member from the Departments of Development, Public Works, Planning, Engineering and Fire Division. Additional persons possessing specific expertise in a matter relating to a given application or issue may be added to the TRC, as determined by the City Planner including, but not limited to, Building Inspection, Economic Development, Police Division, and the Municipal Attorney.
- D. Meetings: The City Planner will serve as the Chairperson to the TRC, schedule meetings, and prepare follow-up reports as appropriate. At his/her discretion, the City Planner may invite the applicant to attend the TRC meeting. The TRC meeting for an application shall occur before the staff report is prepared for that application.

3.13 Nonconforming Uses, Lot, Setbacks, Structures and Land in Combination

- A. Purpose: Within the district established by this Ordinance, nonconformances include lots, uses of land, structures, and structures and land in combination that exist and were lawful before this Ordinance was passed or amended, but would be prohibited, regulated or restricted under the terms of this Ordinance. The legitimate interest of those who lawfully established these nonconformities are recognized by providing for their continuance, subject to regulations limiting their completion, restoration, reconstruction, extension and/or substitution. Nothing contained in this Ordinance shall be construed to require any change in the layout, plans, construction, size or use of any lot, structure or structure and land in combination for which a zoning permit became effective and does not lapse prior to the effective date of this Ordinance. While it is the intent of this Ordinance that such nonconformities be allowed to continue until removed, they should not be encouraged to survive. Nonconformity shall not be moved, extended, altered, expanded, or used as grounds for any other use(s) or structure(s) prohibited elsewhere in the district without the

approval of the Planning Commission, except as otherwise specifically provided for in this Ordinance.

- B. **Incompatibility of Nonconformities:** Nonconformities are declared by this Ordinance to be incompatible with permitted uses in the districts in which such uses are located. A nonconforming use of a structure, a nonconforming use of land or a nonconforming use of a structure and land in combination shall not be extended or enlarged after passage of this Ordinance or by the addition of other uses of a nature which would be generally prohibited in the district in which such use is located.
- C. **Avoidance of Undue Hardship:** To avoid undue hardship, nothing in this Ordinance shall be deemed to require a change in the plans, construction or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Ordinance and upon which actual building construction has been carried on diligently. Actual construction is defined to include the placing of construction materials in permanent position and fastened in a permanent manner. Where demolition or removal of an existing building has substantially begun preparatory to rebuilding, such demolition or removal shall be deemed to be actual construction.
- D. **Certificates of Nonconformance:** The City Planner may, upon his/her own initiative, or shall upon the request of any owner, issue a zoning certificate for any lot, structure, use of land, use of structure or use of land and structure in combination, that certifies that the lot, structure or use is a valid nonconforming use. The Certificate shall specify the reason why the use is a valid nonconforming use, including a description of the extent and kind of use made of the property in question, the portion of the structure or land used for the nonconforming use, and the extent that dimensional requirements are nonconforming. The purpose of this Section is to protect the owners of lands or structures that are, or becoming, nonconforming. No fee shall be charged for such a certificate. One (1) copy of the certificate shall be returned to the owner and 1 copy shall be retained by the City Planner, who shall maintain, as a public record, a file of all such nonconforming lots, structures, uses of land, uses of structures, or uses of structures and land in combination.
- E. **Substitution of Nonconforming Uses:** So long as no structural alterations are made, except as required by enforcement of other codes or ordinances, any nonconforming use may, upon appeal to and approval by Planning Commission, be changed to another nonconforming use of the same classification or of a less intensive classification, provided that Planning Commission shall find that the use proposed for substitution is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change, Planning Commission may require that additional conditions and safeguards be met, which requirements shall pertain as stipulated conditions to the approval of such change, and failure to meet such conditions shall be considered a punishable violation of this Ordinance. Whenever a nonconforming use has been

changed to a less intensive use or becomes a conforming use, such use shall not thereafter be changed to a more intensive use or other nonconforming use.

- F. **Single Nonconforming Lots of Record:** In any district in which single-family dwellings are permitted, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this Ordinance. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. This provision shall apply even though such lot fails to meet the requirements for area or width, or both (that are generally applicable in the district), provided that yard dimensions and requirements other than those applying to area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located.
- G. **Nonconforming Lots of Record in Combination:** If two (2) or more lots or a combination of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this Ordinance, and if all or part of the lots with no buildings do not meet the requirements established for lot width and area, the lands involved shall be considered to be an undivided parcel for the purposes of this Ordinance. No portion of said parcel shall be used or sold in a manner which diminishes compliance with lot width and area requirements established by this Ordinance, nor shall any division of any parcel be made which creates a lot with a width or area below the requirements stated in this Ordinance.
- H. **Nonconforming Uses of Land:** At the time of adoption of this Ordinance, lawful uses of land exist which would not be permitted by the regulations imposed by this Ordinance. These uses may be continued so long as they remain otherwise lawful, provided:
1. No such nonconforming uses shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Ordinance;
 2. No such nonconforming uses shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such uses at the effective date of adoption or amendment of this Ordinance;
 3. If any such nonconforming uses of land are voluntarily discontinued or abandoned for more than one (1) year (except when government action impedes access to the premises), any subsequent use of such land shall conform to the regulations specified by this Ordinance for the district in which such land is located; and
 4. No additional structure not conforming to the requirements of this Ordinance shall be erected in connection with such nonconforming use of land.

5. A non-conforming recreational vehicle use of a premises shall be lost if any of the following shall occur:
 - a. The use is discontinued for more than 6 months;
 - b. The non-conforming recreational vehicle is replaced. Any replacement recreational vehicle must conform to all of the requirements of this UDO;
 - c. The ownership of the premises on which the non-conforming recreational vehicle use exists is changed and no former owner remains an owner; and
 - d. Eighteen months after the date of adoption of this Ordinance.
 6. A non-conforming vehicle parking area use that is not graded and constructed with a hard paved surface shall be lost 18 months after the date of adoption of this Ordinance. (*Ord. 17-14*)
- I. Nonconforming Structures: Where a lawful structure exists at the effective date of adoption or amendment of this Ordinance that could not be built under the terms of this Ordinance by reason of restrictions on area, lot coverage, height, yards, its location on the lot, bulk or other requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:
1. No such nonconforming structure may be enlarged or altered in a way which increases its nonconformity, but any structure or portion thereof may be altered to decrease its nonconformity;
 2. Should such nonconforming structure or nonconforming portion of a structure be destroyed, by any means, to the extent of more than 50 percent of the cost of replacement at time of destruction of such structure, it shall not be reconstructed except in conformity within the provision of this Ordinance; and
 3. Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.
- J. Nonconforming Uses of Structures or of Structures and Land in Combination: If a lawful use involving individual structures, or of a structure and land in combination, exists at the effective date of adoption or amendment of this Ordinance that would not be allowed in the district under the terms of this Ordinance, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. No existing structure devoted to a use not permitted by this Ordinance in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located;
 2. Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this Ordinance, but no such use shall be extended to occupy any land outside such building;
 3. Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district, and the nonconforming use may not thereafter be resumed;
 4. When a nonconforming use of a structure, or structure and land in combination, is discontinued or abandoned for more than 1 year (except when government action impedes access to the premises), the structure, or structure and land in combination, shall not thereafter be used except in conformity with the regulations of the district in which it is located; and
 5. When nonconforming use status is applied to a structure and land in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land.
- K. Termination of Use through Discontinuance: When any nonconforming use is discontinued or abandoned for more than 1 year, any new use shall not thereafter be used except in conformity with the regulations of the district in which it is located, and the nonconforming use may not thereafter be resumed. The intent to continue a nonconforming use shall not be evidence of its continuance. In the event that any nonconforming building or structure is destroyed by any means to the extent of more than 50 percent of the cost of replacement of such structure, exclusive of foundation, it shall not be rebuilt, restored or reoccupied for any use unless it conforms to all regulations of this Ordinance.
- L. Repairs and Maintenance: On any nonconforming structure or portion of a structure containing a nonconforming use, work may be done on ordinary repairs, or on repair or replacement or non-bearing walls, fixtures, wiring or plumbing, provided that the cubic content existing when it became nonconforming shall not be increased. Nothing in this Section shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official. Where appropriate, a building permit for such activities shall be required.

3.15 Ordinance Enforcement and Penalties

- A. **Enforcement by City Planner:** It shall be the duty of the City Planner to enforce this UDO in accordance with these administrative provisions. All departments, officials and employees of the City of Centerville, shall comply with the provisions of this UDO, and shall issue no permit, license, or registration for any use, building or purpose in conflict with the provisions of this UDO. Any permit, license, or registration issued in conflict with the provisions of this UDO shall be voidable by the City Planner. The duties imposed on the City Planner shall not constitute a limitation on the power of other enforcement officers of this City to make arrest or to institute prosecutions for violations of this UDO.
- B. **Violations and Penalties:** It shall be unlawful to locate, erect, construct, reconstruct, enlarge, change, maintain, or use any building or land in violation of any of the provisions of this UDO, or any amendment or supplement thereto adopted by the City Council of the City of Centerville. Any person, firm, corporation, or other legal entity violating any of the provisions of this UDO, or any amendment or supplement, shall be guilty of a fourth degree misdemeanor (ORC Section 713.13). Upon conviction, the person, firm, corporation, or other legal entity shall be fined not more than maximum permitted by law. Any person, firm, corporation, or other legal entity that is convicted of violating any of the provisions of this UDO, having been previously convicted of violating any of the provisions of this UDO, or any amendment or supplement within 2 years of the offense charged, shall be guilty of a fourth degree misdemeanor and fined not more than the maximum permitted by law. Each and every day during which such illegal location, erection, construction, reconstruction, enlargement, change, maintenance or use continues, shall be deemed to be a separate offense.
- C. **Violations, Remedies:** In case any building, is or is proposed to be used, in violation of this UDO, or any amendment or supplement, the City Council, City Manager, Municipal Attorney, City Planner or any adjacent or neighboring property owner who would be specifically damaged by such violation may institute appropriate action or proceedings to prevent such unlawful location, erection, construction, reconstruction, alteration, conversion, maintenance or use. The action could be to restrain, correct or abate such violation; to prevent the occupancy of said building structure or land; or to prevent any illegal act, conduct, business or use in or about such premises.
- D. **Exemptions:** Government entities carrying out a governmental function, activity, or implementation of essential services may be exempt in whole or in part from this UDO at the discretion of the Municipal Attorney or the City Planner.
- E. Nothing herein contained prevent the City from taking such other lawful action as is necessary to prevent or remedy any violation.

- F. A person who operates or causes to be operated a sexually oriented business without a valid license or in violation of Section 9.49 of this UDO is subject to a suit for injunction as well as prosecution for criminal violations. Such violations shall be punishable by a fine of up to \$200 dollars or 30 days imprisonment. Each day a sexually oriented business so operates is a separate offense or violation.

- G. Whoever causes, by willful action or willful neglect, any alteration of or demolition of any designated landmark in violation of this chapter shall be required to restore or reconstruct such buildings in accordance with the standards of this UDO. Restoration or reconstruction shall be in addition to any criminal penalty and not in-lieu thereof.

3.17 Ordinance Interpretation

A. Interpretations

Some terms or phrases within the Code may have 2 or more reasonable meanings. This section provides a process for resolving differences in the interpretation of the Code text.

B. Code Interpretation Procedure

1. Requests: Any person, firm, corporation, or other legal entity may request a code interpretation. A code interpretation shall be made in writing to the City Planner.

2. Decision to Issue Interpretation: The City Planner shall have the authority to interpret the code, or refer the request to the Planning Commission for its interpretation. The City Planner shall, within 14 days after the request is made, review and advise in writing on whether or not the City will make an interpretation.

3. Written Interpretation: If the City decides to issue an interpretation, it shall be issued in writing and shall be mailed or delivered to all parties that requested the interpretation. The written interpretation shall be issued within 14 days of the request. The decision shall become effective 10 working days later.

4. Appeals: The applicant and any party who received notice or who participated in the proceedings through the submission of written or verbal evidence may appeal the decision to the Planning Commission citing the procedure outlined in Section 5.19. The appeal must be filed within 10 days after the interpretation was mailed to the applicant. Initiating an appeal requires filing a notice of appeal with the City Planner pursuant to Section 5.19. (*Ord.04-18*)

5. Interpretations on File: The City shall keep on file a record of all code interpretations.

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Article 5: Development Procedures

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5.01 Purpose

This Article outlines the procedures and information necessary to obtain development approvals. It also establishes procedures for the appeal and review of determinations and decisions of the Planning Commission, Board of Architectural Review (BAR) and City Planner.

5.03 General Requirements

- A. The following requirements apply generally throughout this article:
 - 1. All applications for Planning Commission or BAR approval will first be reviewed by the City Planner and may be reviewed by the Technical Review Committee (TRC), at the City Planner's discretion. The TRC will only review applications forwarded to it by the City Planner. The City Planner will prepare a report with recommendations and will make a presentation at the Planning Commission, and BAR meetings as appropriate;
 - 2. Applications may be reviewed by Planning Commission or BAR in a regularly scheduled work session prior to the Commission's regularly scheduled formal meeting as appropriate; and,
 - 3. Unless otherwise indicated within this UDO, all applications for permits or other approvals shall be made to the City Planner or Designee appointed by the City Manager.

- B. Expiration of Approvals.
 - 1. Approvals granted by the City shall expire if the work has not begun within 1 year from the date of approval.
 - 2. If the work described in any Zoning Certificate has not been substantially completed within 1 year of the date of issuance thereof, said certificate shall expire and be cancelled by the Zoning Inspector and written notice shall be given to the owner and contractor. Additional work shall not occur until a new Zoning Certificate is issued.

5.05 Consolidated Approvals

Where possible, this Section intends to accommodate the simultaneous processing of applications for different permits and approvals which may be required for the same development project in order to make the review process as short as possible. Such possibilities for concurrent filing and processing of applications include, but are not limited to, the following:

- 1. A conditional use along with a Development Plan or Major Site Plan;
- 2. A rezoning along with a petition for annexation; and,
- 3. Preliminary Plat along with a Record Plat per Section 5.09. (*Ord. 16-13*)

5.06 Public Hearings and Notice

A. Clerk of Council to Set Public Hearings

The City Clerk of Council or his or her designee shall set the time, date, and place for each public hearing.

B. Notice of a Public Hearing

A notice of a public hearing shall include the time, date, place, and a brief summary of the issue to be heard.

C. Public Hearing for a Rezoning or Amendment to the Zoning Ordinance

1. Planning Commission Public Hearing and Notice:

- a. Within 10 business days of determining that an application contains all the necessary and required information, the City Clerk of Council shall place the application on a Planning Commission agenda and schedule a public hearing on the proposed amendment.
- b. Notice of the hearing shall be provided at least once in one or more newspapers of general circulation in the City.
- c. The notice shall be published at least seven (7) business days before the date of the hearing.
- d. The notice shall state the time, date, place of the hearing and a brief summary of the proposed amendment. The text of the proposed amendment and maps shall be on file for public examination in the office of the Clerk of Council;
- e. Rezoning Notice to Property Owners:
 - i. The Clerk of Council shall provide written notice of a public hearing for any rezoning where such application intends to rezone ten (10) or fewer parcels of land as listed on the County Auditor's current tax lists.
 - ii. The public hearing notice shall be provided to all property owners of property within 500 feet of the area proposed to be rezoned. The applicant shall provide a list, based upon the County Auditor's current tax lists, of all property owners within 500 feet of the area proposed to be rezoned.
 - iii. The City Clerk shall send such notice, by first class mail, at least seven (7) business days before the date of the hearing addressed to the owners appearing on the County Auditor's current tax list and to such other list verified by staff.

- iv. The failure of delivery of such notice shall not invalidate any such ordinance, measure, or regulation.

2. City Council Public Hearing and Notice:

- a. City Council shall introduce the rezoning or amendment by ordinance after the Planning Commission recommends action to the Council in accordance with Section 5.03 of the Centerville Charter.
- b. The Clerk of Council shall publish a notice of the public hearing at least 30 days prior to the date of the public hearing.
- c. The public hearing notice shall be placed in a newspaper of general circulation in the City.
- d. The notice shall state the time, date, place of the hearing and a brief summary of the proposed amendment. The text of the proposed amendment and/or maps shall be on file for public examination in the office of the Clerk of Council;
- e. Rezoning Notice to Property Owners:
 - i. The Clerk of Council shall provide written notice of a public hearing for any rezoning where such application intends to rezone ten (10) or fewer parcels of land as listed on the County Auditor's current tax lists.
 - ii. The public hearing notice shall be provided to all property owners of property within 500 feet of the area proposed to be rezoned. The applicant shall provide a list, based upon the County Auditor's current tax lists, of all property owners within 500 feet of the area proposed to be rezoned.
 - iii. The City Clerk shall send such notice, by first class mail, at least twenty (20) days before the date of the hearing addressed to the owners appearing on the County Auditor's current tax list and to such other list(s) verified by staff.
 - iv. The failure of delivery of such notice shall not invalidate any such ordinance, measure, or regulation.

D. Public Hearing for a Development Plan, Conditional Use, Variance, Appeal, Landmark, or Council Review of a Major Site Plan

- 1. Public Hearing Scheduling: Within 10 business days of determining that an application contains all the necessary and required information, the City Clerk of Council shall place the application on the agenda and schedule a public hearing. All documentation including any

maps and plans shall be on file for public examination in the office of the City Planner or Clerk of Council. (*Ord. 5-18*)

2. Notice to Property Owners: Written notice of the public hearing shall be provided to all owners of property within 500 feet of the subject parcel. The notice shall state the time, date, place of the hearing and a brief summary of the proposal. The City Clerk of Council shall send such notice, by first class mail, at least seven (7) business days before the date of the hearing addressed to the owners appearing on the County Auditor’s current tax list and to such other list or lists as verified by staff. (*Ord. 5-18*)

5.07 UDO Text and Official Zoning Map Amendments

- A. Definition: Zoning amendments include amendments to the Official Zoning Map and/or to the UDO text. A person, corporation, Planning Commission, or City Council may initiate amendments. The City Planner, Planning Commission and City Council shall review amendments.
- B. Amendment Process: Amendments may be initiated in one of the following ways:
 1. By the filing of an application to Planning Commission by the owners or agent of the owner of the property within the area proposed to be affected or changed by said amendment;
 2. By the adoption of a motion by the Planning Commission; or
 3. By the adoption of a motion by City Council and referral to the Planning Commission.

All text and map amendments shall follow the same procedure. City Council initiated text or map amendments shall be referred to Planning Commission for recommendation prior to Council consideration.

- C. Standards for Approval: The following criteria shall be followed in approving zoning map and text amendments to the UDO (*Ord. 17-14*):
 1. That the zoning district classification and use of the land will not materially endanger the public health or safety;
 2. That the proposed zoning district classification and use of the land is reasonably necessary for the public health or general welfare, such as by enhancing the successful operation of the surrounding area in its basic community function or by providing an essential service to the community or region;

3. That the proposed zoning district classification and use of the land will not substantially injure the value of the abutting property;
4. That the proposed zoning district classification and use of the land will be in harmony with the scale, bulk, coverage, density, and character of the area the neighborhood in which it is located;
5. That the proposed zoning district classification and use of the land will generally conform with the Create the Vision Comprehensive Plan and other official plans of the City;
6. That the proposed zoning district classification and use of the land are appropriately located with respect to transportation facilities, utilities, fire and police protection, waste disposal, and similar characteristics; and
7. That the proposed zoning district classification and use of the land will not cause undue traffic congestion or create a traffic hazard.

D. Amendment Process Steps: Amendments to the UDO text or map shall be submitted according to the following steps:

1. Pre-application Meeting: The applicant shall meet with the City Planner prior to submitting an application for an amendment. The purpose of the meeting is to discuss the proposal and to provide feedback regarding applicable standards and requirements;
2. Preliminary Review by City Planner: Upon receipt of an application, the City Planner shall, within 10 business days, review the application and determine whether it provides all necessary and required information. If it is incomplete, the City Planner shall advise the applicant of the deficiencies and inform the applicant that no further action will be taken on the application until all necessary and required information has been provided. If it is complete, the City Planner shall forward the application to the members of the TRC, if applicable. A complete application package shall be forwarded to Planning Commission;
3. Review by the TRC: The members of the TRC shall review the application and forward comments within five (5) business days to the City Planner, who shall then forward the comments of the TRC to the Planning Commission;
4. Public Hearing and Notice: See Article 5.06
5. Notice to Property Owners: See Article 5.06
6. Planning Commission Public Hearing: The Planning Commission shall review the application at a public hearing and recommend action to the City Council;

7. **Planning Commission Recommendation:** The Planning Commission may recommend that the amendment be approved as requested; approved with modifications by the Planning Commission; or be denied. Planning Commission shall indicate the specific reasons(s) for its recommendation. A recommendation for approval or approval with modifications shall be forwarded to the City Council in ordinance form;
8. **Notice by City Council and Public Hearing:** Following receipt of the recommendation from Planning Commission, the City Council shall introduce the proposed ordinance at a regular or special meeting in accordance with the provisions of the City Charter. The City Clerk shall schedule a public hearing on the proposed amendment; See Article 5.06
9. **Action by City Council:** After the public hearing, the City Council shall adopt by a majority vote of the full membership of City Council the Planning Commission’s recommendation; deny the recommendation; or adopt some modification thereof; and,
10. **Effective Date:** The amendment shall be effective 30 days following approval by the City Council unless otherwise indicated by emergency legislation.

E. **Submittal Requirements:** The following information shall be submitted:

1. The name(s), parcel address(s), mailing address(s), e-mail address(s) and telephone numbers of the applicant(s), and the property owner(s) or designated agent if other than the applicant(s);
2. Legal description of the parcel(s) to be rezoned, drawn by a surveyor registered in the State of Ohio;
3. A statement of the reason(s) for the proposed amendment;
4. Present use and zoning district;
5. Proposed use and zoning district of the subject site plus all parcels within 500 feet;
6. A vicinity map at a scale determined by the City Planner showing property lines, existing and proposed zoning, thoroughfares, and such other items as the City Planner may require;
7. The applicant shall provide a list (available from the County Auditor’s current tax list) of all property owners within 500 feet of the subject property including any property owner located in an adjoining community;
8. A statement on the ways in which the proposed amendment relates to the Community Plan;
9. The payment of the application fee as established by City Council; and

10. Electronic files of all developments, plans, subdivisions and other required information in a format defined by the City Planner.

F. Incidental UDO Text Amendments: Incidental amendments to the UDO text may be made by the City Planner or his/her designee without the adoption of a motion by the Planning Commission or City Council provided all of the following criteria are met:

1. The incidental amendment(s) do not change, nullify, modify, or alter the explicit or intended meaning of the text;
2. The incidental amendment(s) are limited to the correction or removal of misspelled words, duplicative words, misplaced or misused punctuation marks, excessive spacing between lines of text, excessive spacing between individual words, incorrect indentation of lines of text, pagination errors, incorrect section or table references, or errors in the sequencing of subsection letters, numbers, or symbols; and
3. The incidental amendment(s) shall be reviewed and approved by the Municipal Attorney.
(*Ord. 17-13*)

5.09 Development Review: Categories and Criteria

- A. General Requirements: Table 5-A summarizes the development reviews permitted under the UDO. Subsequent sections of the UDO define the applicable review processes and submittal requirements.
- B. Accessory Use and Buildings – Major: A Major Accessory Use is an accessory use that, because of its size, location, or intensity of activity, may have a material impact on adjacent property as determined by the City Planner. Accessory uses and buildings may be erected upon a lot on which a principal structure already exists. The use of the accessory building must be secondary and incidental to the principal use. The Planning Commission considers major accessory uses for approval. See Section 9.39 for standards. (*Ord. 5-18*)
- C. Accessory Uses and Buildings – Minor: A Minor Accessory Use is an accessory use that will not have a material impact on adjacent property as determined by the City Planner. Accessory uses and buildings may be erected upon a lot on which a principal structure already exists. The use of the accessory building must be secondary and incidental to the principal use. The City Planner considers minor accessory uses and buildings for approval. See Section 9.39 for standards. (*Ord. 5-18*)
- D. Certificates of Zoning Compliance (CZC): The Certificate of Zoning Compliance shall demonstrate that an approved development complies with the requirements of the UDO. The CZC must be issued prior to allowing a building permit to be issued. No building or other structure shall be erected, constructed, re-constructed, enlarged, moved or structurally altered, nor shall any excavation or site improvements be commenced, until the following has occurred:
1. The owner of the property involved or a person having an interest in such property and acting under written authority of the owner has applied for a CZC;
 2. The application for a CZC shall include the submittal of a site plan as defined herein;
 3. The City Planner, Planning Commission, or Board of Architectural Review shall review and approve a CZC depending upon whether a major or a minor site plan is required; (*Ord. 16-16*)
 4. The City Planner has issued the CZC following approval of the site plan; and ,
 5. Existing zoning and property maintenance violations have been remedied. (*Ord. 16-16*)

A CZC shall become void at the expiration of one (1) year after the date of issuance unless a building permit has been issued and construction has begun. If no construction has begun or the use has changed within one (1) year of the date of the certificate, a new application and certificate shall be required. See Article 11 for the definition of *Start of Construction*. (*Ord. 5-18*)

Table 5-A: Development Approvals (Ord. 16-13)

Request	UDO Application	UDO Permit(s) Required Before Construction	Approval Authority	Initial Appeal	Second Appeal
Accessory Use, Major	Zoning Certificate Application	Certificate of Zoning Compliance (CZC)	Planning Commission	City Council	Court of Common Pleas
Accessory Use, Minor	Zoning Certificate Application	CZC	City Planner	Planning Commission	City Council
Certificate for Nonconformance	Certificate for Nonconformance	CZC	City Planner	Planning Commission	City Council
Certificate of Zoning Compliance (CZC)	Certificate of Zoning Compliance (CZC)	CZC	City Planner	Planning Commission	City Council
Change in Use	Zoning Verification Application	CZC	City Planner	Planning Commission	City Council
Conditional Use	Conditional Use	Conditional Use Certificate	City Council	Court of Common Pleas	
Development Plan	Zoning Certificate Application	CZC	City Council	Court of Common Pleas	
Floodplain Permit	Floodplain Permit	Floodplain Permit	City Engineer	Planning Commission	City Council
Landscape Plan, Major	Zoning Certificate Application	CZC	Planning Commission	City Council	Court of Common Pleas
Landscape Plan, Minor	Zoning Certificate Application	CZC	City Planner	Planning Commission	City Council
Rezoning	Zoning Certificate Application	CZC	City Council	Court of Common Pleas	
Sign	Zoning Certificate Application	CZC	City Planner	Planning Commission	City Council
Site Plan, Major	Site Plan, Major	CZC	Planning Commission	City Council	Court of Common Pleas
Site Plan, Minor	Site Plan, Minor	CZC	City Planner	Planning Commission	City Council
Subdivision, Major Preliminary Plat	Subdivision Application	Letter of Approval	Planning Commission	City Council	Court of Common Pleas
Subdivision, Major Final Plat	Subdivision Application	Mayor and Planning Commission Chair	City Council	Court of Common Pleas	
Subdivision, Minor Lot Split	Subdivision Application	Signature of City Planner on Legal	City Planner	Planning Commission	City Council
Temporary Use	Zoning Certificate Application	CZC	City Planner	Planning Commission	City Council
Use Interpretation	Zoning Certificate Application	CZC	City Planner	Planning Commission	City Council
UDO Interpretation	Zoning Certificate Application	CZC	City Planner	Planning Commission	City Council
Variance	Variance Application	CZC	Planning Commission	City Council	Court of Common Pleas

- E. **Changes in Use:** A change in the use of a building or structure may be approved by the City Planner if the use is substantially similar to the existing use or another permitted use under the existing zoning district classification as indicated on the Official Zoning Map. A change in use may or may not involve interior or exterior building alterations. An application must be filed.
- F. **Conditional Use:** Conditional Uses are those uses that because of special requirements or characteristics may be allowed in a particular zoning district only after review by the Planning Commission and granting of Conditional Use approval imposing such conditions as necessary to make the use compatible with other uses permitted in the same district zone or vicinity. A Conditional Use shall be allowed in a zoning district after permission is granted by the City Council in accordance with the provisions of the UDO.
1. **Standards for Approval:** The following standards shall be considered in the review of Conditional Use Applications:
- a. The Conditional Use is a use that may be permitted with conditions, in the District for which it is proposed;
 - b. The Conditional Use will be in accordance with the general objectives, or with any specific objective, of the City’s Comprehensive Plan or this UDO;
 - c. The Conditional Use will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area;
 - d. The Conditional Use will not be hazardous or unreasonably disturb existing or future neighboring uses;
 - e. The Conditional Use will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to adequately provide any such services;
 - f. The Conditional Use will not create excessive additional requirements, at public cost, for public facilities and services and will not be detrimental to the economic welfare of the community;
 - g. The Conditional Use will not involve uses, activities, processes, materials, equipment and conditions or operations that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare negative appearance, or odors;

- h. The Conditional Use will have vehicular approaches to the property, which shall be designed so as not to interfere with traffic on surrounding public thoroughfares; and,
 - i. The Conditional Use will not result in the destruction, loss or damage of a natural, scenic, or historic feature of major importance.
 - 2. The Planning Commission and City Council shall each hold a public hearing on a Conditional Use in accordance with Section 5.06 D of this UDO.
 - 3. A Conditional Use Certificate shall authorize a particular conditional use on a specific parcel for which it was approved. The Conditional Use Certificate is non-assignable and shall expire 1 year from the date of enactment, unless prior to that date the applicant commences actual construction or business. There shall be no modification of a conditional use certificate except by Planning Commission.
- G. Development Plan: Approval of a Development Plan is required within the Residential Planned Development (R-PD), Office Planned Development (O-PD), Business Planned Development (B-PD), Industrial Planned Development (I-PD) and the Overlay Districts. The two-step Development Plan review and approval process includes submission of a Preliminary Development Plan and a Final Development Plan. Depending on the scope and complexity of the project proposed, the Planning Commission may permit the Preliminary Development Plan and the Final Development Plan to be combined as one (1) submission. The TRC, the Planning Commission and City Council review both plans. (*Ord. 17-14, 16-16*)
- 1. Standards for Approval, Preliminary Development Plan (PDP). The following standards shall be considered in the review of Preliminary Development Plan applications: (*Ord. 16-16, 5-18*)
 - a. The PDP addresses the goals, objectives, and outcomes of the City’s Comprehensive Development Plan and other adopted plans of the City;
 - b. The PDP meets the purpose and general characteristics of the substantive Planned District as described in Article 7.17;
 - c. The PDP addresses the impact of the project on other property or other uses located on the same property;
 - d. The PDP addresses compatibility with development on nearby property;
 - e. The PDP addresses safe conditions for pedestrians or motorists and the prevention of dangerous arrangement of pedestrian and vehicular ways; and
 - f. The PDP addresses safe ingress and egress on the site, and circulation within the site, for emergency vehicles.

2. Standards for Approval, Final Development Plan (FDP). The following standards shall be considered in the review of Final Development Plan applications: (*Ord. 16-16, 5-18*)
 - a. The FDP addresses the goals, objectives, and outcomes of the City’s Comprehensive Development Plan and other adopted plans of the City;
 - b. The FDP complies with the applicable requirements of the UDO;
 - c. The FDP adequately protects other property or other uses located on the same property;
 - d. The FDP is compatible with other development on nearby property;
 - e. The FDP provides safe conditions for pedestrians or motorists and prevents a dangerous arrangement of pedestrian and vehicular ways; and ,
 - f. The FDP provides safe ingress and egress on the site, and circulation within the site, for emergency vehicles.
 3. The Planning Commission and City Council shall each hold a public hearing on a Development Plan in accordance with Section 5.06 (D) of this UDO. The Planning Commission serves as a recommending body to the City Council for Development Plans. City Council serves as the final review authority for all Development Plans. (*Ord. 16-16*)
 4. Effect of Approval, Preliminary Development Plan: A Preliminary Development Plan (PDP) approval by the City Council shall not constitute an amendment to the Centerville Zoning Map. A PDP approval shall be valid for a period of one (1) year to allow the official submittal of a Final Development Plan. Unless the required Final Development Plan is properly submitted for Planning Commission review within the one year period, the PDP approval shall be voided unless an application for a time extension is submitted and approved by City Council. (*Ord. 16-16*)
 5. Effect of Approval, Final Development Plan: A Final Development Plan (FDP) approval by the City Council shall constitute an amendment to the Centerville Zoning Map as it applies to the land included in the approved amendment for the appropriate Planned and Overlay Districts. In the event zoning and building permits are not issued in association with an approved FDP within two (2) years of approval, the FDP shall expire. The expiration of an FDP shall also result in the expiration of the associated PDP. Therefore the land shall revert to its last previous zoning district, unless an application for an extension is submitted and approved by City Council. Where conflicts exist, the approved FDP shall supersede all previous PDP or FDP approvals. (*Ord. 16-16*)
- H. Minor Modifications: After the Major Site Plan has been approved by Planning Commission or the Board of Architectural Review and prior to issuing a Certificate of Occupancy, adjustments or rearrangements of buildings, drives, parking areas, recreation areas, entrances, heights, yards, changes to the exterior façade, or similar modifications, may be requested by the applicant. The City Planner shall review such amendments to a major site plan if the change involves 25 percent

or less of the original gross floor area or lineal dimension, or 1,000 square feet whichever is less. Amendments to a major site plan greater than this requirement shall be reviewed by the Planning Commission.

I. Reserved. (*Ord. 16-13*)

J. Floodplain Permit: A Floodplain Permit shall be obtained before construction begins within any area of special flood hazard as established in Section 9.37, D, Basis for Establishing the Areas of Special Flood Hazard. Application for a floodplain permit shall be made on forms furnished by the Engineering Department and approved by the City Engineer.

1. Standards for Approval: The following standards shall be considered in the review of Floodplain Permit applications:

- a. The flood plain application does not include uses that are dangerous to health, safety and property;
- b. The application includes uses that are protected against flood damage at the time of construction;
- c. The alteration of stream channels, natural floodplains and protective barriers are controlled;
- d. The filling, grading, dredging, and other development are sufficiently controlled; and
- e. The proposed construction in floodplain does not cause additional flooding of adjacent property.

K. Landscape Plan: A Landscape Plan shall be submitted as part of the site plan and Planned District review process. Such plans shall be reviewed and approved by the City Planner.

1. Standards for Approval: The following standards shall be considered in the review of Landscape Plan applications:

- a. The Landscape Plan meets all the requirements and fulfills the purposes and intent of the UDO;
- b. The Landscape Plan is in concurrence with relevant City plans and policies;
- c. The public's health, safety and welfare will not be adversely impacted by the proposal; and,
- d. The plant materials are approved by the City horticulturalist, including sufficiency.

L. Lighting Plan: Prior to the approval of a Building Permit, Occupancy Permit, or Certificate of Zoning Compliance, a plan demonstrating compliance with the exterior lighting standards of Section 9.27 will be submitted and approved by the City Planner.

1. Standards for Approval: The following standards shall be considered in the review of Lighting Plan applications:

- a. The Lighting Plan meets all the requirements and fulfills the purpose and intent of the UDO;
- b. The Lighting Plan is in concurrence with relevant City plans and policies;
- c. The public’s health, safety and welfare will not be adversely impacted by the proposal; and
- d. The exterior lighting meets illumination standards.

M. Sign Permit: No sign, whether permanent or temporary, shall hereafter be erected, constructed or maintained until the City Planner has issued a sign permit. This provision shall not apply to signs that are prohibited, as described in Section 9.51(C). The application for a sign permit shall be a Certificate of Zoning Compliance as defined in Article 11. (*Ord. 17-14*)

1. Standards for Approval: The following standards shall be considered in the review of Sign Permit applications:

- a. The Sign Permit application meets all the requirements and fulfills the purposes and intent of the UDO;
- b. The Sign Permit application is in concurrence with relevant City plans, including the Comprehensive Plan, and policies; and
- c. The public’s health, safety and welfare will not be adversely impacted by the proposal.

N. Site Plan – Major: Approval of a Site Plan is required for zoning approval prior to construction. Planning Commission or the Board of Architectural Review for properties situated in the Architectural Preservation District shall review all Major Site Plan applications. (*Ord. 17-14*)

1. Uses Requiring Major Site Plan Review: The following uses and structures require major site plan review: (*Ord. 17-14, 5-18*)

- a. New Multi-family buildings four units and above;
- b. New commercial, office, industrial, institutional and all other non-residential principal buildings and structures of 1,000 square feet or greater;
- c. Non-residential or multi-family accessory buildings and structures of 250 square feet of gross floor area or greater;

- d. Additions to any building or structure greater than 25 percent or 1,000 square feet of the original floor area, whichever is less;
 - e. Structured parking;
 - f. Parks; and
 - g. New parking lots of greater than 8 spaces, or additions of greater than 8 spaces to existing parking lots.
2. Standards for Approval: The following standards shall be considered in the review of Major Site Plan applications:
 - a. That it fully complies with all applicable requirements of the UDO;
 - b. That it fully complies with an approved Final Development Plan, if applicable; (*Ord. 17-14*)
 - c. That it adequately protects other property or residential uses located on the same property from the potential adverse effects of a non-residential use;
 - d. That it is consistent with the use and character of surrounding properties;
 - e. That it provides safe conditions for pedestrians or motorists and prevents the dangerous arrangement of pedestrian and vehicular ways; and
 - f. That it provides safe ingress and egress for emergency services.
 3. Following approval of a Major Site Plan by the Planning Commission, the City Planner shall issue a CZC based on the plans approved, as amended, by the Planning Commission. The City Planner shall review amendments to Major Site Plans if the change involves 25 percent or less of the original floor area, not to exceed 5,000 square feet.
- O. Site Plan – Minor: Approval of a Site Plan is required for zoning approval prior to construction. The City Planner shall review any application for a Minor Site Plan in accordance with the Standards for Approval contained in Section 5.09(N) Site Plan – Major of this UDO.
- P. Subdivision – Major: A Major Subdivision is the platting of land for the purposes of development. (*Ord. 5-18*)
1. Preliminary Plat: A preliminary plat may require approval by the Planning Commission prior to submitting a Record plat. A Preliminary Plat is a map of a subdivision of land that is

submitted to the Planning Commission for purposes of preliminary consideration and approval. The following standards shall be considered in the review of a Preliminary Plat application:

- a. The proposed Preliminary Plat meets all applicable standards of the UDO;
 - b. The proposed lots shall have adequate space to accommodate the building area and other site requirements;
 - c. The property has been surveyed to provide boundary, topographic, utility and other information relating to the property shall be submitted with the application;
 - d. The proposed lots have been approved for access management, utility management and stormwater management; and
 - e. The proposed lots have been approved relative to emergency access.
 - f. A Development Plan or a Residential Cluster Development Plan may be substituted for a Preliminary Plat in accordance with the requirements of the UDO.
2. Record plat: A record plat must be accepted by City Council and recorded by the Montgomery County Recorder's Office before lots may be transferred. The following standards shall be considered in the review of Record plat applications:
- a. That the Record plat is consistent with the approved Preliminary Plat, Development Plan, or Residential Cluster Development;
 - b. The property has been surveyed and a record plat prepared including all information relating to the property has been submitted with the application including electronic copies;
 - c. The City Engineer has approved all construction plans and documents prior to recording of the plat;
 - d. Execution of a Subdivider's Agreement is required with the City of Centerville.
 - e. Documents establishing any owners association and other development agreements have been approved by the Municipal Attorney's Office;
 - f. The maintenance bonding requirements have been met.
- Q. Subdivision – Minor: A Minor Subdivision or Lot split is a division of a single parcel of land or lot with no public improvements that is approved by the City Planner and does not require a plat

to be approved by Planning Commission. The following standards shall be considered in the review of Minor Subdivision applications: (*Ord. 16-13*)

1. The proposed subdivision meets all applicable standards of the UDO;
2. The proposed subdivision shall have adequate area to accommodate the building area and other site requirements;
3. The property has been surveyed and an acceptable drawing, legal description and other information relating to the property has been submitted with the application;
4. The proposed lot has been approved for access management and stormwater management; and
5. The proposed lot has been approved relative to emergency access.

R. Temporary Use: The City Planner may approve a temporary use.

1. Standards for Approval: The following standards shall be considered in the review of Temporary Use applications:
 - a. The proposed Temporary Use meets all requirements of the UDO.;
 - b. The site, if undeveloped, contains sufficient open space to support the Temporary Use;
 - c. The location of the Temporary Use on a site, if developed, shall be placed in a manner that does not interfere with the function of the permanent use;
 - d. The Temporary Use has sufficient off-street parking in a manner outlined in the UDO; and,
 - e. The public's health, safety, and welfare on and around the Temporary Use are assured.

S. *Reserved.*

T. Variance: A Variance involves permission to depart from the literal requirements of the UDO. The Planning Commission shall consider and decide on any Variance from this UDO. The procedures for considering a Variance are included in Section 5.17.

5.11 Development Review: Procedure

- A. General Requirements: This Section of the UDO outlines a series of actions that are required for development reviews. These actions are: (*Ord. 16-16*)
1. Review by the City Planner;
 2. Review by Planning Commission;
 3. Review by the Board of Architectural Review;
 4. Review by the City Council;
 5. Floodplain permit process;
 6. Major Subdivision process;
 7. Final Plat Amendment process; and
 8. Vacation of Streets, Alleys or Easements.
- B. Review by the City Planner: The following outlines the procedure under which the City Planner reviews development proposals: (*Ord. 16-16*)
1. Pre-application Meeting: The applicant is encouraged to meet with the City Planner prior to submitting an application. The purpose of the meeting is to discuss the proposal and to provide feedback regarding applicable standards and requirements.
 2. Formal Application Submittal: The applicant shall submit an application that meets all of the applicable requirements of the UDO. This shall occur consistent with the submittal schedule indicating application submittal and meeting dates established by the City Planner.
 3. Application Certification by City Planner: Upon receipt of an application, the City Planner shall, within 5 days, review the application as to completeness. If it is incomplete, the City Planner shall advise the applicant of the deficiencies and shall not process the application until the deficiency is corrected. If it is complete and appropriate in the City Planner's professional judgment, the application shall be forwarded to the TRC, if applicable.
 4. Review by the TRC: At the City Planner's Discretion, members of the TRC may review the application and provide comments within 5 days to the City Planner.
 5. Action by the City Planner: Within 15 days of a complete application, the City Planner shall render a decision to approve, approve with conditions, or deny an application. The decision

shall be communicated by permit, certificate of zoning compliance or letter to the applicant citing the reasons for the decision.

6. Appeal: The decision by the City Planner can be appealed to Planning Commission per Section 5.19.
- C. Review by Planning Commission: The following outlines the procedure under which Planning Commission reviews development proposals: (*Ord. 16-16*)
1. Pre-application Meeting: The applicant is encouraged to meet with the City Planner prior to submitting an application. The purpose of the meeting is to discuss the proposal and to provide feedback regarding applicable standards and requirements.
 2. Formal Application Submittal: The applicant shall submit an application meeting all of the applicable requirements of the UDO. This submittal shall occur consistent with the meeting dates and submittal schedule established by the Planning Commission.
 3. Application Certification by City Planner: Upon receipt of an application, the City Planner shall, within 5 days, review the application as to completeness. If it is incomplete, the City Planner shall advise the applicant of the deficiencies and shall not process the application until the deficiency is corrected. If it is complete, the City Planner shall forward the application to the TRC, if applicable.
 4. Preparation of Agenda and Public Notice: Following certification that an application is complete, the City Planner shall place the application on the agenda of Planning Commission's formal meeting in accordance with Article 5.06(D). Major Site Plan applications requiring Planning Commission approval are not subject to notification procedures. (*Ord. 17-14*)
 5. Review by TRC: At the City Planner's discretion, the members of the TRC may review the application at a meeting and provide comments within 5 days to the City Planner.
 6. Preparation of Staff Report: The City Planner shall prepare its staff report providing an analysis of the proposal and a recommendation. The City Planner shall consider comments from the TRC in formulating its recommendation. The application and written report shall be forwarded to the Planning Commission prior to the meeting at which the Planning Commission will consider the application.
 7. Action by the Planning Commission: The Planning Commission shall consider the application at its formal public meeting. It shall hear a presentation by staff as appropriate, a presentation by the applicant, and comments by interested parties. The Planning Commission shall consider this information and render a decision at the public meeting. If necessary, it can table and continue hearing the application at a future public meeting date as announced by the

- Planning Commission, at which time it shall render a decision. In rendering a decision, the Planning Commission shall consider the applicable decision criteria of this UDO. For applications solely under its review authority, the Planning Commission shall approve, approve with conditions or deny an application. Its decision shall take effect immediately, or at the earliest date allowed by law. When applicable, the Planning Commission shall recommend a course of action to the City Council for those applications that require City Council review. (*Ord. 18-13, 16-16*)
- D. Review by the Board of Architectural Review: The BAR shall follow the same development review procedure as Planning Commission as stated in Article 5.11(C) of this UDO.
- E. Review by the City Council: The following outlines the procedure under which the City Council reviews development proposals: (*Ord. 16-16*)
1. Preparation of Agenda and Public Notice: Following a formal review and recommended course of action by the Planning Commission or Board of Architectural Review (if applicable), the Clerk of Council shall place the application on the agenda of the City Council and provide proper public notification in accordance with Article 5.06(D).
 2. Preparation of Meeting Materials: The City Planner shall forward all relevant documentation reviewed by the Planning Commission or Board of Architectural Review (if applicable) to the Clerk of Council. Such documentation shall include the staff report, final decision letter, application materials, meeting minutes, correspondence from the public, and all other relevant documents.
 3. Action by the City Council: The City Council shall consider the application at its formal public meeting. It shall hear a presentation by staff as appropriate, a presentation by the applicant as appropriate, and comments by interested parties. The City Council shall consider this information and render a decision at the public meeting. If necessary, it can table and continue hearing the application at a future public meeting date as announced by the City Council, at which time it shall render a decision. In rendering a decision, the City Council shall consider the applicable decision criteria of this UDO. The City Council shall approve, approve with conditions, or deny an application. Its decision shall take effect immediately, or at the earliest date permitted by law.
- F. Floodplain Permit Procedure: The City Engineer is hereby appointed to administer and implement the UDO by granting or denying floodplain permit applications in accordance with its provisions.
1. Procedure: The City Engineer shall:
 - a. Review all floodplain permits to determine that the permit requirements of the UDO have been satisfied;

- b. Review all floodplain permits to assure that all necessary permits have been received from those Federal, State or local governmental agencies from which prior approval is required. The applicant shall be responsible for obtaining such permits, as required including permits issued by the Department of the Army under Section 10 of the Rivers and Harbors Act and Section 404 of the Clean Water Act;
 - c. Review all floodplain permits to determine if the proposed development is located within a designated floodway. Floodways are delineated on the Flood Insurance Rate Map of the Flood Insurance Study. Floodways may also be delineated in other sources of flood information;
 - d. If the proposed development is located within a designated floodway, assure that the encroachment complies with the provisions of Section 9.37; and
 - e. If determined as appropriate, submit an application for a floodplain permit to the TRC for review prior to his or her approval.
2. Use of other Base Flood Elevation and Floodway Data: Areas of special flood hazard where base flood elevation data have not been provided by FEMA, in accordance with Section 9.37, Basis for Establishing the Areas of Special Flood Hazard, are designated as Zone A on Centerville’s Flood Insurance Rate Map. Within these areas, the City Engineer shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a Federal, State or other source.
3. Information to be Obtained and Maintained: Where base flood elevation data are utilized within areas of special flood hazard on Centerville’s Flood Insurance Rate Map, regardless of the source of such data, the following provisions apply:
 - a. Obtain and record the actual elevation (in relation to mean sea level) of the lowest floor, including basement, of all new or substantially improved structures, and whether or not such structures contain an enclosure below the lowest floor; and
 - b. For all new or substantially improved flood proofed non-residential structures: verify and record the actual elevation (in relation to mean sea level) to which the structure was flood proofed; maintain the flood proofing certifications required in Section 9.37; and maintain for public inspection all records pertaining to the provisions of the UDO.
4. Alteration of Watercourse: The City Engineer shall also:
 - a. Notify adjacent communities and the Ohio Department of Natural Resources, Division of Water, prior to any alteration or relocation of a watercourse and submit evidence of such

notification to the FEMA. A watercourse is considered to be altered, if any change occurs within its banks;

- b. Maintain engineering documentation required in Section 9.37 that the flood carrying capacity of the altered or relocated portion of said watercourse will not be diminished;
 - c. Require that necessary initial construction and maintenance will be provided for the altered or relocated portion of said watercourse so that it remains where planned and the flood carrying capacity will not be diminished; and,
 - d. Make interpretations, where needed, as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Section 5.19 of this UDO.
- G. Subdivision – Major: Before any land is subdivided the owner of the property proposed to be subdivided, or the authorized agent, shall apply for and secure approval of the proposed subdivision in accordance with the following procedures, which includes a Preliminary Plat and Record plat. (*Ord. 16-13*)

1. Preliminary Plat

- a. Pre-application Meeting: The Subdivider shall meet with the City Planner prior to submitting a Preliminary Plat for consideration by the Planning Commission.
- b. Review by City Planner: Upon receipt of an application, the City Planner shall, within 5 days, review the application as to completeness. If it is incomplete, the City Planner shall advise the Applicant of the deficiencies and shall not process the application until all the necessary required information has been provided. If the application is complete, the City Planner shall submit the application to the TRC.
- c. Review by the TRC: The TRC shall review the application after the City Planner determines that the application is complete and forward its comments within 18 days to the City Planner. The City Planner shall forward copies of all documents filed with the Planning Department to the Planning Commission along with any report or recommendation of the TRC.
- d. Planning Commission Review: The Planning Commission shall review the application and render a decision on the Preliminary Plat; approve as requested, approve with modifications, or the plat be denied. The decision of the Planning Commission shall indicate the specific reasons(s) upon which their decision is based.

- e. **Zoning Certificate:** The Subdivider shall submit to the City Planner five sets of plans meeting the submittal requirements of Section 5.13 and all conditions of approval by the Planning Commission to the City Planner for approval and signature.
 - f. **Expiration:** The Planning Commission’s approval of a Preliminary Plat shall be effective for a maximum period of 1 year. The terms under which the approval was granted will not be affected by changes to the UDO. The approval of a Preliminary Plat will expire 1 year after the date of approval if a Record plat has not been approved for any section(s) or portion(s) of the Preliminary Plat. The Planning Commission may, upon written request by the Subdivider, grant 1 six-month extension of the Preliminary Plat approval. Such request must be granted by the Planning Commission prior to the expiration date.
2. **Record Plat**
- a. **Pre-application Meeting:** The Subdivider is encouraged meet with the City Planner prior to submitting a Record plat for consideration by the Planning Commission.
 - b. **Review by City Planner:** Upon receipt of an application, the City Planner or a designated representative shall, within 5 business days, review the application and determine whether it provides all necessary and required information. If it is incomplete, the City Planner shall advise the Subdivider of the deficiencies and inform the Subdivider that no further action will be taken on the application until all necessary and required information has been submitted.
 - c. **Review by TRC:** The TRC shall review the application after the City Planner determines that the application is complete and forward its comments within 18 days to the City Planner. The City Planner shall forward copies of all documents filed with the Planning Department to the Planning Commission along with any report or recommendation of the TRC.
 - d. **Planning Commission Review:** The Planning Commission shall recommend, within thirty days after the public meeting that the record plat be approved as requested, approved with modifications, or the plat be denied. The decision of the Planning Commission shall indicate the specific reasons(s) upon which their decision is based.
 - e. **City Council Review:** Within thirty (30) days after approval of the Record plat by the Planning Commission, the plat shall be transmitted to the City Council. City Council shall approve as recommended by Planning Commission, approve with modifications, or deny the plat.
 - f. **Subdivider’s Agreement:** Prior to recording of the Record plat, the Subdivider shall execute a Subdivider’s Agreement with the City.

g. Recording of Record plat: After a Record plat has been approved by the City Council, the Subdivider shall make all modifications to the original mylars for submission to the City Clerk of Council. The Subdivider shall also submit with the original mylars the following information:

- i. Construction drawings.
- ii. Performance Bond.
- iii. Fee for the Subdivider’s Agreement.
- iv. Any other fee required by this Record plat including a fee in-lieu of parkland dedication.

Record plats may not be recorded until all required signatures of officials have been placed on the Record plat. The City Clerk of Council shall release to the Subdivider the original mylars for recording at the County Recorder’s Office upon completion of the following:

- i. The Record plat has been properly signed by the appropriate officials.
 - ii. A Subdivider’s Agreement between the City and the Subdivider is executed.
 - iii. The construction drawings are approved by the City Engineer and City Planner.
 - iv. All other necessary information is approved by the respective city officials.
 - v. All necessary fees are paid.
- h. Construction Drawings: Five sets and one electronic copy of construction drawings for all improvements shall be provided to the City Planner for approval by the City.
- i. Expiration of Approval: Approvals granted for a Record plat shall expire 1 year after the date of approval by the City Council.
- j. Expedited Subdivision Procedure: In cases where the proposed subdivision includes less than 10 lots, to be developed in one phase, and is within a Planned Development Zoning District, the City Planner may elect to use the Expedited Subdivision Procedure. If so determined, the Subdivider may combine a Final Development Plan and Record plat. In doing so the same procedural steps for a Record plat will occur, however, a single set of documents for both the Development Plan and Record plat will be submitted as directed by the City Planner.

- k. **Single Lot Subdivisions:** A Major Subdivision plat that consists of a single lot may be submitted to the City under this procedure. The City Planner is hereby authorized to review and decide single lot Major Subdivisions. The City Planner can submit the Preliminary Plat and Record plat as a single set of documents to the TRC for review. The City Planner will identify the appropriate documents for submittal.
- H. **Final Plat Amendment:** Upon the application of an owner(s) of land described in a Record plat, the City Council may amend the Record plat, in whole or in part, where unusual or exceptional factors or conditions require the amendment to avoid undue hardship. (*Ord. 16-13*)
1. **Plat Amendment Defined:** A plat amendment is the alteration of a Record plat that changes any of the feature(s) required to be set forth in the plat by Section 5.11(F). The vacation or alteration of any street, road highway, alley, or easement by the City is not a plat amendment subject to the requirements of this section.
 2. **Filing Requirements:** The Subdivider shall file with the City Planner a Record plat amendment which meets the requirements of Section 5.13(G) and other City ordinances as applicable, together with an application for approval and all necessary plans and drawings, a letter indicating the reasons for the amendment, and a fee for the review of said plat amendment.
 3. **Procedure:** The procedure for a Record plat amendment shall be the same as a Record Plat established in Article 5.11(F)(2).
 4. **Record Plat Amendment is not a Variance:** A Record Plat Amendment shall comply with all established requirements of the UDO. Any proposed modification that does not meet an established or minimum requirement shall be subject to the variance procedures outlined in Article 5.17 of the UDO.
- I. **Vacation of Streets, Alleys, or Easements and Street Name Changes:** City Council may, by ordinance, vacate or alter any street, road, highway, alley, easement, or street name upon finding that there is good cause for such vacation or alteration. Any such vacation or alteration shall first be reviewed by the Planning Department, in order to make a recommendation to City Council. Notice of the intention of Council to vacate or alter any street, road, highway, alley, easement, or street name shall be published in a newspaper of general circulation in the City for six (6) consecutive weeks preceding such action unless all abutting landowners have filed written statements of consent to the proposed action with the City Clerk of Council, in which case no notice is required. Any application to vacate or alter any street, road, highway, alley, easement, or street name shall be accompanied by a fee of sufficient amount to cover all related costs incurred by the City. (*Ord 5-18*)

5.13 Development Review: Submittal Requirements

- A. General: The following general requirements shall apply:
1. Each development approval shall include an application provided by the City Planner with the submittal. The submittal shall also include, at minimum, six (6) full-size hard copies of all required documentation; (*Ord. 17-14*)
 2. The City shall process only complete applications. The City Planner shall make determination as to completeness;
 3. The City Planner may request additional supporting information that in his/her professional judgment is necessary to fully explain the applicant’s proposal. The applicant shall supply the requested additional information;
 4. The full application fee shall be presented to the City with the application; and
 5. Upon request and at the discretion of the City, the applicant or property owner shall provide advance payment or reimburse the City for expenses incurred in the review of the application, including, but not limited to, fees or dues paid to external consultants or advisors. (*Ord. 5-18*)
- B. Accessory Use – Major: The submittal for approval of a Major Accessory Use shall include an application form for an Accessory Use – Major/Certificate of Zoning Compliance, a Major Site Plan, related materials, and fee. The application shall include at a minimum:
1. Name and mailing address of the current property owner or designated agent;
 2. Property address, parcel identification number and zoning classification of the subject property;
 3. Description of the existing and proposed use;
 4. Extent of any proposed interior or exterior building alterations that may be required as a result of the change in use; and,
 5. A list of the surrounding uses and zoning classification(s).
- C. Accessory Use – Minor: The submittal for approval of a Minor Accessory Use shall include an application form for an Accessory Use – Minor/Certificate of Zoning Compliance, a Minor Site Plan, related materials, and fee. The application shall include at a minimum:
1. Name and mailing address of the current property owner or designated agent;
 2. Property address, parcel identification number and zoning classification of the subject property;
 3. Description of the existing and proposed use;

4. Extent of any proposed interior or exterior building alterations that may be required as a result of the change in use; and,
 5. A list of the surrounding uses and zoning classification(s).
- D. Certificate of Zoning Compliance: The request of a Certificate of Zoning Compliance shall include the requisite application as noted in Article 5.09, Table 5-A. The application shall include at a minimum those items noted below. The City Planner, or his/her designee, may modify or add to these requirements at his/her discretion. (*Ord. 17-14*)
1. Name and mailing address of the current property owner or designated agent;
 2. Name of applicant. If the applicant is not the owner then written consent from the owner shall be submitted;
 3. Address, parcel identification number, and zoning classification of the subject property;
 4. Description of the existing and proposed use;
 5. General layout plan with existing and proposed property lines, showing all proposed property lines with typical dimensions, yards and setbacks;
 6. Existing and proposed buildings on site with general sketch floor plans and building elevations, including square footage calculations, occupancy load or seating capacity, building height, and building material type and color;
 7. Street and parking lot layout, including street rights-of-way, drive aisles, parking spaces, and sidewalk location;
 8. Preliminary grading, stormwater, potable water, sanitary sewer, and landscape plans; and
 9. List of property owners and labeling of adjacent property owners (for those applications requiring a public meeting).
- E. Change in Use: The submittal for approval of a Change in Use shall include an application form for a Change in Use with related materials and fee. The application shall include at a minimum:
1. Name and address of the current property owner or designated agent;
 2. Name of applicant. If the applicant is not the owner then written consent from the owner should be submitted;

3. Address, parcel identification number, and zoning classification of the subject property;
 4. Description of the existing and proposed use;
 5. Extent of any proposed interior or exterior building alterations that may be required as a result of the change in use; and,
 6. A list of the surrounding uses and zoning classification(s).
- F. Conditional Use: The submittal for approval of a Conditional Use shall include an application form for a Conditional Use with related materials and fee. The application shall include at a minimum:
1. Name and address of the current property owner or designated agent;
 2. Name of applicant. If the applicant is not the owner then written consent from the owner should be submitted;
 3. Property address, parcel identification number, and zoning classification of the subject property;
 4. A site plan and other drawings to scale including a digital image of all plans, showing the existing and proposed use of the site, all pertinent natural and man-made features, and adjacent development character and buildings;
 5. A statement of need for the proposed use, its location and a report identifying the effects of the proposed use on the surrounding properties and the neighborhood; and,
 6. A plan of how the potential negative effects of the proposed use will be mitigated including traffic, parking, noise, light intrusion, solid waste storage, odor, fumes and removal.
- G. Development Plan: The following outlines the submittal requirements for Preliminary and Final Development Plan. Relative to the approval process, each Preliminary and Final Development Plan must be approved through the same process. Preliminary and Final Development Plans shall be submitted at least six (6) weeks prior to the meeting at which the Plan will be reviewed by Planning Commission. (*Ord. 17-14, 16-16*)
1. Preliminary Development Plan: Application for a Preliminary Development Plan shall be provided at the time of submittal. The Preliminary Development Plan shall be comprised of the following information:
 - a. A general supporting statement. This is a narrative that explains what is being proposed and why. The narrative shall explain the development proposal in context of existing

structures on the property and adjoining properties and shall provide the approximate allocation of land use by acreage and type and shall provide an estimate of the population of the project at build-out;

- b. An existing conditions plan at a scale determined by the City Planner indicating existing topography, property boundaries, trees, structures, pavements, utilities, and the location of existing directly adjacent properties and their structures;
 - c. Proposed site plan as determined by the City Planner indicating pavement, structures, service areas, loading areas, parking circulation, trash dumpsters, setbacks, vegetation to remain, points of access, proposed grading required screens and buffers, and related site improvements. This plan shall include the location of existing contiguous properties and their structures;
 - d. Conceptual architectural design and landscape planting;
 - e. Longitudinal and transverse cross-sections through the building at its tallest point. These sections shall include contiguous property and their principal buildings to illustrate neighboring height relationships. The scale of these sections shall be determined by the City Planner;
 - f. Engineering feasibility comments, report or study from a civil engineer for water, sanitary sewer and storm water utilities, traffic flow impacts; and
 - g. All plan documents should be accompanied by digital images in a format accepted by the City Planner.
2. Final Development Plan: Application for a Final Development Plan shall be provided at the time of submittal. In addition to the Preliminary Development Plan requirements outlined in Section 5.13(G) above, the Final Development Plan shall include the following:
- a. Boundaries of the tract and legal description;
 - b. Locations of buildings, streets, drives and parking areas. Locations and dimensions of rights-of-way, easements and all land to be dedicated to the City or reserved for specific uses;
 - c. Proposed building floor plans at 1/8 inch equals 1 foot;
 - d. Proposed building elevations at 1/8 inch equals 1 foot;
 - e. Proposed exterior material schedule which identifies all exterior and site structure materials and color constant with City’s built character, including brick and stone;

- f. Illustration of general architectural concepts consistent with the City’s built character, such as perspective renderings and building/site cross-sections, which may be needed to explain concepts, if applicable or requested;
- g. Location of existing trees or tree cover that will remain. Location of all individual trees on the site plan with diameters/calipers for those six inches or greater;
- h. Location of public utility services, including storm drainage;
- i. Indicate whether streets and utilities are to be publicly or privately owned and maintained;
- j. The location and dimensions of rights-of-way, easements and all lands to be dedicated to the City or reserved for specific uses;
- k. Location of proposed construction limits and areas to remain undisturbed;
- l. Proposed landscape plan prepared by a registered landscape architect, as defined by Article 11 integrated with a grading plan, at a scale determined by the City Planner indicating existing trees to be saved, new plantings, and a schedule of plant material showing proposed sizes and quantities;
- m. Location, dimensions, (including height, square feet and language) and elevations of all signs;
- n. Exterior lighting plan and specifications including light color temperature, cut-off angle, distribution plan, intensity in foot-candle value within the light distribution area produced by the fixture(s) proposed, and the values of these foot-candle levels at all property lines;
- o. Longitudinal and transverse cross-sections through the building at its tallest point. These sections shall include contiguous property and their principal buildings to illustrate neighboring height relationships. The scale of these sections shall be determined by the City Planner;
- p. Grading plan including storm drainage plans drawn by a licensed civil engineer;
- q. Engineering plans for sanitary sewer, storm sewer and pavements by a licensed civil engineer;
- r. A plat of the proposed development area showing street right-of-way, subdivided and common land and easements in accordance with the requirements of the UDO which shall be in form for recording; and,

- s. A text describing the character of the proposed development and includes standards that are supplemental to, and supportive of, the development standards contained within in the UDO and the Comprehensive Plan.
 - t. Parkland Dedication: The proprietor of each new residential development in the City, as a prerequisite to the approval of the Final Development Plan on behalf of the City, shall dedicate parkland or pay a fee in-lieu of parkland dedication to the City, in accordance with the provisions of Section 9.47.
- H. Reserved. (*Ord. 16-13*)
- I. Floodplain Permit: Application for a Floodplain Permit shall be made on forms, furnished by the City Engineer and may include, but not be limited to: site specific topographic plans drawn to scale showing the nature, location, dimensions and elevations of the area in question; and existing or proposed structures, fill, storage of materials, drainage facilities and the location of the foregoing. An approved Floodplain Permit shall be provided at the time of submittal for a Certificate of Zoning Compliance. The following information is required: (*Ord. 17-14*)
- 1. Elevation in relation to mean sea level of the lowest floor, including basement, of all proposed structures located in special flood hazard areas where base flood elevation data are utilized;
 - 2. Elevation in relation to mean sea level to which any proposed structure will be flood proofed in accordance with Section 9.37 where base flood elevation data are utilized;
 - 3. Description of the extent to which any watercourse will be altered or relocated as a result of the proposed development and certification by a registered professional engineer that the flood carrying capacity of the watercourse will not be diminished; and,
 - 4. A U.S. Army Corps of Engineer’s 404 Permit.
- J. Landscape Plan: A Landscape Plan shall be submitted to the City Planner for review and approval. A landscape plan may be submitted as a part of any Development Plan or Major Site plan or submitted as a Minor Site Plan. A Landscape Plan shall meet the minimum requirements of Article 9.25 of the UDO and include the following information:
- 1. A scaled plan show the placement of individual plants on a site in relation to all improvements and existing plants including a table identifying all plantings proposed to be installed.
 - 2. The Project name and address,

3. Subdivider’s contact information including name, address and telephone number,
 4. Location me of all existing and proposed property lines,
 5. Location and name of all existing and proposed streets (public and private),
 6. Location of all existing and proposed utilities, both overhead and underground, and their easements,
 7. Existing or proposed grading,
 8. Location of all existing and proposed site improvements including, but not limited to buildings, parking lots, driveways, fences, walls, light poles, and dumpsters,
 9. Identify all plants, fencing, walls, and mounding required by the UDO for screening purposes,
 10. The species (common name and botanical name), location and crown spread to scale of all trees existing on the site prior to construction with a caliper of 6 inches or greater at common breast height.
 11. Identify all existing trees to remain on the site, including a plan for how those to be retained will be preserved and if credit is to be given in-lieu of required new plantings,
 12. Identify all existing trees proposed to be removed,
 13. Show vehicle sight distances in accordance with Article 9.31of the UDO,
 14. All landscaping materials shall meet the minimum specifications and standards described in the “American Standard for Nursery Stock,” 1986 or as may be amended, published by the American Association of Nurserymen, 1250 I Street, N.W., Suite 500, Washington, D.C. 20005.
- K. Reserved. (*Ord. 16-13*)
- L. Reserved. (*Ord. 16-13*)
- M. Lighting Plan: A preliminary or a final Lighting Plan shall be provided at the time of submittal of any Development or Site Plan. The plan shall be submitted along with other required site information to the City Planner to coordinate review by City departments. A final Lighting Plan must be submitted to the City Planner subsequent to approval of any Development or Site Plan and prior to applying for CZC.

1. Scaled building plans, site plans and elevations shall be submitted showing property boundaries, building location(s), parking lot layout, driveways, pedestrian pathways, all building entrances, adjacent rights-of-way, north arrow, scale, address or legal description, and locations of all luminaries, controls, and electrical transformers.
 2. Cut sheets (profiles) shall be submitted for all proposed exterior luminaries and poles.
 3. Scaled iso-foot-candle plots and/or point-by-point foot-candle layouts shall be submitted demonstrating compliance.
 4. During the design and/or construction process after Planning Department approval, changes shall be reviewed for re-approval prior to final acceptance.
 5. Preliminary Lighting Plans including exterior building, parking lot, and site lighting. Sample cut sheets indicating pole and luminary height, color, temperature, as well as intensity of illumination in foot-candles on a point-by-point iso-foot-candle map shall also be provided.
- N. Sign Plan: A sign plan shall be provided at the time of the Development Plan or Site Plan submittal as may be required to assure compliance with the UDO, including Staff only review, with ability to refer to Planning Commission and Board of Architectural Review, and will include:
1. Name and address of the owner of the sign;
 2. Name and address of owner or the person in possession of the premises where the sign is located or to be located;
 3. Clear and legible drawings showing the location of the sign(s) that are subject to the permit including the sign's location with respect to existing right-of-way and property lines and all other existing signs that are on the same premises; and
 4. Drawings showing the dimensions, supporting structure, sizes, electrical wiring and components, sign materials, and method of attachment.
- O. Site Plan – Major: An application form shall be completed by the developer/subdivider and submitted with the Major Site Plan. The application form shall be provided by the Planning Department. The submittal requirements for a Major Site Plan include the following: (*Ord. 17-14*)
1. Name and address of current property owner or designated agent;
 2. An accurate legal description prepared by, or certified by, a registered surveyor of the state;

3. A property location map showing existing property lines, easements, utilities, and street rights-of-way;
 4. A site plan, prepared by a civil engineer, landscape architect, or architect drawn at a suitable scale not to exceed 1 inch equals 100 feet indicating use, location, and height of existing and proposed buildings and structures, including accessory buildings, structures and uses, along with notation of the development standards for building spacing, setback from property lines, and maximum building heights along with a notation of the development standards for maximum building height. The site plan should also show the location and configuration of off-street parking and loading areas, the arrangement of internal and in-out traffic movement including access roads and drives and the location of signs related to parking and traffic control;
 5. Topographic maps with sufficient elevations to show existing and generally proposed grading contours, major vegetation features, wooded areas and existing trees over 6 inches in diameter measured at the average breast height;
 6. Preliminary landscape plan indicating location of existing plants; proposed plantings, including planting height and caliper of proposed trees measured at the average breast height; berming configuration; and height and material of any proposed retaining or decorative wall or fence;
 7. Elevation drawings of proposed structures, floor plans, exterior construction materials, by type and color;
 8. Summary table showing total acres of the proposed development; number of acres devoted to each type of residential and/or non-residential use including streets (right-of-way) and open space; number of dwelling;
 9. Buildings by type; total building square footage; and overall density (units per acre) and intensity (lot coverage);
 10. Preliminary grading and stormwater management plan;
 11. Other information necessary for the evaluation of existing site conditions and proposed development as deemed necessary by the City Planner and/or the Planning Commission; and
 12. Final Grading Plan, Lighting Plan, Landscape Plan, Sign Plan and overall Site Plan shall be provided prior to the issuance of a Certificate of Zoning Compliance.
- P. Site Plan – Minor: The Minor Site Plan shall be provided at the time of submittal. An application form shall be completed by the developer or subdivider and submitted with the Minor Site Plan.

The application form shall be provided by the Planning Department. Submittal requirements for a Minor Site Plan include the following:

1. General layout plan with existing and proposed property lines, showing all proposed property lines with typical dimensions, yards and setbacks;
2. Proposed and existing buildings on site with general sketch floor plans and building elevations;
3. Building height shown on building elevation drawings including materials by type and color;
4. List of property owners and labeling of adjacent property owners;
5. Square footage of existing and proposed buildings;
6. Zoning of property and existing use on site, including adjacent use and zoning;
7. Final grading plan, stormwater plan and landscape plan;
8. Street and parking lot layout, including street rights-of-way, drive aisles, parking spaces, and sidewalk location; and,
9. Final water and sewer plan.

Q. Subdivision – Major: Preliminary Plat (*Ord. 16-13*)

1. An application form shall be submitted with the Preliminary Plat maps and required supplemental information. The required fees shall be paid at the time of application submittal. The City Planner shall certify the receipt of a complete application package meeting the requirements of the Article 5.11 of the UDO.
2. The Preliminary Plat should be drawn on a 24-inch by 36-inch sheet(s) to a scale determined by the City Planner. When more than 1 sheet is required, an index shall be incorporated into the title block. The City Planner may approve the consolidation of the submittal requirements provided the intent of this Section is met. The Preliminary Plat shall contain the following information at a minimum:
 - a. Name and address of developer, property owner or designated agent, land planner, landscape architect, engineer and/or surveyor;
 - b. Adjoining property owners, deed references and/or recorded subdivision names, recording references and adjoining property structures or as specified by the City Planner;

- c. Vicinity map (section and range);
 - d. The ownership, acreage and boundaries of all adjacent properties to the subdivision or as specified by the City Planner. If a recorded subdivision adjoins the subject site, the subdivision name, lot numbers and recording number shall be indicated with dashed lines;
 - e. North arrow;
 - f. Title block shall be in the lower right-hand corner. The title block shall include title “Preliminary Plat”, sheet title, proposed subdivision name, developer and preparer, scale of the plan, tax map and parcel numbers, sheet index, date and revisions numbered and dated;
 - g. Boundary of the proposed subdivision clearly indicated by a heavy line with bearings and distances; and,
 - h. Existing topography at two-foot intervals for slopes between 2 and 10 percent and at 10-foot intervals for slopes greater than 10 percent. Contour lines shall be indicated at least 50 feet beyond the subdivision boundary. For slopes under 2 percent, one-foot contour intervals shall be shown.
3. Existing Conditions Map: The Existing Conditions Map and text shall indicate the subdivision and all property within 200 feet of the subdivision or as specified by the City Planner, the following conditions depicted to scale:
- a. Existing generalized natural features, topographic map of existing site;
 - b. Existing zoning;
 - c. Acreage of property;
 - d. Existing utilities, including: water; sanitary sewer and stormwater facilities, (indicating approximate pipe sizes and directions of slope); underground transmission lines; electric and telephone poles; street lights; fire hydrants; landfills; and public utility easements;
 - e. Existing streets and roads, including: locations, widths and names of all streets and roads; existing easements; and streets which have been preliminarily approved or recorded but which remain unimproved shall be indicated;
 - f. Existing community facilities, including parks and recreation facilities; and

4. Proposed Subdivision Plan - The following proposed improvements are to be superimposed on top of the Existing Conditions Map:
 - a. Proposed generalized land use, including proposed building footprint(s);
 - b. Proposed layout of all proposed and existing lots with approximate dimensions and area in square feet (acres if lot size is greater than 100,000 square feet), section number, phase number and parcel number, building lines, lot frontages and required setbacks;
 - c. Lot numbers in numerical order throughout the entire subdivision;
 - d. The location, dimensions, use and area of all property proposed to be reserved or temporarily reserved for public use, or reserved for the use of all property owners in the subdivision and the location, dimensions and purposes of any proposed easements; and
 - e. Total number of lots, area of lots and parcels, area of public roadways, areas of public and private open space dedications, and total area of the subdivision.

5. Proposed Water, Sanitary Sewer, and Stormwater systems - The following improvements are to be superimposed on top of the Existing Conditions Map:
 - a. Proposed water system;
 - b. Proposed sanitary sewer system;
 - c. Proposed drainage and stormwater management systems, including: the type of structures; drainage easements; proposed changes in topography; the 100-year floodplain (floodway and floodway fringe shall be indicated separately); and
 - d. A preliminary storm drainage study including an evaluation of drainage structures and/or drainage systems, both upstream and downstream, affected by the drainage from the area covered by the Preliminary Plat, as directed by the City Engineer.

6. Proposed Vehicular and Pedestrian Systems - The following improvements are to be superimposed on top of the Existing Conditions Map:
 - a. Proposed streets and roads, including: widths of rights-of-way and pavements; tentative profiles of each street centerline; tentative horizontal curve data; and typical cross sections of each type of street proposed;
 - b. Proposed sidewalks and bike paths, including: locations; widths of rights-of-way; surface widths; and typical cross sections; and
 - c. Proposed locations of street trees and landscape features.

7. Proposed Sedimentation and Erosion Control: The following improvements are to be superimposed on top of the Existing Conditions Map:
 - a. Locations and extent of tentative erosion and sedimentation control measures; and
 - b. A preliminary grading plan for the entire area covered by the Preliminary Plat.

R. Subdivision – Major: Record Plat (*Ord. 16-13*)

1. An application form shall be submitted with the Record Plat maps and required supplemental information. The required fees shall be paid at the time of application submittal. The City Planner shall certify the receipt of a complete application package meeting the requirements of the Article 5.11 of the UDO.
2. The Record Plat should be drawn on a 24-inch by 36-inch sheet(s) to a scale determined by the City Planner. When more than 1 sheet is required, an index shall be incorporated into the title block. The City Planner may approve the consolidation of the submittal requirements provided the intent of this Section is met.
3. Record plat shall include the subdivision design and layout in accordance with the approved Preliminary Plat or Development Plan.
4. Boundary Lines: All plat boundary lines with lengths of courses to hundredths of a foot and bearings to half minutes. These boundaries shall be determined by an accurate survey in the field, which shall be balanced and closed with an error of closure of not to exceed one to ten thousand.
5. Recorded Streets: The exact location and the width along the property line of all existing recorded streets intersecting or paralleling the boundaries of the tract.
6. Bearings: True bearings and distances to nearest established street bounds, patent or other established survey lines, or other official monuments, which monuments shall be located or accurately described on the plat. Any patent or other established survey or corporation lines shall be accurately monument-marked and located on the plat, and their names shall be lettered on them. A Closure Report shall be provided. (*Ord. 5-18*)
7. Monuments: The accurate location and material of all permanent reference monuments.
8. Site Layout: The exact layout including:
 - a. Streets and alley lines – their names, bearings, angles of intersection and widths (including widths along the line of any obliquely-intersecting street);

- b. The chord length of all arcs – radii, points of curvature and tangent bearings;
- c. All easements and rights-of-way, when provided for or owned by public services (with the limitation of the easement rights definitely stated on the plat); and
- d. All lot lines with dimensions in feet and hundredths, and with bearings and angles to degrees, minutes and seconds if other than right angles to the street and alley lines.
- e. Lot Numbers: Lots shall be numbered in numerical order.
- f. Property Offered for Dedication: The accurate outline of all property which is offered for dedication for public use, and of all property that may be reserved by covenant in the deeds for the common use of the property owners in the subdivisions, with the purpose indicated thereon. All lands dedicated to public use other than streets or roads shall be marked “Dedicated to the Public”. Streets and roads not dedicated shall be marked “Private Street.”
- g. Setback Lines: As shown on the preliminary plat. Side and rear setbacks marked “for reference only” do not constitute a separate covenant.
- h. Name of Subdivision: Name of subdivision and name or number of the largest subdivision or tract of which the tract now subdivided, forms a part and section number, if part of a larger subdivision.
- i. Adjoining Lands: Names and locations of adjoining subdivisions and location and ownership of adjoining un-subdivided property.
- j. Names of Owners: Names and addresses of the owner of record, the Subdivider, and of the engineer or surveyor.
- k. All record plats shall include a north arrow, scale, date and title.
- l. Owner’s Certificate: A certificate by the owner of the land to the effect that he has caused said land to be platted and that he dedicates to public use the streets, parks and other lands indicated on the plat as intended for public use. This certificate shall be executed as a conveyance is executed.
- m. Engineer’s Certificate: A certificate by a registered professional engineer or surveyor to the effect that said plat was prepared by him, pursuant to an actual survey of the premises and that said plat is correct.
- n. Construction Documents: The Record plat shall include construction drawings and specifications of improvements. This shall be a set of construction plans prepared by a

registered professional engineer that shall include typical sections, plan and profile views, construction details, and estimates of quantities. A set of construction drawings and specifications for all improvements shall be provided to the City Engineer for approval including the following:

- i. The centerline or top of curb profile of each proposed street, with tentative grades indicated;
 - ii. The cross-section of each proposed street, showing the width of pavement, the location and width of sidewalks and the location and size of the utility mains and thickness of materials specified;
 - iii. The plans and profiles of proposed sanitary sewers and storm water sewers, with grades and sizes indicated, or method of sewage or storm water disposal in lieu of sewers;
 - iv. A plan of the proposed water distribution system, showing pipe sizes and the location of valves and fire hydrants; and
 - v. A stormwater drainage plan showing all existing and proposed storm sewers, manholes, catch basins, watercourses, culverts and other underground structures within the tract and immediately adjacent thereto, with pipe sizes and grades, waterway openings indicated thereon. The drainage plan shall show the method to be used for the adequate disposal of all storm water, including drainage outlets, and such other data as may be required by the City Engineer and Section 9.35 of the UDO.
- o. Performance Bond/Security for Construction: In lieu of constructing improvements, the Subdivider may apply for Record plat approval by insuring completion of the required improvements in accordance with Article 9.17A of the UDO.
 - p. Maintenance Bond: The Subdivider shall provide a Maintenance Bond in accordance with Article 9.17A of the UDO.
 - q. Inspection of Improvements: The Subdivider shall contact the City Public Works Office to schedule inspections of work performed in accordance with Article 9.17B of the UDO.
 - r. Inspection Fees: Inspection fee(s) shall be paid at the time the Record Plat original mylar is submitted to the Clerk of Council for signature to provide for inspection of the work sufficient, in the opinion of the City Engineer, to insure compliance with the plans and specifications.

- s. **Parkland Dedication:** The proprietor of each new residential subdivision in the City, as a prerequisite to the approval of the Record plat thereof on behalf of the City, shall dedicate parkland or pay a fee in-lieu of parkland dedication to the City, in accordance with the provisions of Section 9.47.

- S. **Subdivision – Minor:** The Minor Subdivision (lot split) shall be provided at the time of submittal. An application form shall be completed by the Subdivider and submitted with the Minor Subdivision. The application form shall be provided by the Planning Department. In order to be complete and to be accepted for review and processing, all Minor Subdivision proposals must be legible and include or comply with the following: (*Ord. 16-13*)
 - 1. Contact information including the name, address, telephone number, and e-mail address of the property owner;
 - 2. Contact information including the name, address, telephone number, and e-mail address of the surveyor or preparer of the Minor Subdivision;
 - 3. Plans shall include a north arrow, scale, date and title.
 - 4. Location information including: location map, adjacent roads, adjacent parcel ownership, proposed easements of access and other information that the City Planner may require.
 - 5. Acreage of the proposed new lot and the remaining property resulting from the division of the original parcel, including existing and proposed boundaries;
 - 6. All other natural and built features or conditions that, in the determination of the City Planner are directly relevant to the ability of the proposed lot(s) to be used per the regulations established by the UDO;
 - 7. Existing topography shall be provided at two-foot intervals for slopes under 10 percent and 10-foot intervals for slopes greater than 10 percent or as approved by the City Planner if topographic characteristics of the site and/or adjacent properties indicates possible development constraints if subdivided;
 - 8. Any and all proposed easements, reserve areas or no-build zones; and
 - 9. A filing fee is filed with the City Planner for the Minor Subdivision at the time of submission.

- T. **Temporary Use:** A Temporary Use application shall be provided at the time of submittal. An application for a temporary use shall be filed with the City Planner on a form prescribed by the City Planner, along with the fee for such permit and the following information: (*Ord. 16-13*)
 - 1. A sketch plan showing the boundaries of the property;

2. The use of adjacent properties identified and labeled;
3. The location of the temporary use or structure on the property; and
4. Location of all existing buildings, structures, parking lots, and other physical improvement on property.

U. Landmarks: (*Ord. 16-13*)

1. Identification, Review and Designation of Individual Landmarks: See Section 9.45 B. of the UDO.
2. Procedural Requirements: All procedures for site or development plans contained in the UDO that apply to the Architectural Preservation District shall apply to all designated landmarks. In addition, when a designated landmark is located within a planned development zoning district, all review procedures contained in the UDO shall apply, except that the Board of Architectural Review shall also review the application and recommend action to the Council.
3. Procedure to Designate or Rescind Landmark Status: See Section 9.45© of the UDO.
4. Public Hearing Required: A Public Hearing shall be required to designate a Landmark or to rescind Landmark Status. A public hearing to amend this chapter shall be conducted in accordance with Article 5.06(C), Public Hearing for a Rezoning or Amendment to the Zoning Ordinance of the UDO.

5.15 Related Approvals: Building and Occupancy Permit

A. Building Permit:

1. Definition: A permit issued by the Chief Building Official authorizing the erection, construction, reconstruction, alteration, repair, conversion, or maintenance of any building, structure or portion thereof. Such permit shall not be issued without the signature of the City Planner, certifying compliance with this UDO.
2. Process: An application for a building permit shall be filed with the Chief Building Official on a form prescribed by the Director, along with the fees and charges for building permits and inspections. Each application for a building permit shall contain or be accompanied by such information and plans as required on the application form and as otherwise required by the Chief Building Official. The City Planner and any other applicable departments shall review the application and any required plans in order to determine whether the proposed work

complies with the applicable provisions of this UDO and all other applicable City ordinances and construction regulations.

B. Certificate of Occupancy Permit:

1. Definition: A new building or part of a new building, an addition or enlargement of any existing building, or an existing building may be occupied after being altered or moved, and a change in use or occupancy of any building may be made in any existing building only after the Chief Building Official and City Planner has issued an occupancy permit stating that the building and/or the proposed use complies with the provisions of the UDO. An occupancy permit shall be required for the purpose of maintaining, renewing, changing, or extending a use.
2. Permit Process: In issuing an occupancy permit the City Planner shall follow the requirements set forth in Section 5.11(B).

5.17 Variance Procedure

- A. Definition: A variance may be granted allowing deviations from the height, mass, setback, parking, or other dimensional requirements established by the zoning and subdivision provisions of the UDO where practical difficulties unique to the property in question prevent full compliance with such provisions.
- B. Variance Process: The Planning Commission has the authority to grant variances. The Planning Commission may authorize, in specific cases, such variance from the terms of this UDO as will not be contrary to the public interest.
 1. Pre-application Meeting: The applicant may meet with the City Planner prior to submitting a variance request for consideration by to the Planning Commission. Following the conclusion of the meeting, the City Planner shall forward to the applicant a written summary of the results of the pre-application meeting including recommendations and all attached comments.
 2. Preliminary Review by the City Planner: Upon receipt of an application, the City Planner shall, within 5 days, review the application and determine whether it provides all necessary and required information. If it is incomplete, the City Planner shall advise the applicant of the deficiencies and inform the applicant that no further action will be taken on the application until all necessary and required information has been provided. If it is complete, the City Planner may forward the application to the TRC.
 3. Variance Review by the TRC: The TRC shall review the application after the City Planner determines that the application is complete and forward its comments within 5 days to the City Planner. The City Planner shall forward copies of all documents filed with the Planning

- Department to the Planning Commission along with any report or recommendation of the TRC.
4. **Planning Commission Hearing:** The Planning Commission shall conduct a public hearing in accordance with Article 5.06(D) of the UDO.
 5. **Planning Commission Action:** The Planning Commission may approve the variance as requested; approve with modifications by the Planning Commission; or deny the variance. The Planning Commission shall indicate the specific reasons(s) for its recommendation.
 6. **Additional Conditions and Safeguards:** The Planning Commission may further prescribe any conditions and safeguards that it deems necessary to ensure that the objectives of the regulations or provisions to which the variance applies will be met.
- C. **Expiration of the Variance:** Variances shall expire one year from the date of enactment, unless prior thereto the applicant applies for a building permit in accordance with the granted variance. There shall be no modification of variances except by further consideration of the Planning Commission. Extension of variances, without modification, may be applied for prior to the date of expiration, if the Variance does not carry a prohibition against the extension. Extensions may be granted by the Planning Commission if it finds that the requested extension is consistent with the purpose, policies, and intent of the Community Plan, and the specifications of the UDO. Requests for renewal of an expired Variance shall be considered to be the same as an application for a Variance and shall meet all requirements for application and review pursuant to Section 5.17.
- D. **Standards for Approval:** The following factors shall be considered and weighed by the Planning Commission in determining practical difficulty or hardship:
1. The granting of the Variance shall be in harmony with the general purpose and intent of the regulations imposed by this ordinance on the district in which it is located, and shall not be injurious to the area or otherwise detrimental to the public welfare;
 2. The granting of the Variance will not permit the establishment of any use which is not otherwise permitted in the district;
 3. There must exist unique circumstances or conditions applicable to the land or buildings where strict application of this ordinance would deprive the applicant reasonable use of his property. Mere loss in monetary value shall not justify a Variance;
 4. There must be proof of hardship resulting from the strict application of this ordinance that was not created by the property owner. Economic gain or profit is not sufficient proof that a Variance should be granted;

5. The granting of the Variance is necessary for the reasonable use of land or buildings and the variance as granted is the minimum Variance that will accomplish this purpose;
 6. The granting of the Variance will not infringe on the rights of neighboring property owners to use their property, diminish property values, endanger the public safety, or create a public nuisance; and
 7. The granting of the Variance will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structures, or buildings in the same zoning district.
 8. See Section 9.37 W. for additional standards as they apply to a variance from the Floodplain Design Standards.
- E. Submittal Requirements: An application for a Variance shall be filed on a form provided by the City Planner, and shall be accompanied by the following requirements:
1. Name, address, and phone number of applicant(s) and property owner or designated agent;
 2. Proof of ownership, legal interest or written authority;
 3. Legal Description of property or portion thereof;
 4. Description or nature of variance requested;
 5. Narrative statements establishing and substantiating the justification for the variance pursuant to Section 5.17(D);
 6. Site plans, floor plans, elevations and other drawings at a reasonable scale to convey the need for the variance;
 7. Payment of the application fee as established by City Council; and,
 8. Any other documents deemed necessary by the City Planner.

5.19 Appeal Procedure

- A. Responsibility: This Section identifies the responsibility for hearing appeals and establishes the appeals process for decisions made by the Administration the Planning Commission and the Board of Architectural Review.
1. Appeal of Administrative Action: Any person or party adversely affected by the improper application of these regulations regarding any order, requirement, decision, or determination made by the City Planner, or a designated representative, in the administration or enforcement of the UDO may appeal to the Planning Commission.

2. Appeal of the Planning Commission or Board of Architectural Review: Any person or party adversely affected by the improper application of these regulations regarding any order, requirement, decision, or determination made by the Planning Commission or Board of Architectural Review may appeal to the City Council. (*Ord. 16-16*)
 3. Appeals of a City Council Decision: Appeals of City Council a decision shall be to the Montgomery County Court of Common Pleas. (*Ord. 16-16*)
- B. Appeals to the Planning Commission: The following outlines the appeals process and notification requirements for appeals to the Planning Commission from an administrative decision: (*Ord. 17-14, 16-16*)
1. Such appeal shall be made within 15 days from the date of the action appealed from, by filing a notice of appeal with the City Clerk of Council. The City Planner shall transmit to the Planning Commission all the papers constituting the record upon which the action appealed from was taken.
 2. Planning Commission Hearing: The Planning Commission shall conduct a public hearing in accordance with Article 5.06(D) of the UDO.
 3. The Planning Commission shall hear the application or appeal at its first meeting occurring after such required publication and notice. It shall decide the case within 30 days from the date of such hearing. At the hearing, any party may appear in person or be represented by an agent or attorney.
 4. At least four (4) votes in support of the Appeal Petition are required to overturn a decision made by the City Planner, or a designated representative.
- C. Appeals to City Council: The following outlines the appeals process and notification requirements for appeals from a Planning Commission or a Board of Architectural Review decision (BAR) to City Council: (*Ord. 17-14, 16-16*)
1. Such appeal shall be taken within 15 days after the final action of the Planning Commission or BAR by filing a written notice of such appeal with the City Clerk of Council. No decision of the Planning Commission or the BAR shall take effect until the expiration of 15 consecutive calendar days from the date of the meeting at which such decision is announced.
 2. City Council Hearing: The City Council shall conduct a public hearing in accordance with Article 5.06(D) of the UDO.
 3. A proper permit may be issued for construction before the expiration of the 15 day waiting period provided all of the following conditions exist:

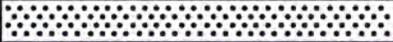
- a. Required notices have been given and not dispensed with by the Planning Commission or BAR;
 - b. There are no written objections filed by any person aggrieved by the decision;
 - c. There are no objections stated at the hearing of the Planning Commission or BAR by any person aggrieved by the decision;
 - d. No appeal to Council has been filed with the Clerk of Council by any person aggrieved by the decision of the Planning Commission or BAR prior to the issuance of the permit; and
 - e. The applicant has filed a hold harmless application for the waiver of the 15 day waiting period specifically acknowledging the rights of anyone appealing the decision of the Planning Commission or BAR and that the applicant understands he proceeds at his peril.
4. At least four (4) votes in support of the Appeal Petition are required to overturn a decision of the Planning Commission or BAR.
- D Procedures for Granting an Appeal: The Planning Commission or City Council may affirm, reverse, vacate, or modify the order, adjudication, or decision of a subordinate body or choose to remand the case to the subordinate body with instructions to enter an order, adjudication , or decision consistent with the findings of the Planning Commission or the City Council. In making its decision, the Planning Commission or City Council shall consider the Standards of Approval for the subject application as noted in Article 5.09. (*Ord. 16-16*)

Article 7: Zoning Districts

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7.01 General Provisions

- A. Regulation of the Use and Development of Land and Structures: These regulations are established and adopted governing the use and physical development of land and/or structures.
- B. Rules of Application: These regulations shall be interpreted and enforced according to the following rules:
1. Identification of Uses: Listed uses are to be defined by their customary name or identification, except where they are specially defined or limited in this Ordinance.
 2. Permitted Uses: Only a use designated as a permitted use shall be allowed as a matter of right in a zoning district and any use not so designated shall be prohibited except, when in character with the zoning district, such other additional uses may be added to the permitted uses of the zoning district by an amendment to this UDO (Section 5.07).
 3. Conditional Uses: A use designated as a conditional use shall be allowed in a zoning district when such conditional use, its location, extent and method of development will not substantially alter the character of the vicinity or unduly interfere with the use of adjacent lots in the manner prescribed for the zoning district. To this end Planning Commission shall, in addition to the development standards for the zoning district, set forth such additional requirements that, in its judgment, render the conditional use compatible with the existing and future use of adjacent lots and the vicinity. Additional standards for conditional uses are listed in Section 5.09 of the UDO.
 4. Accessory Uses: A use designated as an accessory use shall be permitted in a zoning district when such use is subordinate in area, extent, and purpose to the principal use and is located on the same lot and in the same zoning district as the principal use.
 5. Development Standards: The development standards shall be the minimum required for development in a zoning district unless otherwise stated. If the development standards are in conflict with the requirements of any other lawfully adopted rules, regulations or laws, the more restrictive or higher standard shall govern.
- C. Districts: The City is divided into the following zoning districts, which shall be governed by all the use and area requirements of this Ordinance. The following lists each zoning district along with its appropriate symbol:

Table 7.0: Zoning Districts			
Use	Letter Symbol	District Name	Color/Graphic Map Symbol & RGB Value
Agriculture			
	A	Agricultural District	Color: White R: 255, G: 255, B: 255
Residential			
	R-1a	One-Family Residential District	Color: Ivory R: 255, G: 255, B: 232
	R-1b	One-Family Residential District	Color: Lt. Yellow R: 255, G: 255, B: 190
	R-1c	One-Family Residential District	Color: Canary Yellow R: 255, G: 226, B: 3
	R-1d	One-Family Residential District	Color: Yellow Ocre R: 255, G: 188, B: 5
	R-1e	One-Family Residential District	Color: Yellow-Orange R: 237, G: 179, B: 64
	R-2	Two-Family Residential District	Color: Orange R: 255, G: 136, B: 0
	R-3	Multi-Family Residential District	Color: Brown R: 128, G: 71, B: 39
Office			
	O-S	Office-Service District	Color: Lt. Pink R: 255, G: 166, B: 175
Commercial			
	B-1	Neighborhood Business District	Color: Orange-Red R: 255, G: 95, B: 18
	B-2	General Business District	Color: Scarlet Red R: 255, G: 34, B: 0
Mixed Use			
	APD	Architectural Preservation District	Color: Sky Blue R: 134, G: 206, B: 235
Industrial			
	I-1	Light Industrial District	Color: Lt. Cool Grey R: 212, G: 204, B: 199
Planned Districts			
	R-PD	Residential Planned Development	Color: Burnt Sienna R: 199, G: 123, B: 0
	O-PD	Office Planned Development	Color: Pink R: 227, G: 107, B: 175
	B-PD	Business Planned Development	Color: Burnt Red R: 136, G: 75, B: 11
	I-PD	Industrial Planned Development	Color: Med. Cool Grey R: 154, G: 156, B: 146
Overlay, Mandatory			
	FP	Floodplain District	Citywide
	WTC	Wireless Telecommunications District	Citywide
Overlay, Optional			
	CB	Corporate Business	
	CC	Community Center	
	NC	Neighborhood Center	
	NR	Neighborhood Residential	
	RC	Residential Conservation	
	LC	Lifestyle Community	

- D. Zoning of Annexed Land: When land is annexed to the City after the effective date of this UDO, the City shall diligently proceed following the effective date of the annexation to amend this UDO to assign a zoning district to the newly annexed land in accordance with the Create the Vision comprehensive plan. The Centerville City Council may initiate a rezoning of land annexed to the City or encourage the property owner to apply to rezone the land.

7.03 Official Zoning Map

- A. Official Zoning Map Adopted: All land in the municipality is placed into zoning districts as shown on the Official Zoning Map that is hereby adopted and declared to be part of the UDO.
 - 1. Final Authority: The Official Zoning Map, as amended from time to time, shall complement appropriate legislation so as to be the final authority for the current zoning district status of land under the jurisdiction of the UDO.
 - 2. Land not Otherwise Designated: All land under the UDO and not designated or otherwise included within another zoning district map shall be included in the R-1c Single-Family Residential District.
- B. Identification of the Official Zoning District Map: The Official Zoning Map, with any amendments made thereon, shall be identified by the signatures of the Mayor and Clerk of Council under the following words:

Official Zoning District Map, Centerville, Ohio: This is to certify that this is the Official Zoning Map referenced by Section 7.03 of the Unified Development Ordinance.

Adopted by the City Council, Centerville, Ohio.

_____ Date	_____ Mayor
_____ Date	_____ Clerk of Council

- C. Establishment of Zoning Districts: The names and symbols for zoning districts displayed on the Official Zoning Map are as those stated in Section 7.01(C) of this UDO.
- D. Legend and Use of Color or Patterns: There shall be provided on the Official Zoning Map a legend which shall list the name and symbol for each zoning district. In lieu of a symbol, a color or black and white pattern may be used on the Official Zoning Map to identify each zoning district as indicated in the map legend in accordance with Table 7-0.

- E. Interpretation of Zoning District Boundaries: The boundaries of the zoning districts are shown upon the Official Zoning Map. The Official Zoning Map and all notations, references, and other information are a part of the UDO. A certified copy of the Official Zoning Map shall be kept on file with the City Clerk of Council.
- F. Rules for Determination: When uncertainty exists with respect to the boundaries of zoning districts as shown on the Official Zoning Map, the following rules shall apply:
1. Along a Public Dedicated Right-of-Way: Where zoning district boundary lines are indicated as approximately following Right-of-Way line of a public street, highway or alley, such Right-of-Way line shall be the zoning district boundary.
 2. Along any other Right-of-Way or Easement: Where zoning district boundary lines are indicated as approximately following a center line of a private street or alley, railroad easement, or other right-of-way, or a river, creek, or other watercourse, such centerline shall be the zoning district boundary.
 3. Along a Property Line: Where zoning district boundary lines are indicated as approximately following a lot line, such lot line shall be the zoning district boundary.
 4. Parallel to Right-of-Way or Property Line: Where zoning district boundary lines are indicated as approximately being parallel to a centerline or a property line, such zoning district boundary lines shall be parallel to a centerline or a property line and, in the absence of a specified dimension on the map, at such scale and distance as indicated on the Official Zoning Map.
 5. Actual Conflict with Map: When the actual street or lot layout existing on the ground is in conflict with that shown on the Official Zoning Map, the party alleging that such conflict exists shall furnish an actual survey for interpretation by the Director of Development.
 6. Right-of-Way Vacation: Whenever any street, alley or other public way is vacated by official action of Council, the zoning district adjoining each side of such street, alley or public way shall be automatically extended to the center of such vacation, and all area included in the vacation shall then and henceforth be subject to all appropriate regulations of the extended district or districts.

7.05 Agricultural District

- A. Purpose: The City recognizes the agricultural heritage of our community and will protect the right of land owners to continue the pursuit of farming activities on their land.
- B. Permitted, Prohibited, Accessory, and Conditional Uses are listed in Table 9.1.

- C. Development Standards for each of the residential use districts are listed in Table 9.0.

7.07 Residential Districts

- A. Purpose: The following generally describes the purpose and general characteristics of each residential district:
 - 1. R-1, Single-Family Residence Districts: The purpose of the R-1 Districts is to promote single-family dwellings in low-density residential neighborhoods. This district is further subdivided into five sub-districts: R-1a, R-1b, R-1c, R-1d, and R-1e, differing primarily in required lot area and yard space. Net densities range from 1 dwelling units per acre in the R-1a District to 4 dwelling units per acre in the R-1e District. Permitted uses include single-family residential and agriculture.
 - 2. R-2, Two-Family Residence District: The purpose of the R-2 District is to promote single-family dwellings and two-family dwellings in medium-density residential neighborhoods. Maximum densities are 6.0 dwelling units per acre. Permitted uses include single-family and two-family residential and agriculture.
 - 3. R-3, Multi-Family Residence District: The purpose of the R-3 District is to promote single-family, two family and multi-family dwellings in medium-density residential neighborhoods. Multi-family buildings shall have a maximum of up to 8 dwelling units per building. The maximum density for this zoning district is 6.0 dwelling units per acre. Permitted uses include single-family, two family and multi-family dwellings limited to one building per lot.
- B. Permitted, Prohibited, Accessory, and Conditional Uses are listed in Table 9.1.
- C. Development Standards for each of the residential use districts are listed in Table 9.0.

7.09 Office Service District

- A. Purpose: The O-S, Office Service District provides for the location of offices, banks, and facilities for institutional, governmental, and personal services in suitable locations in which they can support community needs and serve as transitional areas between residential and commercial districts or between major thoroughfares and residential districts.
- B. Permitted and conditional uses for the office service district are listed in Table 9.1.
- C. Development standards for the office service district are listed in Table 9.0.

7.11 Commercial Districts

- A. Purpose: The following generally describes the purpose and general characteristics of each commercial district:

1. B-1 Neighborhood Business District: This district provides for the location of small-scale retail sales establishments, offices, and facilities for financial, institutional, governmental, and personal services, and recreational establishments in suitable locations where they can quietly and unobtrusively meet the everyday needs of the nearby residential neighborhoods.
 2. B-2 General Business District: The intent of the General Business District is to provide an appropriate location for retail, office, service and administrative establishments required to satisfy the needs of the overall community. This district is also intended to provide accommodations, supplies, sales and services to the motoring public.
- B. Permitted and conditional uses for each of the commercial districts are listed in Table 9.1.
- C. Development standards for each of the commercial districts are listed in Table 9.0.

7.13 Architectural Preservation District

- A. Purpose: The APD, Architectural Preservation District provides a unique panorama of architectural history that has developed along the major cross-roads of our community. The Architectural Preservation District provides for revitalization, reuse, and infill development in Centerville’s traditional, historic town center. A broad array of uses is expected in a pattern which integrates shops, restaurants, services, work places, civic, educational, and religious facilities, and higher density housing in a compact, pedestrian-oriented environment. The Architectural Preservation District anchors the surrounding residential neighborhoods within a ½ mile radius while also serving the broader community.
- B. Permitted and conditional uses for the Architectural Preservation District are listed in Table 9.1.
- C. Development standards for the Architectural Preservation District are listed in Table 9.0.

7.15 Industrial Districts

- A. Purpose: The I-1, Light Industrial District has been established to provide for industrial uses having a minimum impact upon the surrounding environment in areas that are suitable for industrial development by reason of location and the availability of adequate utility and transportation systems. Industrial uses are permitted that can be operated in a clean and quiet manner subject to those regulations and performance standards necessary to prohibit congestion and for the protection of adjacent residential and business property. It is intended that the development permitted in this district will create a high quality industrial park environment.
- B. Permitted and conditional uses for each of the industrial districts are listed in Table 9.1
- C. Development standards for the industrial districts are listed in Table 9.0.

7.17 Planned Districts

- A. Purpose: The following generally describes the purpose and general characteristics of each planned district:
1. R-PD, Residential Planned Development: The purpose of the Residential Planned Development Zoning District is to permit greater flexibility and, consequently, more creative and imaginative design for the development of residential areas than is generally possible under conventional zoning regulations. It is further intended to promote more economical and efficient use of the land while providing a harmonious variety of housing choices, a higher level of urban amenities, and preservation of recreational and natural scenic qualities of open spaces, both public and private.
 2. O-PD, Office Planned Development: The purpose of the Office Planned Development Zoning District is to permit greater flexibility and, consequently, more creative and imaginative design for the development of office areas than generally is possible under conventional zoning regulations. It is further intended to promote more economical and efficient use of larger tracts of land, provide a higher level of urban amenities, open spaces, both public and private and, to the greatest extent practical, preserve natural and scenic qualities of such lands.
 3. B-PD, Business Planned Development: The purpose of the Business Planned Development Zoning District is to permit greater flexibility and, consequently, more creative and imaginative design for the development of business areas than generally is possible under conventional zoning regulations. It is further intended to promote more economical and efficient use of larger tracts of land, provide a higher level of urban amenities, open spaces, both public and private and, to the greatest extent practical, preserve natural and scenic qualities of such lands.
 4. I-PD, Industrial Planned Development: The purpose of the Industrial Planned Development Zoning District is to permit greater flexibility, and consequently, more creative and imaginative design for the development of industrial areas than generally is possible under conventional zoning regulations. It is further intended to promote more economical and efficient use of larger tracts of land.
- B. Permitted and conditional uses for the planned districts are listed in Table 9.1.
- C. Development standards for each of the planned districts are listed in Table 9.0.

7.19 Overlay Districts (Mandatory)

- A. WTC, Wireless Telecommunications District: The purpose of this Ordinance Section is to protect the health, safety and welfare of the public while not unreasonably interfering with the

development of the competitive wireless telecommunication market place through the establishment of requirements for the installation of wireless telecommunication facilities. The goals of this Ordinance are to:

1. Protect residential areas and land uses from potential adverse impacts of towers and antennas.
 2. Minimize the total number of towers throughout the community.
 3. Strongly encourage the joint use of new and existing tower sites as a primary option rather than construction of additional single use towers.
 4. Encourage users of the towers and antennas to locate them, to the extent possible, in areas where the adverse impact on the community is minimal.
 5. Ensure that users of towers and antennas configure them in a way that minimizes the adverse impact of the towers and antennas through careful design, landscape screening, and innovative camouflaging techniques.
 6. Enhance the ability of the providers of telecommunications services to provide such services to the community quickly, effectively and efficiently.
 7. Consider the public health and safety of communication towers.
 8. Avoid potential damage to adjacent properties from tower failure through engineering and careful siting of tower structures.
- B. Floodplain District: It is the purpose of this Ordinance section is to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:
1. Protect human life and health.
 2. Minimize expenditure of public money for costly flood control projects.
 3. Minimize the need for rescue and relief efforts associated with flooding.
 4. Minimize prolonged business interruptions.
 5. Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazard.
 6. Help maintain a stable tax base by providing for the proper use and development of areas of special flood hazard so as to minimize future flood blight areas.

7. Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

7.21 Mixed Use Overlay Districts (Optional)

- A. Purpose: This chapter applies to all development in the Neighborhood Center District, Community Center District, and the Corporate Business District. The purpose of the districts is to:
 1. Implement the Land Use Principles of the Create the Vision Plan;
 2. Allow a mixture of complimentary land uses that includes housing, retail, offices, commercial services, and civic uses, to create economic and social vitality and to encourage the linking of trips;
 3. Develop commercial and mixed-use areas that are safe, comfortable and attractive to pedestrians;
 4. Provide flexibility in the placement and design of new developments and redevelopment to anticipate changes in the marketplace;
 5. Reinforce streets as public places that encourage pedestrian and bicycle travel;
 6. Provide roadway and pedestrian connections to residential areas;
 7. Provide transitions between high traffic streets and neighborhoods;
 8. Encourage efficient land use by facilitating compact development and minimizing the amount of land that is needed for surface parking;
 9. Facilitate development (land use mix, density and design) that supports public transit, where applicable;
 10. Provide appropriate locations and design standards for automobile- and truck-dependent uses; and
 11. Maintain mobility along traffic corridors and state highways.

B. Applicability and Location

1. Overlay zoning districts are established through rezoning and only in conjunction with base zoning districts. Letters, numbers, or a combination thereof, shall be combined with other applicable district designations to the property(ies) on which an overlay district is established.
2. Except as modified by the overlay zoning district, the provisions of the applicable base-zoning district shall apply to all development within the boundary of the designated area. If regulations conflict, the applicable overlay zoning district regulations shall prevail.
3. Whenever an overlay district is established, any subsequent application to change the base-zoning district shall not be construed to be an application to eliminate the overlay district for the property covered by the application. Intent to eliminate the overlay district on a given property shall be expressly stated to be part of the application.
4. The following section describes where and under what circumstances the Neighborhood Center District, Community Center District, and the Corporate Business District apply. It also provides location criteria for Zoning District Map changes.

C. NC, Neighborhood Center: This district is provided for the location of shops, services, small workplaces, civic and residential buildings central to a neighborhood or grouping of neighborhoods and within walking distance of dwellings. Uses in the neighborhood center will have a primary market area of 1 mile and buildings compatible with surrounding residences. If a neighborhood center is the focus of a planned transit stop, it should be designed to serve the neighborhood's residential base plus transit riders. Individual workplace buildings oriented to the street and appropriately scaled for compatibility with the surrounding environment are also permitted in the Neighborhood Center District.

D. CC, Community Center: This district should be centrally located to serve the community or regional market area, and provide access to transit where available. Districts are typically 5-50 acres for Community Center centers. The market area may be greater than 40,000 population. Individual land uses may exceed 100,000 square feet of gross leasable area. Individual workplace buildings oriented to the street and scaled for compatibility with the surrounding environment are also permitted in the Community Center district. Community Center Districts shall be located on arterial streets. Principal access shall be provided by arterial streets. Uses within these districts are buffered from neighboring residential properties.

E. CB, Corporate Business: This district is established to provide for large business or light industrial parks and institutional campuses which, because of the scale of the buildings or the nature of the use, cannot be fully integrated into the fabric of the community. The predominant use is that of the workplace. The corporate business district is buffered from neighboring properties. Buildings in the corporate business district that front a street shall relate to the street as

prescribed by building type. Corporate Business Districts shall be located on arterial streets. Principal access shall be provided by arterial streets.

7.23 Residential Overlay Districts (Optional)

- A. Purpose: This chapter applies to all development in the Residential Overlay Districts. The purpose of the districts are to:
1. Implement the Land Use Principles of the Create the Vision Plan;
 2. Provide flexibility in the placement and design of new developments and redevelopment to anticipate changes in the marketplace;
 3. Reinforce streets as public places that encourage pedestrian and bicycle travel;
 4. Provide roadway and pedestrian connections to residential areas;
 5. Provide transitions between high traffic streets and neighborhoods;
 6. Encourage efficient land use by facilitating compact development; and
 7. Maintain mobility along traffic corridors and state highways.
- B. Applicability and Location
1. These overlay zoning districts are established through rezoning and only in conjunction with base zoning districts. Letters, numbers, or a combination thereof, shall be combined with other applicable district designations to the property(ies) on which an overlay district is established.
 2. Except as modified by the overlay zoning district, the provisions of the applicable base-zoning district shall apply to all development within the boundary of the designated area. If regulations conflict, the applicable overlay zoning district regulations shall prevail.
 3. Whenever an overlay district is established, any subsequent application to change the base-zoning district shall not be construed to be an application to eliminate the overlay district for the property covered by the application. Intent to eliminate the overlay district on a given property shall be expressly stated to be part of the application.
 4. The following section describes where and under what circumstances the Neighborhood Residential, Residential Conservation, and the Lifestyle Community Districts apply. It also provides location criteria for Zoning District Map changes.

- C. NR, Neighborhood Residential: This district is provided for the development of new neighborhoods and the revitalization or extension of existing neighborhoods, which are structured upon a fine network of interconnecting pedestrian oriented streets and other public spaces. They offer a mixture of housing types and prices, prominently sited civic or community building(s), and stores/offices/workplaces to provide a balanced mix of activities. Civic uses are encouraged. It has a recognizable center and clearly defined edges; optimum size is a quarter (¼) mile from center to edge. (*Ord. 6-18*)

- D. RC, Residential Conservation District: The purpose of this district is to accommodate residential development and redevelopment on existing lots that were either platted before zoning was initially adopted in the community or otherwise legally non-conforming in the current base zoning district. This district allows existing residential structures to be modified without the detrimental effect of alterations, additions, demolitions and new construction on the character of the neighborhood or community. Alterations, additions, demolition and new construction may be reviewed for compatibility with the existing buildings, setting and neighborhood character.

- E. LC, Lifestyle Community District: A Lifestyle Community is a large scale residential development catering to and associated with a specific lifestyle, the central focus of the community. Such community shall be designed in a manner to maintain the overall single family residential character of the City. The central focus of a Lifestyle Community relates to the active or passive recreational lifestyle of the residents within the community. This focus is to be the dominant element within a Lifestyle Community. All elements and amenities of this community are designed to emphasize this focus. A Lifestyle Community may also provide varying detached and attached housing opportunities in accordance with the requirements of Article 9.07.

7.25 Landmark Designations (Optional)

- A. LM, Landmarks that were designated under Chapter 1206 of the Centerville Municipal Code are hereby adopted as Landmarks as a part of the UDO. Table 7-1 details those properties by the ordinance number for the original designation, historical name and address or location. The map symbol, LM and the Ordinance Number shall be placed on the Official Zoning Map.

Table 7-1: Designated Landmarks			
Ord. No.	Historical Name	Address or Location	Map Symbol
15-93	Ebenezer Andrew House	6239 Wilmington Pk.	• LM 15-93
27-96	Milton Munger House	(9731 Tibbals Ct) 9679 Yankee St.	• LM 27-96
06-97	Asher Tibbals House	9505 Yankee St.	• LM 06-97
27-98	Wilson - Weller House	(1200 Forest Walk Dr) 7520 Clys Rd	• LM 27-98
12-98	Henry Opdyke - Eleazer Williamson House	7155 Wilmington-Dayton Pk.	• LM 12-98
07-99	Peter Sunderland House	595 E. Alex-Bell Rd.	• LM 07-99
31-00	Aaron Nutt Jr. House	650 E. Alex-Bell Rd.	• LM 31-00
42-01	James McCracken House	5285 Wilmington Pk.	• LM 42-01
43-01	John Archer - Robert McEwen House	8661 Lebanon Pk.	• LM 43-01

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Article 9: Development Standards

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PART 1: ZONING

9.01 Purpose

Part 1 of this Article incorporates development standards regulating all uses within the City. A description of each zoning district and a list of permitted uses per zoning category is provided in Article 7. Article 7 divides the City into districts for the purpose of regulating the use of lands within the districts. This Article establishes development standards for the base zoning districts and overlay districts wherein additional standards may apply and may be designated at the request of the property owner. Requirements for the subdivision of land within the City are contained in Part 2. General regulations for all development (regardless of the zoning district) are set forth in the Part 3, Site Design and Improvement Standards, and Part 4, Supplemental Standards of the Article. Refer to Article 7 for additional regulations applicable to particular uses.

9.03 Applicability

Development standards within Section 9 including Parts 1 through 4 shall apply to all zoning districts and uses unless otherwise indicated.

9.05 Base Zoning Districts

A. Dimensional and Density Regulations

1. Purpose

- a. The purpose of this section is to establish dimensional standards for situating buildings on lots within the City’s Base Zoning Districts. The proper height, setback, and lot dimensions are shown in Table 9.0.

2. Applicability

- a. Table 9.0 summarizes the dimensional standards within each zoning district classification. These standards apply to lots in the A, Agricultural District; R1- a thru R1- e, Single-Family Residential, R-2 Two- Family Residential, R-3 Multi-Family Residential, R-PD, Residential Planned Development; O-S, Office Service, O-PD, Office Planned Development; B-1 Neighborhood Business, B-2 General Business, B-PD, Business Planned Development; APD, Architectural Preservation District; I-1, Light Industrial District, and I-PD, Industrial Planned Development Districts. (*Ord. 17-16, 07-18*)

3. Non-Residential Use in a Agriculture or Residential Zoning District

- a. A non-residential use, except a park or open space, shall be situated on a agriculture or residential zoned parcel at the edge of a neighborhood and adjacent to a thoroughfare or collector street as defined on the Official Thoroughfare Plan to provide vehicluar access.

- b. A Cemetery shall have a minimum lot area of 15 acres and a minimum front, side or rear building setback of 50 feet.

4. Residential Cluster Development

Clustering of single-family dwelling units on a tract of land will be permitted within residential districts R-1a through R-1e provided that new open space from that tract of land is reserved for use by the residents of that tract of land and provided that a maximum gross density of 2 dwelling units per acre averaged over the entire tract of land is not exceeded. A Residential Cluster Development shall be applicable subject to the following standards:

- a. The lot area of the total development shall be at least 5 acres.
- b. The minimum lot area or front, side, or rear yard may be reduced for any individual lot by the approving authority; however, the average lot area for the entire development shall not be less than the minimum lot area required in this zoning district. In calculating the average lot area for the development, public or private street area shall be excluded; however, private open space created as part of the development and perpetually reserved for use by all future residents of the development, and public parkland or open space dedicated by the developer, may be included in the total lot area of the development.
- c. A reserve area shall be established where a residential cluster development abuts a major street. This reserve area shall be a lot of record separate from any individual residential lot, have a minimum width of 25 feet and extend along the entire road frontage. No individual, platted lot shall have vehicular access through this reserve area. The reserve area shall be landscaped in accordance to the bufferyard requirements contained in Section 9.25 of this UDO.

5. Residence Group Home

- a. An application for conditional use for a Residence Group Home shall include all necessary permits and licenses for the use and operation of a residence group home or evidence shall be submitted that such permits are obtainable for the subject property.
- b. The architectural design and site layout of the Residence Group Home and the location, nature, and height of any walls, screens, and fences must be compatible with adjoining land uses and the residential character of the neighborhood.
- c. The Residence Group Home must comply with yard, parking, and sign regulation.

- d. The location of the Residence Group Home must be such that a spacing radius of not less than 1,000 feet is maintained between or among residence group homes and/or residence family homes.
 - e. A Residence Group Home for developmentally disabled persons shall be approved by the Montgomery County Board of Mental Retardation and Developmental Disabilities.
6. Residence Family Home
- a. A Residence Family Home is a permitted use in all residential districts or zones within the City of Centerville.
 - b. An application for a Residence Family Home shall be submitted for the sole purpose of verification of compliance with area, height, yard, and architectural compatibility requirements that are uniformly imposed upon all single-family residences within the district or zone where the residence family home is to be located.
 - c. The application shall include all necessary permits and licenses for the use and operation of a Residence Family Home or evidence shall be submitted that such permits are obtainable for the subject property.
 - d. The location of the Residence Family Home must be such that a spacing radius of not less than 1,000 feet is maintained between or among Residence Group Homes and/or Residence Family Homes.
 - e. A Residence Family Home for developmentally disabled persons shall be approved by the Montgomery County Board of Mental Retardation and Developmental Disabilities.
7. Stable in a Agriculture or Residential Zoning District
- a. No commercial stable shall be permitted if its existence would be incompatible with surrounding residential land uses or zoning.
 - b. The minimum lot area shall be five (5) acres.
 - i. If any horses (including horses, ponies, mules, donkeys, and other animals used for riding) are outside of any building, the maximum number of horses permitted outside of any building at one time shall be one (1) per acre.
 - ii. If any horses (and other riding animals) are kept inside a building, the maximum number of horses permitted shall be limited to the building capacity to house, show, and ride said horses.

- c. The following minimum setbacks shall be provided:
 - i. Stables, corrals, piles of manure, feed, and bedding shall be located seventy-five (75) feet from any street or nonresidential lot line and one hundred (100) feet from any residential lot line, in order to minimize odor and nuisance problems. Pasture may extend to the lot line.
 - ii. Manure piles shall be stored, removed, and/or applied in accordance with City Health Department regulations; however, manure shall not be applied on land that is closer than one hundred (100) feet to a residential lot line.
- 8. Temporary seasonal outdoor retail sale of garden and landscaping plants and materials including bagged soil, fertilizer, and mulch (Temporary Garden Center). Natural holiday decorations such as Christmas trees are included in this use. (*Ord. 17-16, 10-17*)
 - a. A maximum of one (1) Temporary Garden Center may be conducted on a premises in any calendar year.
 - b. A Temporary Garden Center may be conducted on a premises for a period of time not to exceed 180 consecutive days at which time this temporary use shall be removed and the premises restored.
 - c. A Temporary Garden Center may display a maximum of 32 square feet of ground signs, wall signs, or combination thereof in association with the business. No more than three (3) total signs are permitted. Such signs may be temporary in their placement and construction. All other signs shall be prohibited.
- 9. Sidewalk Sale.

The owner or operator of a business located in the B-1, B-2, B-PD and the APD Zoning Districts may conduct a sidewalk sale outside that business premises on private property in accordance with the following provisions:

- a. The merchandise for sale shall be limited to only that merchandise normally offered for sale by the business owner or operator conducting the sale,
- b. Each sidewalk sale shall be limited to a maximum time period of 3 days,
- c. The owner or operator of a business shall be limited to a maximum of 5 sidewalk sales in any one calendar year, and
- d. A sidewalk sale by persons who are not the owners or operators of a business may be permitted in connection with a planned program involving at least 6 separate sellers.

10. Mobile Food Vehicle Vendors

- a. A Mobile Food Vehicle may operate as a temporary use in accordance with all requirements, contained in Chapter 844 of the Centerville Municipal Code.
- b. License Required. Any person desiring to operate a Mobile Food Vehicle shall make a written application for such License to the City Manager’s Office in accordance with the licensing requirements contained in Chapter 844 of the Centerville Municipal Code.
- c. License Fee. All vendors licensed under this Chapter shall pay an annual license fee. The amount shall be in accordance with Chapter 1214.02 Unified Development Ordinance Schedule of Fees of the Municipal Code.
- d. A Mobile Food Vehicle may operate on private property provided:
 - i. Temporary Use: A Mobile Food Vehicle is a temporary use to the premises as defined by the UDO. A Mobile Food Vehicle shall not be permitted as a principal use on a premises.
 - ii. Industrial Uses: A Mobile Food Vehicle may be temporarily parked on the premises of an industrial use or a premises zoned I-1 or I-PD to serve the employees of said premises and limited to a maximum of 1 hour per day during normal business hours of the industrial use.
 - iii. Sidewalk Sale: A Mobile Food Vehicle may be placed on the premises in conjunction with a sidewalk sale in accordance with the provisions contained in Article 9.05 of the UDO and the following:
 - 1) A Mobile Food Vehicle shall operate only during the dates and times when the Sidewalk Sale occurs.
 - 2) A Mobile Food Vehicle shall not be located on or within 100 feet of a business premises that dispenses gasoline or other fuel, or a restaurant.
 - 3) A Mobile Food Vehicle shall not be located on or within 100 feet of a residential premises.
 - 4) A Mobile Food Vehicle shall be legally parked within a parking lot having the capacity of at least 30 parking spaces.
 - 5) A License shall be required in accordance with part b. License Required, of this section.

- 6) The licensee shall make application with the City and submit all necessary documentation, including a site plan, to demonstrate all requirements will be met.
 - 7) An affidavit from the property owner and business owner of the premises where the owner/operator of the Mobile Food Vehicle intends to conduct business stating that the owner/operator has permission to conduct business there.
- iv. Public Parks: A Mobile Food Vehicle may operate in a public park or municipal facility in accordance with this ordinance, the Centerville Municipal Code and with the permission or license of the owner of the public park or municipal facility. (*Ord 17-16*)
 - v. Community Event: A Mobile Food Vehicle may be parked on a premises in conjunction with a sidewalk sale per Article 9.03(A)(9) of the Centerville Unified Development Ordinance (UDO) or as part of a community event may be placed on the premises of such sidewalk sale or community event.
 - 1) Shall operate only during the dates and times when the event occurs.
 - 2) Shall not be located within 100 feet of a business that dispenses gasoline or other fuel.
 - 3) Shall not be located within 100 feet of a residential premises.
 - 4) Shall be legally parked within a parking lot having the capacity of at least 30 parking spaces.
 - 5) The licensee shall make application with the City and submit all necessary documentation, including a site plan, to demonstrate all requirements will be met.
 - vi. Sound emanating from a Mobile Food Vehicle shall be in accordance with the sound requirements contained in UDO Article 9.53.
- e. Suspension and Revocation. See Chapter 844 of the Centerville Municipal Code.

- f. Closure for Operation without a License. See Chapter 844 of the Centerville Municipal Code.

11. Commercial Alternative Energy Production

a. Solar Power Plant

- i. Zoning Districts: A solar power plant is a conditional use in the A, Agriculture, R-1a, R-1b, and R-1c Single Family Residential Zoning Districts, and the I-PD, Industrial Planned Development zoning districts.
- ii. Minimum lot size: The minimum lot size for a solar power plant shall be 20 acres.
- iii. Setback: A solar power plant shall be setback a minimum of one hundred (100) feet from any property line.
- iv. Screening shall be in accordance with the requirements for O-PD, B-PD, and I-PD located in Table 9.6: Bufferyard, Landscape and Screening Requirements of this UDO.

b. Wind Power Plant

- i. A wind power plant is a conditional use in the A, Agriculture Zoning District, subject to the following requirements:
 - 1) Minimum lot size: The minimum lot size for a wind power plant shall be 20 acres.
 - 2) Maximum Height: 130 feet to the top of the wind turbine blade at its highest point of travel.
 - 3) Minimum Setback from Property Lines: All elements of a Large Wind Energy Conversion System shall be set back a distance equal to the height of the system with a wind turbine blade at its highest point of travel.
 - 4) All Large Wind Energy Conversion Systems shall adhere to all Federal and State Regulations including, but not limited to, submittal of an application to the Ohio Power Siting Board and Section 4906 of the Ohio Administrative Code.
 - 5) Vehicular Access: Vehicular access to the wind turbines or equipment shelter shall be via concrete or asphalt roadways.

- 6) Equipment Shelter: The minimum setbacks for principal and accessory structures shall apply and such shelter shall not be located in any required front or side yards.
- 7) Uncontrolled Rotation: Both a manual and automatic braking, governing or feathering system shall be required to prevent uncontrolled rotation.

B. Uses

1. Purpose

The purpose of this section is to list accessory, permitted, and conditionally permitted uses within the Standard Zoning Districts. These uses with their corresponding districts are shown in Table 9.1. (*Ord. 01-14, 17-14*)

2. Applicability

Table 9.1 lists the accessory, permitted, and conditionally permitted uses zoning district classification. These uses apply to Agricultural (A), Single-Family Residential (R-1a to R-1e), Two-Family Residential (R-2), Multi-Family Residential (R-3), Office-Service (O-S), Neighborhood Business (B-1), General Business (B-2), Light Industrial (I-1), Architectural Preservation District (APD), and Planned Development (R-PD, O-PD, B-PD, & I-PD). (*Ord. 17-14, 17-16*)

Table 9.0 Table of Minimum Standards (Footnotes are listed on the on the following page)

Agricultural and Residential Base Zoning Districts																		
Zoning District	Minimum Lot			Minimum Building Setback ⁹						Minimum Floor Living Area of a Dwelling Unit (square feet)	Maximum Building Height (feet or stories)	Maximum Gross Floor Area	Maximum Gross Density (Dwelling Units per Acre)	Minimum Setback of Parking or Paving ⁹				
	Area (square feet unless otherwise stated)	Width (feet)		Front Yard (feet) ¹		Rear Yard (feet)		Side Yard (feet)						Front Lot Line (feet)	Side Lot Line (feet)		Rear Lot Line (feet)	
		Arterial Street	Other Street	Arterial Street	Other Street	Adjacent to a Non-Residential Use	Adjacent to a Residential Use	Adjacent to a Non-Residential Use	Adjacent to a Residential Use						Adjacent to a Non-Residential Use	Adjacent to a Residential Use	Adjacent to a Non-Residential Use	Adjacent to a Residential Use
A Agriculture	5 acres	150	150	60	60	70	70	20	20	1,600	35 or 2 ½	-	0.2	-	-	-	-	-
A Single Family Use	40,000	150	150	60	60	70	70	20	20	1,600	35 or 2 ½	-	1.0	-	-	-	-	-
R-1a Single-Family	40,000	150	150	50	50	70	70	20	20	1,600	35 or 2 ½	-	1.0	-	-	-	-	-
R-1b Single-Family	30,000	140	140	40	40	60	60	15	15	1,500	35 or 2 ½	-	1.5	-	-	-	-	-
R-1c Single-Family	20,000	120	120	35	35	50 ²	50 ²	12	12	1,400	35 or 2 ½	-	2.0	-	-	-	-	-
R-1d Single-Family	12,000	100	100	30	30	30	30	10	10	1,300	35 or 2 ½	-	3.0	-	-	-	-	-
R-1e Single-Family	10,000	80	80	25	25	30	30	8	8	1,400	35 or 2 ½	-	4.0	-	-	-	-	-
R-1a thru R-1e Districts																		
Non-Residential Use excluding a Major Use	2 acres	150	150	100	100	40	40	40	40	-	45	-	-	25	10	25	10	25
Major Use	5 acres	150	150	100	100	40	40	40	40	-	45	-	-	25	10	100	10	100
R-2 Two-Family	7,260 ³	100	100	30	30	30	30	10	10	1,000	35 or 2 ½	-	6.0	-	-	-	-	-
R-3 Multi-Family	-	100	100	30	30	30	30	10	10	-	45	-	6.0	25	10	25	10	25
Efficiency Unit	-	-	-	-	-	-	-	-	-	400	-	-	-	-	-	-	-	-
1 Bedroom Unit	-	-	-	-	-	-	-	-	-	600	-	-	-	-	-	-	-	-
2 Bedroom Unit	-	-	-	-	-	-	-	-	-	800	-	-	-	-	-	-	-	-
3 or More Bedrooms	-	-	-	-	-	-	-	-	-	1,000	-	-	-	-	-	-	-	-
Non-Residential Use excluding a Major Use	2 acres	150	150	100	100	40	40	40	40	-	45	-	-	25	10	25	10	25
Non-Residential Major Use	5 acres	150	150	100	100	40	40	40	40	-	45	-	-	25	10	100	10	100
R-PD Residential Planned Dev.	-	-	-	50	30	30	30 ⁴	20	20 ⁴	-	45	-	6.0	25	10	25	10	25
Efficiency Unit	-	-	-	-	-	-	-	-	-	400	-	-	-	-	-	-	-	-
1 Bedroom Unit	-	-	-	-	-	-	-	-	-	600	-	-	-	-	-	-	-	-
2 Bedroom Unit	-	-	-	-	-	-	-	-	-	800	-	-	-	-	-	-	-	-
3 or More Bedrooms	-	-	-	-	-	-	-	-	-	1,000	-	-	-	-	-	-	-	-
Non-Residential Use excluding a Major Use	-	-	-	100	100	40	40	40	40	-	45	-	-	25	10	25	10	25
Non-Residential Major Use	-	-	-	100	100	40	40 ⁴	40	40 ⁴	-	45	-	-	25	10	100	10	100
O-S Office Service	20,000	150	120	50	35	20	50 ⁶	20	50 ⁶	50%	35 or 2 ½	10,000 ⁷	-	10	10	25	10	25
O-PD Office Planned Dev.	-	-	-	50	35	35	100	35	100	50%	45	-	-	20	20	100	20	100
B-1 Neighborhood Business	20,000	150	120	50	35	20	50 ⁶	20	50 ⁶	50%	35 or 2 ½	10,000 ⁷	-	10	10	25	10	25
B-2 General Business	20,000	150	120	50	35	20	50 ⁶	20	50 ⁶	50%	45	50,000	-	10	10	25	10	25
B-PD Business Planned Dev.	-	-	-	50	35	35	100	35	100	50%	45	-	-	20	20	100	20	100
I-1 Light Industrial	20,000	150	120	50	35	20	50 ⁶	20	50 ⁶	50%	45	-	-	10	10	25	10	25
I-PD Industrial Planned Dev.	-	-	-	50	35	35	100	35	100	50%	45	-	-	20	20	100	20	100
APD Architectural Preservation	See Section 9.53 D, Supplemental Requirements for the APD					50	50	3	3	-	32	-	-	Not Permitted ⁸	5	5	10	10

Table 9.0 Table of Minimum Standards, continued

- ¹ Average Depth of Front Yard: In Agricultural and Residential Base Zoning Districts, where the average depth of at least 2 neighboring front yards on lots within 100 feet of a lot in question and within the same block front is less or greater than the least front yard depth prescribed in the table above, the required front yard on such lot shall be modified. In such case, the depth of the front yard shall not be less than the average depth of the neighboring front yards. However, the required front yard shall be a minimum of 10 feet and not required to exceed 60 feet.
- ² The minimum rear yard in the R-1c District may be modified as follows: Draw a line 100 feet from the front lot line in the same manner as determining the minimum front yard. Any portion of this line that is at least 30 feet but less than 50 feet from the rear lot line shall define the rear yard building setback.
- ³ Per Dwelling Unit
- ⁴ A 100 foot minimum building setback is required for any non-residential use and any residential building that is greater than 150 feet in width, 6,000 square feet in gross floor area and greater than one story in height.
- ⁵ Refer to Section 9.15 C. for subdivision requirements.
- ⁶ The minimum side or rear yard building setback when abutting a single-family residential zoning district shall be 50 feet plus a 5 foot additional setback for every 1 additional foot of building height for a principal building that is greater than 35 feet in height.
- ⁷ The Building Ground Floor Area may be increased up to 15,000 square feet subject to the following:
1. The parcel is contiguous to a non-residential or multi-family zoning district, and
 2. The parcel is contiguous to a single-family zoning district or use and the principal building has a setback of 75 feet or greater from the single-family zoning district or use.
- ⁸ A single-family dwelling may have a driveway for parking of the owners or guest vehicle in the front yard.
- ⁹ The minimum building and parking or paving setbacks established for the Planned Development Zoning Districts by this table shall apply to the perimeter of the Development Plan as approved by City Council. If the minimum building and parking or paving setbacks for any internal lot lines(s) are not established by a Development Plan as approved by City Council, the setbacks shall default in the following manner:
1. R-3 Zoning District standards shall apply in the R-PD Zoning District.
 2. O-S Zoning District standards shall apply in the O-PD Zoning District.
 3. B-2 Zoning District standards shall apply in the B-PD Zoning District.
 4. I-1 Zoning District standards shall apply in the I-PD Zoning District.

Table 9.1, Permitted Land Uses in the Base Zoning Districts	Type of Use (Site Plan Requirement)						Land Uses																														
	P	-	AU	C	(Maj)	(Min)	Permitted Use	Not Permitted Use	Accessory Use	Conditional Use	Major Site Plan	Minor Site Plan	A	R-1 (a-e)	R-2	R-3	R-PD	O-S	O-PD	Agricultural	Single-Family Residential	Two-Family Residential	Multi-Family Residential	Residential Planned Development	Office-Service	Office Planned Development	B-1	B-2	B-PD	I-1	I-PD	APD	Neighborhood Business	General Business	Business Planned Development	Light Industrial District	Industrial Planned District
Land Use Type	Approval Required by District																																				
Land Use Type	A	R-1a	R-1b	R-1c	R-1d	R-1e	R-2	R-3	R-PD	O-S	O-PD	B-1	B-2	B-PD	I-1	I-PD	APD																				
Accessory Uses¹																																					
Accessory Structures	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P																				
Bed & Breakfast	P	P	P	P	P	P	P	P	P	-	-	-	-	-	-	-	P																				
Home Sales	P	P	P	P	P	P	P	P	P	-	-	-	-	-	-	-	P																				
Outdoor Display or Storage of Materials, Goods, Supplies, or Equipment	P	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-																				
Mobile Food Vehicle - See Article 9.05 A 10.	-	-	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P																				
Pet Shelters	P	P	P	P	P	P	P	P	P	-	-	-	-	-	-	-	P																				
Playhouses	P	P	P	P	P	P	P	P	P	-	-	-	-	-	-	-	P																				
Solar Energy Device - Roof Mounted ²	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P																				
Solar Energy Device - Freestanding or Wall Mounted ²	C (Maj)	C (Maj)	C (Maj)	C (Maj)	C (Maj)	C (Maj)	C (Maj)	C (Maj)	C (Maj)	C (Maj)	C (Maj)	C (Maj)	C (Maj)	C (Maj)	C (Maj)	C (Maj)	C (Maj)																				
Swimming Pools and Hot Tubs, Private	P	P	P	P	P	P	P	P	P	-	-	-	-	-	-	-	P																				
Tennis Courts, Private	P	P	P	P	P	P	P	P	P	-	-	-	-	-	-	-	P																				
Wind Energy Device ²	P	C (Maj)	C (Maj)	C (Maj)	C (Maj)	C (Maj)	C (Maj)	C (Maj)	C (Maj)	C (Maj)	C (Maj)	-																									
Wireless Telecommunications Antennae (Co-Location)	See Article 9.55, Wireless Communication Facility Standards																																				
Agricultural Uses																																					
Agriculture ³	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P																				
Bee Keeping ⁴	P (Min)	P (Min)	P (Min)	P (Min)	P (Min)	P (Min)	P (Min)	P (Min)	P (Min)	P (Min)	P (Min)	P (Min)	P (Min)	P (Min)	P (Min)	P (Min)	P (Min)																				
Stable (Commercial)	P (Maj)	C (Maj)	C (Maj)	C (Maj)	C (Maj)	C (Maj)	C (Maj)	C (Maj)	C (Maj)	-	-	-	-	-	-	-	-																				
Stable (Private)	P (Min)	C (Maj)	C (Maj)	C (Maj)	-	-	-	-	-	-	-	-																									
Wholesale or Commercial Plant Nursery	P (Maj)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P (Maj)	-																				
Commercial Use																																					
Amusement Arcades	-	-	-	-	-	-	-	-	-	-	-	C (Maj)	P (Maj)	P (Maj)	-	-	-																				
Animal Hospital/Clinics	-	-	-	-	-	-	-	-	-	P (Maj)	P (Maj)	P (Maj)	P (Maj)	P (Maj)	P (Maj)	-	P (Maj)																				
Bakeries (Retail)	-	-	-	-	-	-	-	-	-	-	-	P (Maj)	P (Maj)	P (Maj)	-	-	P (Maj)																				
Banks	-	-	-	-	-	-	-	-	-	P (Maj)	P (Maj)	P (Maj)	P (Maj)	P (Maj)	-	-	P (Maj)																				
Banquet Hall	-	-	-	-	-	-	-	-	-	C (Maj)	C (Maj)	P (Maj)	P (Maj)	P (Maj)	P (Maj)	-	P (Maj)																				
Barbers Shops & Beauty Parlors	-	-	-	-	-	-	-	-	-	P (Maj)	P (Maj)	P (Maj)	P (Maj)	P (Maj)	-	-	P (Maj)																				
Bars, Taverns	-	-	-	-	-	-	-	-	-	C (Maj)	C (Maj)	P (Maj)	P (Maj)	P (Maj)	-	-	P (Maj)																				
Big Box Retail	-	-	-	-	-	-	-	-	-	-	-	-	C (Maj)	P (Maj)	-	-	-																				
Book Store	-	-	-	-	-	-	-	-	-	-	-	P (Maj)	P (Maj)	P (Maj)	-	-	P (Maj)																				
Camera/Photography Store	-	-	-	-	-	-	-	-	-	-	-	P (Maj)	P (Maj)	P (Maj)	-	-	P (Maj)																				
Car Wash	-	-	-	-	-	-	-	-	-	-	-	-	P (Maj)	P (Maj)	P (Maj)	P (Maj)	-																				
Clothing Store	-	-	-	-	-	-	-	-	-	-	-	P (Maj)	P (Maj)	P (Maj)	-	-	P (Maj)																				
Commercial Entertainment	-	-	-	-	-	-	-	-	-	-	-	-	P (Maj)	P (Maj)	-	-	-																				
Convenience Store	-	-	-	-	-	-	-	-	-	-	-	P (Maj)	P (Maj)	P (Maj)	-	-	P (Maj)																				
Corporate Data Centers	-	-	-	-	-	-	-	-	-	P (Maj)	P (Maj)	-	-	C (Maj)	P (Maj)	-	-																				
Department Stores	-	-	-	-	-	-	-	-	-	-	-	-	P (Maj)	P (Maj)	-	-	-																				
Drive-through Stores	-	-	-	-	-	-	-	-	-	-	-	-	P (Maj)	P (Maj)	-	-	-																				

¹ Refer to Article 9.39 of the UDO for additional regulations pertaining to Accessory Uses and Buildings. Some Accessory Uses and Buildings that, because of their size, location, or intensity of activity, may have an impact on adjacent property would require Major Site Plan approval.
² Refer to Article 9.57 of the UDO for additional regulations for Alternative Energy Systems including a solar energy and wind energy device.
³ A minimum of 5 acres is required to establish an agricultural use.
⁴ Refer to Article 9.39, G. Beekeeping of the UDO for additional regulations.

Table 9.1, Permitted Land Uses in the Base Zoning Districts	Type of Use (Site Plan Requirement)						Land Uses										
	P	Permitted Use	A	Agricultural	B-1	Neighborhood Business											
	-	Not Permitted Use	R-1 (a-e)	Single-Family Residential	B-2	General Business											
AU	Accessory Use	R-2	Two-Family Residential	B-PD	Business Planned Development												
C	Conditional Use	R-3	Multi-Family Residential	I-1	Light Industrial District												
(Maj)	Major Site Plan	R-PD	Residential Planned Development	I-PD	Industrial Planned District												
(Min)	Minor Site Plan	O-S	Office-Service	APD	Architectural Preservation District												
		O-PD	Office Planned Development														
Specific Use Type	Approval Required by District																
Land Use Type	A	R-1a	R-1b	R-1c	R-1d	R-1e	R-2	R-3	R-PD	O-S	O-PD	B-1	B-2	B-PD	I-1	I-PD	APD
Commercial Use, Continued																	
Drive-up Windows, associated with a Restaurant use ⁵	-	-	-	-	-	-	-	-	-	-	-	-	AU (Maj)	AU (Maj)	-	-	-
Drive-up Windows, not associated with a Restaurant use ⁵	-	-	-	-	-	-	-	-	-	C(Maj)	C(Maj)	C(Maj)	C(Maj)	C(Maj)	-	-	C(Maj)
Dry Cleaning Shops	-	-	-	-	-	-	-	-	-	-	-	P (Maj)	P (Maj)	P (Maj)	-	-	P (Maj)
Flea Markets	-	-	-	-	-	-	-	-	-	-	-	-	C (Maj)	C (Maj)	C (Maj)	-	-
Florist Shops	-	-	-	-	-	-	-	-	-	-	-	P (Maj)	P (Maj)	P (Maj)	P (Maj)	-	P (Maj)
Fueling Station ⁶	-	-	-	-	-	-	-	-	-	-	-	C (Maj)	P (Maj)	P (Maj)	-	-	C (Maj)
Funeral Home	-	-	-	-	-	-	-	-	-	-	C (Maj)	P (Maj)	P (Maj)	P (Maj)	P (Maj)	C (Maj)	P (Maj)
General Merchandise Store	-	-	-	-	-	-	-	-	-	-	-	P (Maj)	P (Maj)	P (Maj)	-	-	C (Maj)
Grocery Stores	-	-	-	-	-	-	-	-	-	-	-	C (Maj)	P (Maj)	P (Maj)	-	-	C (Maj)
Hardware Stores	-	-	-	-	-	-	-	-	-	-	-	C (Maj)	P (Maj)	P (Maj)	-	-	-
Hobby Shops	-	-	-	-	-	-	-	-	-	-	-	C (Maj)	P (Maj)	P (Maj)	P (Maj)	-	P (Maj)
Hotel – Motel	-	-	-	-	-	-	-	-	-	-	C (Maj)	-	P (Maj)	P (Maj)	-	-	-
Kennels	C (Maj)	-	-	-	-	-	-	-	-	-	-	-	C (Maj)	-	C (Maj)	-	-
Laundromats	-	-	-	-	-	-	-	-	-	-	-	C (Maj)	P (Maj)	P (Maj)	P (Maj)	-	-
Liquor Stores	-	-	-	-	-	-	-	-	-	-	-	-	P (Maj)	P (Maj)	-	-	-
Driving Range	-	-	-	-	-	-	-	-	-	-	-	-	P (Maj)	P (Maj)	-	-	-
Music Stores	-	-	-	-	-	-	-	-	-	-	-	P (Maj)	P (Maj)	P (Maj)	-	-	P (Maj)
Night Clubs	-	-	-	-	-	-	-	-	-	-	-	-	P (Maj)	P (Maj)	-	-	-
Office/Business Service Uses	-	-	-	-	-	-	-	-	-	P (Maj)	P (Maj)	P (Maj)	P (Maj)	P (Maj)	P (Maj)	-	P (Maj)
Pet Store	-	-	-	-	-	-	-	-	-	-	-	-	P (Min)	P (Min)	-	-	-
Pharmacy	-	-	-	-	-	-	-	-	-	-	-	P (Min)	P (Min)	P (Min)	-	-	P (Maj)
Photography Studio	-	-	-	-	-	-	-	-	-	-	-	P (Min)	P (Min)	P (Min)	P (Maj)	-	P (Maj)
Plant Nursery/Garden Supply	-	-	-	-	-	-	-	-	-	-	-	-	P (Maj)	P (Maj)	-	-	-
Restaurant, Class 1 - Sit Down	-	-	-	-	-	-	-	-	-	-	-	P (Maj)	P (Maj)	P (Maj)	-	-	P (Maj)
Restaurant, Class 2 - Sit Down	-	-	-	-	-	-	-	-	-	-	-	P (Maj)	P (Maj)	P (Maj)	-	-	P (Maj)
Restaurant, Class 3 - Sit Down, Drive-up	-	-	-	-	-	-	-	-	-	-	-	-	P (Maj)	P (Maj)	-	-	-
Restaurant, Class 4 - Drive-up, Food Kiosk	-	-	-	-	-	-	-	-	-	-	-	-	C (Maj)	C (Maj)	-	-	-
Retail Sales and Services (Generally, not otherwise enumerated)	-	-	-	-	-	-	-	-	-	-	-	P (Maj)	P (Maj)	P (Maj)	-	-	P (Maj)
Sexually Oriented Business	-	-	-	-	-	-	-	-	-	-	-	-	-	P (Maj)	-	-	-
Shopping Center	-	-	-	-	-	-	-	-	-	-	-	-	P (Maj)	P (Maj)	-	-	-
Theaters	-	-	-	-	-	-	-	-	-	-	-	-	P (Maj)	P (Maj)	-	-	-
Vehicle Sale and Service	-	-	-	-	-	-	-	-	-	-	-	-	P (Maj)	P (Maj)	-	-	-
Institutional, Civic, Recreational																	
Adult Day Care	-	-	-	-	-	-	-	-	-	P (Maj)	P (Maj)	P (Maj)	P (Maj)	P (Maj)	-	-	P (Maj)
Animal Shelter	-	-	-	-	-	-	-	-	-	-	-	-	C (Maj)	-	C (Maj)	C (Maj)	-
Campgrounds	C (Maj)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Cemetery	C (Maj)	C (Maj)	C (Maj)	C (Maj)	C (Maj)	C (Maj)	C (Maj)	C (Maj)	C (Maj)	-	-	-	-	-	-	-	C (Maj)
Club or Lodge	-	-	-	-	-	-	-	-	-	-	-	C (Maj)	P (Maj)	P (Maj)	P (Maj)	-	C (Maj)
Convention Center	-	-	-	-	-	-	-	-	-	-	-	-	C(Maj)	-	-	-	-
Cultural (Museum, Art Gallery)	-	-	-	-	-	-	-	-	-	P (Maj)	P (Maj)	P (Maj)	P (Maj)	P (Maj)	P (Maj)	-	P (Maj)

⁵ Drive-up Windows shall be placed in the side or rear yard only.

⁶ Within the B-1 or APD Districts, a fueling station shall have a maximum of 2 pumps that are located in the side or rear yard only.

Table 9.1, Permitted Land Uses in the Base Zoning Districts	Type of Use (Site Plan Requirement)						Land Uses											
	P	Permitted Use	A	Agricultural	B-1	Neighborhood Business												
	-	Not Permitted Use	R-1 (a-e)	Single-Family Residential	B-2	General Business												
AU	Accessory Use	R-2	Two-Family Residential	B-PD	Business Planned Development													
C	Conditional Use	R-3	Multi-Family Residential	I-1	Light Industrial District													
(Maj)	Major Site Plan	R-PD	Residential Planned Development	I-PD	Industrial Planned District													
(Min)	Minor Site Plan	O-S	Office-Service	APD	Architectural Preservation District													
		O-PD	Office Planned Development															
Specific Use Type						Approval Required by District												
Land Use Type	A	R-1a	R-1b	R-1c	R-1d	R-1e	R-2	R-3	R-PD	O-S	O-PD	B-1	B-2	B-PD	I-1	I-PD	APD	
Institutional, Civic, Recreational, Continued																		
Day Care Center	-	-	-	-	-	-	-	-	-	P (Maj)	-	-	P (Maj)					
Entertainment Public	-	-	-	-	-	-	-	-	-	-	-	-	P (Maj)	P (Maj)	-	-	-	
Family Day Care, Type A	-	-	-	-	-	-	-	C (Maj)	C (Maj)	-	-	P (Maj)	P (Maj)	P (Maj)	-	-	P (Maj)	
Family Day Care, Type B ⁷	-	P (Maj)	P (Maj)	P (Maj)	P (Maj)	P (Maj)	P (Maj)	P (Maj)	P (Maj)	-	-	-	-	-	-	-	P (Maj)	
Outdoor Recreational Club	-	-	-	-	-	-	-	-	-	-	-	C (Maj)	P (Maj)	P (Maj)	P (Maj)	-	-	
Golf Course	-	-	-	-	-	-	-	-	-	P (Maj)	P (Maj)	-	P (Maj)	P (Maj)	-	-	-	
Hospital	-	-	-	-	-	-	-	-	-	-	P (Maj)	-	P (Maj)	P (Maj)	-	-	-	
Indoor Recreational Club	-	-	-	-	-	-	-	-	-	C (Maj)	C (Maj)	P (Maj)	P (Maj)	P (Maj)	P (Maj)	-	P (Maj)	
Natural Preserve Areas	P (Min)	P (Min)	P (Min)	P (Min)	P (Min)	P (Min)	P (Min)	P (Min)	P (Min)	P (Min)	P (Min)	P (Min)	P (Min)	P (Min)	P (Min)	P (Min)	P (Maj)	
Out Patient Surgery Center	-	-	-	-	-	-	-	-	-	-	C (Maj)	-	P (Maj)	P (Maj)	P (Maj)	-	-	
Parks, Open Space	P (Min)	P (Min)	P (Min)	P (Min)	P (Min)	P (Min)	P (Min)	P (Min)	P (Min)	P (Min)	P (Min)	P (Min)	P (Min)	P (Min)	P (Min)	P (Min)	P (Maj)	
Public Library	-	-	-	-	-	-	-	-	-	-	-	P (Maj)	P (Maj)	P (Maj)	-	-	P (Maj)	
Religious Institutions and Places of Worship (Large 150+ capacity)	C (Maj)	C (Maj)	C (Maj)	C (Maj)	C (Maj)	C (Maj)	C (Maj)	C (Maj)	C (Maj)	C (Maj)	P (Maj)	P (Maj)	P (Maj)	P (Maj)	-	-	P (Maj)	
Religious Institutions and Places of Worship (Small 1-150 capacity)	C (Maj)	C (Maj)	C (Maj)	C (Maj)	C (Maj)	C (Maj)	C (Maj)	C (Maj)	P (Maj)	-	-	P (Maj)						
School: College										P (Maj)								
School, Primary	P (Maj)	P (Maj)	P (Maj)	P (Maj)	P (Maj)	P (Maj)	P (Maj)	P (Maj)	P (Maj)	P (Maj)	P (Maj)	P (Maj)	P (Maj)	P (Maj)	-	-	P (Maj)	
Swimming Pools (Not Private Residential)	-	C (Maj)	C (Maj)	C (Maj)	C (Maj)	C (Maj)	C (Maj)	C (Maj)	C (Maj)	C (Maj)	C (Maj)	P (Maj)	P (Maj)	P (Maj)	-	-	P (Maj)	
Zoo	C (Maj)	-	-	-	-	-	-	-	-	-	-	-	C (Maj)	C (Maj)	-	-	-	
Industrial, Manufacturing, Research, and Wholesale Use																		
Artisan/Craft Product Workshop	-	-	-	-	-	-	-	-	-	-	-	-	C (Maj)	C (Maj)	C (Maj)	P (Maj)	P (Maj)	C (Maj)
Automobile or truck repair, including body work	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P (Maj)	P (Maj)	-
Bakeries (Factory or Distribution)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P (Maj)	P (Maj)	-
City Service Yards and Garages	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P (Maj)	P (Maj)	-
Construction trades and contractor offices and shops	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P (Maj)	P (Maj)	-
Food Processing	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P (Maj)	P (Maj)	-
Heavy equipment rental, sales, service and storage	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P (Maj)	P (Maj)	-
Industrial Park	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P (Maj)	-
Junkyards/Salvage Yards	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C (Maj)	-
Light Manufacturing	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P (Maj)	P (Maj)	-
Machine Shop	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P (Maj)	P (Maj)	-
Media Production	-	-	-	-	-	-	-	-	-	C (Maj)	C (Maj)	-	C (Maj)	C (Maj)	P (Maj)	P (Maj)	-	
Printing Services	-	-	-	-	-	-	-	-	-	-	-	-	P (Maj)	P (Maj)	P (Maj)	P (Maj)	-	
Research and Development, Information Technologies	-	-	-	-	-	-	-	-	-	C (Maj)	P (Maj)	-	C (Maj)	C (Maj)	P (Maj)	P (Maj)	-	
Research and Development, Laboratories	-	-	-	-	-	-	-	-	-	C (Maj)	C (Maj)	-	C (Maj)	C (Maj)	P (Maj)	P (Maj)	-	
Research and Development, Medical Technologies	-	-	-	-	-	-	-	-	-	C (Maj)	P (Maj)	-	C (Maj)	C (Maj)	P (Maj)	P (Maj)	-	
Retail uses which have an industrial character	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P (Maj)	P (Maj)	-
Veterinary offices with fully enclosed runs, pens, or kennels	-	-	-	-	-	-	-	-	-	-	-	-	C (Maj)	C (Maj)	P (Maj)	P (Maj)	-	
Warehouses and Mini-Warehouses	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P (Maj)	P (Maj)	-
Warehousing and Distribution	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P (Maj)	P (Maj)	-
Wholesaling and Storage Facilities	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P (Maj)	P (Maj)	-

⁷ Permitted as a Home Occupation

Table 9.1, Permitted Land Uses in the Base Zoning Districts	Type of Use (Site Plan Requirement)						Land Uses																														
	P	Permitted Use	A	Agricultural	B-1	Neighborhood Business	-	Not Permitted Use	R-1 (a-e)	Single-Family Residential	B-2	General Business	AU	Accessory Use	R-2	Two-Family Residential	B-PD	Business Planned Development	C	Conditional Use	R-3	Multi-Family Residential	I-1	Light Industrial District	(Maj)	Major Site Plan	R-PD	Residential Planned Development	I-PD	Industrial Planned District	(Min)	Minor Site Plan	O-S	Office-Service	APD	Architectural Preservation District	O-PD
Specific Use Type	Approval Required by District																																				
Land Use Type	A	R-1a	R-1b	R-1c	R-1d	R-1e	R-2	R-3	R-PD	O-S	O-PD	B-1	B-2	B-PD	I-1	I-PD	APD																				
Office Use																																					
Government Offices	C (Maj)	C (Maj)	C (Maj)	C (Maj)	C (Maj)	C (Maj)	C (Maj)	C (Maj)	C (Maj)	P (Maj)	P (Maj)	P (Maj)	P (Maj)	P (Maj)	P (Maj)	-	P (Maj)																				
Medical and Dental Offices	-	-	-	-	-	-	-	-	-	P (Maj)	P (Maj)	P (Maj)	P (Maj)	P (Maj)	P (Maj)	P (Maj)	P (Maj)																				
Office Park	-	-	-	-	-	-	-	-	-	P (Maj)	P (Maj)	-	P (Maj)	P (Maj)	P (Maj)	P (Maj)	-																				
Office Uses	-	-	-	-	-	-	-	-	-	P (Maj)	P (Maj)	P (Maj)	P (Maj)	P (Maj)	P (Maj)	P (Maj)	P (Maj)																				
Research and Development, Offices	-	-	-	-	-	-	-	-	-	P (Maj)	P (Maj)	C (Maj)	P (Maj)	P (Maj)	P (Maj)	P (Maj)	-																				
Residential Uses																																					
Dormitory	-	-	-	-	-	-	-	C (Maj)	C (Maj)	-	-	-	-	-	-	-	-																				
Dwelling , Multi-Family and Apartment Building	-	-	-	-	-	-	-	P (Maj)	P (Maj)	-	-	-	-	-	-	-	P (Maj)																				
Dwelling, Single-Family	P (Maj)	P (Maj)	P (Maj)	P (Maj)	P (Maj)	P (Maj)	P (Maj)	P (Maj)	P (Maj)	-	-	-	-	-	-	-	P (Maj)																				
Dwelling, Duplex	-	-	-	-	-	-	P (Maj)	P (Maj)	P (Maj)	-	-	-	-	-	-	-	P (Maj)																				
Mixed-Use Building ⁸	-	-	-	-	-	-	-	-	P (Maj)	-	-	-	-	-	-	-	P (Maj)																				
Nursing and Convalescent Homes	-	-	-	-	-	-	-	C (Maj)	P(Maj)	-	C(Maj)	-	-	-	-	-	-																				
Residence Family Home	P (Maj)	P (Maj)	P (Maj)	P (Maj)	P (Maj)	P (Maj)	P (Maj)	P (Maj)	P (Maj)	-	-	-	-	-	-	-	P (Maj)																				
Residential Cluster Development	P (Maj)	P (Maj)	P (Maj)	P (Maj)	P (Maj)	P (Maj)	P (Maj)	P (Maj)	P (Maj)	-	-	-	-	-	-	-	P (Maj)																				
Residential Group Home	-	-	-	-	-	-	-	C (Maj)	-	-	-	-	-	-	-	-	-																				
Senior Citizen Residential Community	-	-	-	-	-	-	-	-	P (Maj)	-	-	-	-	-	-	-	-																				
Satellite Dishes (Less than 1 meter in diameter)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P																				
Telecommunications Cabinet	P (Min)	P (Min)	P (Min)	P (Min)	P (Min)	P (Min)	P (Min)	P (Min)	P (Min)	P (Min)	P (Min)	P (Min)	P (Min)	P (Min)	P (Min)	P (Min)	P (Min)																				
Television Antennae (Residential)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P																				
Wireless Communication Tower	See Article 9.55, Wireless Communication Facility Standards																																				
Wireless Communication Antennae	See Article 9.55, Wireless Communication Facility Standards																																				
Temporary Uses																																					
Carnival/Outdoor Amusement Use	-	-	-	-	-	-	-	-	-	-	-	-	-	C (Maj)	C (Maj)	-	-																				
Seasonal Outdoor Sale of Farm Produce or Plants	P (Min)	C (Maj)	C (Maj)	C (Maj)	C (Maj)	C (Maj)	C (Maj)	C (Maj)	C (Maj)	C (Maj)	C (Maj)	C (Maj)	C (Maj)	-	-	-	C (Maj)																				
Seasonal Outdoor Sale of Landscaping Materials	-	-	-	-	-	-	-	-	-	-	-	C (Maj)	P (Min)	P (Min)	-	-	-																				
Sidewalk Sales	-	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-	P																				
Temporary Construction Buildings	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P																				
Transportation, Aviation or Surface																																					
Heliport ⁹	-	-	-	-	-	-	-	-	-	-	C (Maj)	C (Maj)	C (Maj)	C (Maj)	C (Maj)	C (Maj)	-																				
Public transit stations, including bus stops or park and ride lots	P (Maj)	P (Maj)	P (Maj)	P (Maj)	P (Maj)	P (Maj)	P (Maj)	P (Maj)	P (Maj)	P (Maj)	P (Maj)	P (Maj)	P (Maj)	P (Maj)	P (Maj)	P (Maj)	P (Maj)																				
Transport Uses, Taxi, Limousine and EMS	-	-	-	-	-	-	-	-	-	-	-	-	P (Maj)	P (Maj)	P (Maj)	P (Maj)	-																				
Utility Uses																																					
Solar Power Plant	C (Maj)	C (Maj)	C (Maj)	C (Maj)	-	-	-	-	-	-	-	-	-	-	-	-	C (Maj)																				
Wind Power Plant	C (Maj)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C (Maj)																				
Utility	C (Maj)	C (Maj)	C (Maj)	C (Maj)	C (Maj)	C (Maj)	C (Maj)	C (Maj)	C (Maj)	C (Maj)	C (Maj)	C (Maj)	C (Maj)	C (Maj)	P (Maj)	P (Maj)	C (Maj)																				

⁸ Residential uses permitted alongside those otherwise permitted in district in which it is located.

⁹ A Heliport shall be set back a minimum of 100 feet from any property line.

9.07 Overlay Zoning District Standards

A. Mixed Use

1. Purpose

The Mixed-Use Overlay District is meant to encourage medium density mixed-use development with a required above-grade residential or office component, pedestrian-friendly site design, and an urban street character, in order to increase pedestrian traffic, reduce vehicular traffic, promote innovative use of space, promote energy efficient design, conserve land, and accommodate a range of compatible land uses through appropriate site design. Mixed-Use Overlay Districts are intended to provide areas in which a variety of housing types exist among neighborhood-serving commercial and institutional uses and employment opportunities. The Mixed-Use Overlay District encourages the development of compact, pedestrian-scaled, mixed-use neighborhoods and commercial centers. It is also intended to help advance revitalization initiatives along commercial corridors and recognizes the market demand for new residential and commercial development within compact, pedestrian friendly districts. Mixed-Use zoning is intended to work in conjunction with the proactive development of pocket parks and plazas, open spaces, and the creation of public spaces within the districts. Mixed-Use zoning can support commercial corridor redevelopment plans and urban design guidelines or standards that require high quality development that is consistent with the character of the district. It specifically discourages those uses that promote a strip center development pattern, promote idle land and over parking, and detract from the image enhancement intentions of this district. A Mixed-Use Overlay District may overlay several base districts. The Mixed-Use Overlay Districts include: Neighborhood Center District, Community Center District, and the Corporate Business District.

2. Permitted Land Uses

The uses permitted in each underlying district are limited to the boundaries of that district, and the regulations of the underlying district shall govern, except where additional uses are expressly allowed under this Section. Table 9.2 lists the permitted land uses and building types by Overlay District.

Table 9.2: Permitted Land Uses and Building Types by Overlay District					
Land Use	GFA* sq. ft.	NC	CC	CB	
Residential					
Townhouse A and B	any size	P(1)	P(2)	P(2)	
Multi-Family	any size	P(1)	P(2)	P(2)	
Live-Work	any size	P(1)	P(2)	P(2)	
Commercial (3) (4)					
Retail Sales and Service, except vehicles					
Neighborhood Retail	0 - 5,000	P	P	P	
Retail	5,001 - 50,000	N	P	P	
Large Format Retail	Greater than 50,000	N	N	P	
Restaurants					
With a drive-through	any size	N	P	P	
Without a drive-through	0 - 5,000	P	P	P	
Without a drive-through	Greater than 5,000	N	P	P	
Office and Clinics					
Neighborhood Office	0 - 5,000	P	P	P	
Office	5,001 - 50,000	N	P	P	
Large Office	Greater than 50,000	N	N	P	
Lodging					
Bed and Breakfast	0 - 5,000	P	P	P	
Hotel	5,001 - 50,000	P	P	P	
Large Hotel	Greater than 50,000	N	N	P	
Vehicle Sales and Service, Including Fuel Sales					
1 Enclosed in a building	any size	N	P	N	
2 Not enclosed in a building	any size	N	P	N	
Commercial and Public Parking					
Commercial Storage - enclosed in a building only					
On an upper story only	any size	P	P	P	
Entertainment - enclosed in a building only					
1 Theater or a Cinema	0 - 20,000	P	P	P	
2 Large Format Theater or a Cinema	20,001 +	N	P	P	
Wholesale					
1 Less than or equal to 50,000 square feet GFA	0 - 50,000	N	N	P	
2 Greater than 50,000 square feet GFA	Greater than 50,000	N	N	P	
Civic (3) (4)					
Government					
Point of Service (e.g., Library)	any size	P	P	P	
Parks and Open Space					
Museum					
Schools					
1 Pre-school, Daycare or Primary	any size	P	P	P	
2 Secondary, College or Vocational	any size	N	P	P	
Religious Institutions					
1 Less than or equal to 10,000 square feet GFA	0 - 10,000	P	P	P	
2 Greater than 10,000 square feet GFA	10,001 +	N	P	P	

Table 9.2: Legend

* Gross Floor Area in square feet.

Key to Overlay Districts: **NC**, Neighborhood Center; **CC**, Community Commercial;

CB, Corporate Business; **LC**, Lifestyle Community

Key to Permitted Uses: **P**, Permitted; **N**, Not Permitted; **C**, Conditional Use

- (1) Permitted on upper stories or on ground floors where they do not use storefront space.
- (2) Uses shall not exceed 50 percent of the ground floor area of the building per parcel.
- (3) Surface parking areas shall not be within 50 feet of a street intersection, as measured from the property line(s).
- (4) Fueling islands and drive-up/through facilities including any canopy shall not be located in a front yard.

3. Rezoning and Development Review/Approval of Plans

Applications shall be processed in accordance with the same review and hearing procedures as a proposal for a zoning district change, as described in Section 5.09, Development Plan. Mixed-Use Overlay District applications may be submitted only if the project is located within the Mixed-Use Overlay District. However, this mechanism is optional and shall not be required of all projects located within the Mixed-Use Overlay District. Projects not being developed in accordance with the Mixed-Use Overlay District standards shall be developed in accordance with the development standards of the underlying base zoning district.

4. Design Standards

This Section establishes design standards for development in Mixed-Use Districts. These standards shall apply to permitted uses in all Districts.

The design standards described in this subsection are intended to promote good quality design in site development and new building construction within mixed-use zoning designations. Good design in mixed-use zones results in buildings and dwellings visually compatible with one another and adjacent neighborhoods, contributing to a district which is attractive, visually stimulating, active and safe. These qualities contribute to the creation of an environment which facilitates easy pedestrian movement and a rich mixture of uses. A diversity of architectural styles is encouraged except in large scale mixed-use developments where unified architectural and urban design is important to the identity of the development project. All new development and expansions of existing uses located in mixed-use districts shall comply with these design standards during Development Review.

5. Building and Site Design Standards

The standards contained in this subsection are intended to encourage good quality, pedestrian-sensitive design in new building construction.

a. Building Entry and Orientation Requirements

The purpose of this subsection is to require buildings and entrances to be oriented to the street to the maximum extent practicable to encourage pedestrian access and movement. Requirements for orientation and primary entrances are intended to provide for convenient, direct and accessible pedestrian routes to and from public sidewalks; provide for safe, pleasant and convenient pedestrian circulation by connecting activities within a structure to the adjacent sidewalk and to nearby transit stops where available; and promote the use of pedestrian modes of transportation to retail and commercial facilities.

The following design standards shall apply to development in NC, CC, and CB Districts except where noted:

- i. All ground-floor tenant spaces with at least 25 feet of frontage facing a public or private street shall have at least one building entrance oriented to the adjacent street. Such an entrance shall open directly to the outside and shall not require a pedestrian to first pass through a garage, parking lot or loading area to gain access to the entrance from the street, but the entrance may include architectural features such as arcades, anti-chambers, porticos and the like without being in violation of this provision.
- ii. If a building has frontage on more than one street, the building shall provide a main building entrance oriented to one of the streets or a single entrance to the corner where the two streets intersect.
- iii. Where one single tenant has 200 feet or more of frontage on a public or private street, one additional entrance shall be provided for each 200 feet of frontage on one of the public or private streets.
- iv. Freestanding banking institutions and restaurants located in the CB District are exempt from the provisions contained in this subsection and may locate the primary building entrance on any façade of the structure.
- v. A clear internal site pedestrian sidewalk or pathway shall be provided to the building entrance from all public or private street sidewalks. A building may have more building entrances than required by this Section oriented to a public or private street, and may have secondary entrances facing off-street parking areas and loading areas.
- vi. An exception to the requirement of paragraph (a) above shall be allowed upon finding that:
 - 1) The slope of the land between the building and the street is greater than 1:12 for more than 20 feet and a more accessible pedestrian route to the building is available from a different side of the building;
 - 2) The land between the building and the street contains a natural resource which would be unavoidably and irreparably degraded by providing a reasonably direct pedestrian connection and an alternative route without such impacts is available; or
 - 3) The land between the building and the street contains mature, healthy trees of greater than 8" caliper which would be unavoidably destroyed or damaged by

any reasonably direct routing of a pedestrian connection and an alternative route without such impacts is available.

- vii. Residential dwellings fronting on a public or private street shall have a main entrance to the dwelling opening onto the front of the dwelling at the ground floor level. Such an entrance shall open directly to the outside and shall not require passage through a garage to gain access to the doorway. The doorway may be above final grade where a porch, stoop, portico, anti-chamber, wheelchair ramp or similar architectural feature is included in the design. Ground floor single-family attached and row/townhouse residential units fronting on a public or private street shall have separate entries directly from the major pedestrian route. Ground floor and upper story residential units in a multi-family building fronting on a public or private street may share one or more entries accessible directly from the street.
- viii. Residential building facades over 150 feet in length facing a street shall provide two or more main building entrances.
- ix. Entryways into a mixed-use building containing residential units shall be clearly marked with a physical feature incorporated into the building or an appropriately scaled element applied to the façade.

b. Ground Floor Windows and Building Façade Requirements

Long expanses of blank walls facing a street or other public areas detract from the attractiveness of the streetscape and perceived safety of pedestrians using those spaces. The standards of this subsection are intended to enhance street safety and provide a comfortable street environment by providing ground-level features of interest to pedestrians along streets. These standards also have the purpose of encouraging surveillance opportunities where buildings face abutting streets and public areas, preventing fortress-like facades, and avoiding a monotonous pedestrian environment. The standards also help enhance the economic vitality of a neighborhood by providing the opportunity for merchants to display goods and advertise their wares to shoppers by encouraging "window shopping" in mixed-use districts the activity on the street is increased along with security.

The following design standards shall apply to development in NC, CC, and CB Districts

- i. All development shall provide ground floor windows on the building façade facing and adjacent to a public street, or facing onto a park, plaza or other public outdoor space. Required windows shall allow views into lobbies or similar areas of activity, pedestrian entrances, or display windows. Required windows shall provide a lower sill no more than three feet above grade; except where interior floor levels

prohibit such placement, the sill may be located not less than two feet above the finished floor level to a maximum sill height of 5 feet above exterior grade.

- ii. Darkly tinted windows and mirrored windows which block two way visibility are prohibited as ground floor windows required under this provision except where the closest face of the building to the nearest edge of the sidewalk within a public right-of-way or private street parallel and adjacent to the building is greater than 50 feet.
- iii. In all districts, building frontages along streets shall break any flat, monolithic facade by including architectural elements such as bay windows, recessed entrances or other articulation so as to provide pedestrian scale to the first floor frontage.
- iv. Where ground floor windows are required by this section on multi-family, apartment, public institutional and a commercial structure, any exterior wall facing a public street, public open space, pedestrian walkway and/or transit station shall have windows, display areas or doorways for at least 50 percent of the length and 50 percent of the area of the ground level wall area, which is defined as the area up to the finished ceiling height of the fronting space or 15 feet above finished grade, whichever is less.
- v. On a single-family detached residence or a townhome (single-family attached), any exterior wall facing a public street, public open space, pedestrian walkway and/or transit station shall have windows, display areas or doorways for at least 20 percent of the ground level wall area, which is defined as the area up to the finished ceiling height of the fronting space or 15 feet above finished grade, whichever is less.

c. Architectural Design Requirements

Good design results in buildings visually compatible with one another and adjacent neighborhoods, contributing to mixed-use areas which are attractive, stimulating, active and safe.

The following design requirements shall apply to development in NC, CC, and CB Districts:

- i. Buildings shall promote and enhance a pedestrian scale and orientation on the facade facing the public street. Street-side building facades and dwelling units within all Mixed-Use Districts shall be varied and articulated to provide visual interest to pedestrians and avoid a flat appearance. In addition, development proposals shall make provisions and include designs consistent with the following:

- 1) All new commercial, public/institutional, mixed use, and residential buildings constructed within a Mixed-Use District shall demonstrate during the Development Review process that it promotes and enhances a pedestrian scale and orientation on any façade facing a public or private street and it incorporates discernible and architecturally appropriate features; such as, but not limited to, cornices, bases, fenestration, fluted masonry, bays, recesses, arcades, display windows, unique entry areas or other treatments for visual interest, to create community character and to promote a sense of pedestrian scale. The design shall recognize that the simple relief provided by window cutouts or sills on an otherwise flat façade, in and of themselves, does not meet the requirements of this subsection; and
 - 2) All residential dwellings, of any type, constructed within any Mixed-Use District shall be constructed with exterior building materials and finishes of high quality to convey an impression of permanence and durability. Materials such as, and including, masonry, stucco, stone, terra cotta, tile, cedar shakes and shingles, beveled or ship-lap or other narrow-course horizontal boards or siding, articulated architectural concrete masonry units (CMU), and similar durable architectural materials are allowed. Materials such as, and including, T-111 siding, plain or plain painted plywood and strandboard sheets, concrete or cinder block, smooth surface concrete panels, and similar quality and non-durable material are prohibited.
- ii. Commercial buildings and sites shall be organized to group the utilitarian functions away from the public view. Delivery and loading operations, heating, ventilating and cooling (HVAC) equipment, trash compacting and collection, and other utility and service functions shall be incorporated into the overall design of the building(s) and the landscaping. The visual and acoustic impacts of these functions, along with all wall or ground-mounted mechanical, electrical and communications equipment shall be out of view from adjacent properties and public streets, and screening materials and landscape screens shall be architecturally compatible with and not inferior to the principal materials of the building and primary landscaping. The visual and acoustic aspects of roof-mounted equipment, vents and chimneys shall be minimized by placing equipment behind parapets, within architectural screening, roof-top landscaping, or by using other aesthetically pleasing methods of screening and deadening the sound of such equipment.
- d. Location and Design of Off-Street Parking

Parking should be located and designed so as to not only facilitate its major function but also to complement and encourage easy and safe pedestrian movement to, through and around the facility. The scale and orientation of parking areas shall be consistent with their purposes in supporting a mix of commercial and residential uses and shall be

consistent with the pedestrian- and transit-oriented community to which they contribute. Except as expressly modified below, the parking design standards contained in Section 9.29 shall apply. The following additional standards shall apply only within Mixed-Use Districts:

- i. No surface parking or maneuvering area shall be located between the facing façade of an adjacent building (or a line extended from the plane thereof) and a public or private street where a maximum setback is prescribed by this Section. Service docks and loading areas may be located between a building and public or private street when an anchor tenant requires the use of delivery vehicles with an overall length of 40 feet or greater and where the service docks and loading areas comply with the provisions contained in Section 9.29, Parking and Loading.
- ii. To create pedestrian interest, maneuvering areas, service docks, and loading areas shall be located interior to the site wherever practicable. Where locations of these facilities on the site are in the public view, adjacent to a street, driveway, or pedestrian route and cannot be avoided, exterior building walls or screen walls for such facilities shall include decorative elements that provide visual (pedestrian) interest such as openings with decorative grates, artwork, and decorative tiles. Screening walls surrounding service docks and loading areas shall be a minimum of 12 feet in height. Windows and display area are not required on walls surrounding service docks and loading areas.
- iii. Bicycle parking spaces shall be sited so as not to occupy space within, reduce the size of, or impede the use of required sidewalks, pedestrian ways, curbside landscape strips, landscape buffers or usable open spaces. All bicycle parking must be easily accessible and shall be equipped or located so as to allow the bicycle to be conveniently and securely locked to a parking device or within a secured bicycle parking area. Covered bicycle parking shall provide security and protection from the weather. Covered parking may be provided within a parking structure, garage, under a separate roof, within a bicycle locker, or in a designated area within a building or residential complex. Except in single-family detached and duplex dwelling units, allowance for required bicycle parking within an individual residence is not considered to be in compliance with this requirement.
- iv. Surface parking areas shall provide perimeter parking lot landscaping adjacent to a street other than a major pedestrian route which meets one of the following standards:
 - 1) A 5 foot wide planting strip between the right-of-way and the parking area shall be provided for streets designated as alley. A 10 foot wide planting strip between the right-of-way and parking area shall be provided for streets designated as boulevards, commercial streets, and neighborhood streets. The

planting strip may be pierced by pedestrian-accessible and vehicular accessways. Planting strips shall be planted with large-scale, high canopy, horizontally-branching street tree species and/or an evergreen hedge. Hedges shall be no less than 30 inches or more than 42 inches in height. Hedges and other landscaping shall be planted and maintained to afford adequate sight distance for vehicles exiting the parking lot.

- 2) In lieu of hedges specified in subsection d.1, decorative walls or fences not to exceed 42 inches in height parallel to and not nearer than 2 feet from the right-of-way line may be utilized. The area between the wall or fence and the back of the sidewalk shall be landscaped. The required wall or screening shall be designed to allow for access to the site and sidewalk by pedestrians and shall be constructed and maintained to afford adequate sight distance as described above for vehicles exiting the parking lot.
- v. Surface parking areas shall provide interior landscaping which meets the following standards: If these standards conflict with the standards in Section 9.29 the more restrictive standards should apply.
- 1) Angled or perpendicular parking spaces shall provide, where needed, full depth curbing, wheel stops, widened curbs or widened sidewalks to prevent bumper overhang into landscape areas or walkways.
 - 2) All surface parking facilities shall include landscaping along the perimeter of the lot to a depth of at least 45 feet. Perimeter landscaping shall not be required where two parking lots using a common driveway are joined by a common circulation aisle or other traffic area, and landscaping may be reduced or eliminated adjacent to landscaped open space in order to transition the open space landscaping into the parking area and afford better access between the two areas. Landscaping shall also be installed within planting bays, and in any other area where parking stalls, circulation aisles, driveways, or pedestrian movements would not be precluded by the landscaping. The minimum amount of required landscaping is 10 percent of the area devoted to outdoor parking facilities. All landscaping required under the provisions of this subsection may be applied towards compliance with other applicable landscaping requirements.
 - 3) A minimum of one three-inch caliper street tree shall be provided in protected planting bays located within the surface parking area at the end of each parking row and at intervals not exceeding 100 feet within the parking rows. Planting bays shall have a minimum width of five feet and a minimum area of 185 square feet for double loaded parking bays and 90 square feet for single loaded parking bays. The remainder of each bay shall be landscaped in a manner consistent with the provisions of this subsection.

- 4) All parking lot construction, internal walkways, markings and access shall meet and fully comply with the requirements of the Americans with Disabilities Act.
 - vi. Except in residential areas, parking associated with new development shall be designed to the extent practicable to connect with auto parking areas on adjacent sites to eliminate the necessity of utilizing the street for parallel movements.
 - vii. General Landscaping Standards for Off-Street Parking Areas.
 - 1) The minimum planting size for all required trees shall be 2½ inch caliper as measured by American Association of Nurserymen standards. Trees shall be deciduous shade trees capable of at least 35 feet in height and spread at maturity.
 - 2) A minimum of 70 percent of all required landscaped areas, including required planting strips and planting bays, shall be covered with trees, or shrubs. All areas shall also include continuous ground cover consisting of lawn, low growing evergreen shrubs, or evergreen ground cover.
 - 3) Evergreen shrubs shall be not less than 2 feet higher than the finished grade at the time of planting. Evergreen shrubs shall be of the type that grows to be at least 36 inches higher than finished grade.
 - viii. All curb cuts are subject to approval based on standards to ensure safe pedestrian circulation, traffic flow, access points needed for the proper functioning of the development and the objectives of this Section. To meet these standards, consolidation of curb cuts may be a condition of development approval.
- e. Requirements for Drive-Through Facilities

Where drive-through facilities are permitted in the Mixed-Use Districts the following standards shall apply:

- i. Drive-through service lanes shall be located in the side yard or rear yard. The Planning Commission may approve a drive-through service lane in the front yard for a corner lot or through lot where the configuration of such lot precludes its placement in the side or rear yard.
- ii. A drive-through lane located in the front yard shall be buffered by evergreen shrubs. The shrubs shall be not less than two feet higher than finished grade at the

time of planting. Evergreen shrubs shall be of the type that grows to be at least 36 inches higher than finished grade.

f. Requirements for Improvements Between Streets and Buildings

Landscaping or "hardscaping" of property between the street curb and buildings promotes and enhances a comfortable pedestrian scale and orientation and encourages pedestrian use of the area. The following street design standards shall apply to development in NC, CC, and CB Districts:

- i. The property between the street curb and an adjacent building shall be landscaped or hardscaped. Landscaping shall be irrigated.
- ii. Where a hard-surfaced area, other than a pedestrian connection leading from the sidewalk to a building entrance, is used in lieu of landscaping between the sidewalk and the building, such areas shall contain at least two pedestrian-sensitive amenities. Such amenities include, but are not limited to, benches, low walls with seating or planters atop, drinking fountains, courtyards, free-standing planters, street furniture, public art or other pedestrian space or design features integrated into the overall design of the building or portion of the site in order to enhance the pedestrian environment. Single-family detached dwellings are excluded from this requirement.
- iii. Trees selected from the City's approved street tree list. Trees may be within tree wells with a minimum planting area of 15 square feet (with standard 3' x 5', 4' x 4' or 4' diameter cast iron grates). Such trees shall be planted every 30 feet on center (or, depending on species, at some other distance to ensure their proper spacing) so as to develop a continuous canopy when mature. Street trees shall be at least 2 and ½ inches in caliper at planting, shall be planted within an approved root barrier, and shall be irrigated and maintained by the property owner along with other landscaping planted within the parking strip.
- iv. Topping, shearing or pollarding of street trees is prohibited, unless necessary to protect overhead utility lines.
- v. Except as noted below, all public utility distribution and service connections to new buildings and dwellings within all Mixed-Use Districts shall be underground. Aerial utility service (electricity, telephone, cable, etc.) may be used in new construction where all of the following circumstances apply:
 - 1) The project is an in-fill building or dwelling within an existing neighborhood where utility service is provided aerially rather than underground;
 - 2) The project is located between other utility users on the same block front;

- 3) It would not be practicable to serve the new project underground without also serving the neighboring uses; and
- 4) The neighboring uses on the same block front and the utility company are unwilling to pay the additional cost of placing service underground.
- vi. Ornamental street lights shall be installed when public right-of-way improvements are required as a part of a development.
- vii. Bulb-outs, or curb extensions, shall be constructed at all intersections of public streets when public right-of-way improvements are required as a part of a development. The design of the bulb-outs shall be approved by the City Engineer.

g. Civic Spaces

Civic spaces, including neighborhood parks, greens, squares, plazas and playgrounds, must be an integral part of a mixed-use development. These spaces must be designed and configured to be clearly recognizable as public open space. Civic spaces should be located so that building walls having at least 15 percent of their area in transparent windows will face the space to make the space safer for the public. Each civic space must have at least 50 percent of its perimeter and at least two sides directly adjoining a public street. The combined area of all civic spaces must be at least three but no more than seven percent of the site's total acreage.

6. Lot and Building Types

Each mixed-use development should contain a variety of building types. Differing building and lot types may be placed back-to-back, on a single block to provide to provide transitions between lot types. Lot types should be selected to provide buildings of like scale and massing on opposite sides of the street. The following building and lot types shall be permitted and are further illustrated in Exhibits 9.0 thru 9.13:

7. Permitted Street Types

Each mixed-use development should provide an interconnected network of streets, alleys, lanes or other passageways. The following street types shall be permitted and are further illustrated in Exhibits 9.14 thru 9.19.

B. Neighborhood Residential

1. Purpose

The purpose of this ordinance is to allow the optional development and redevelopment of land consistent with the design principles of traditional neighborhoods. A Neighborhood Residential Development:

- a. Is compact;
 - b. Is designed for the human scale;
 - c. Provides a mix of uses, including residential, commercial, civic, and open space uses in close proximity to one another within the neighborhood;
 - d. Provides a mix of housing styles, types, and sizes to accommodate households of all ages, sizes, and incomes;
 - e. Incorporates a system of relatively narrow, interconnected streets with sidewalks, bikeways that offer multiple routes for motorists, pedestrians, and bicyclists and provides for the connections of those streets to existing and future developments;
 - f. Retains existing buildings with historical features or architectural features that enhance the visual character of the community; and
 - g. Incorporates significant environmental features into the design.
2. Applicability

The Neighborhood Residential development standards may be applied to:

- a. New development of 15 acres or more of land at any locus within the Neighborhood Residential overlay area; or,
- b. Ten acres or more of land contiguous to existing development at any locus within the Neighborhood Residential overlay area; or,
- c. Redevelopment or infill development within areas designated for Neighborhood Residential Centers

The Neighborhood Residential District is established through rezoning and only in conjunction with base zoning districts. Letters, numbers, or a combination thereof, shall be combined with other applicable district designations to the property(ies) on which an overlay district is established. Except as modified by the overlay zoning district, the provisions of the applicable base-zoning district shall apply to all development within the boundary of the designated area. If regulations conflict, the applicable overlay zoning district regulations shall prevail.

3. Rezoning and Development Review/Approval of Plans

Applications shall be processed in accordance with the same review and hearing procedures and development review procedures as a proposal for a zoning district change, as described in Section 5.09, Site Plan-Major. Neighborhood Residential District applications may be submitted only if the project is located within the Neighborhood Residential District. However, this mechanism is optional and shall not be required of all projects located within the Neighborhood Residential District. Projects not being developed in accordance with the Neighborhood Residential District standards shall be developed in accordance with the development standards of the underlying base zoning district.

4. Design Standards

a. Mix of Uses.

In order to achieve the proximity necessary to make neighborhoods walkable, it is important to mix land uses. A Neighborhood Residential District should consist of a mix of residential uses, a community center, and open space as listed below:

- i. Residential uses. The following types can occur anywhere within the Neighborhood Residential development. For infill development, the mix of residential uses may be satisfied by existing residential uses adjacent to the Neighborhood Residential Development.
 - 1) Single-family detached dwellings;
 - 2) Single-family attached dwellings, including duplexes, townhomes, or row houses;
 - 3) Multifamily dwellings, including senior housing;
 - 4) Accessory dwelling units within a single-family unit.
- ii. Community Center, composed of a mix of commercial, residential, civic or institutional, and open space uses as identified below. The project dimensions should be organized so that residential blocks are within approximately 1/4 mile from the Community Center.
 - 1) Commercial Uses in the Community Center. Individual businesses should not exceed 5,000 square feet in size, but may be larger for specialty and bulk sales stores. In addition, the following active, pedestrian-oriented uses are desired:

- a. Food services (neighborhood grocery stores; butcher shops; bakeries; restaurants, not including drive-throughs; cafes; coffee shops; neighborhood bars or pubs);
 - b. Retail uses (florists or nurseries; hardware stores; stationery stores; book stores; studios and shops of artists and artisans);
 - c. Services (day care centers; music, dance or exercise studios; offices, including professional and medical offices; barber; hair salon; dry cleaning);
 - d. Accommodations (bed and breakfast establishments, small hotels or inns).
- 2) Residential Uses in the Community Center
- a. Single-family attached dwellings, including duplexes, townhomes or rowhouses;
 - b. Multifamily dwellings, including senior housing;
 - c. Residential units located on upper floors above commercial uses or to the rear of storefronts;
 - d. “Live/work” units that combine a residence and the resident’s workplace;
 - e. “Special needs” housing, such as community living arrangements and assisted living facilities.
- 3) Civic or Institutional Uses in the Community Center
- a. Municipal offices, fire stations, libraries, museums, community meeting facilities, and post offices;
 - b. Transit shelters;
 - c. Places of worship;
 - d. Educational facilities.
- 4) Open Space Uses in the Community Center
- a. Central square;

b. Neighborhood park;

c. Playground.

In addition to the open spaces within the Community Center, open spaces shall be incorporated elsewhere in the Neighborhood Residential District.

b. Lot and Building Types

The following lot and building types permitted in the Neighborhood Residential District are further illustrated in Exhibits 9.0 through 9.13 and include:

- i. Single-Family House
- ii. Single-Family House – Sideyard
- iii. Single-Family House - Manor
- iv. Single-Family House – Estate
- v. Single-Family House – Neo-Traditional
- vi. Townhome A
- vii. Townhome B
- viii. Two-Family Duplex
- ix. Multi-Family
- x. Live-Work
- xi. Neighborhood Scale Retail
- xii. Neighborhood Scale Office
- xiii. Neighborhood Scale Mixed-Use

c. Street Types

The following street types permitted in the Neighborhood Residential District are further illustrated in Exhibits 9.14 through 9.19 and include:

- i. Trail
 - ii. Path
 - iii. Alley
 - iv. Boulevard
 - v. Neighborhood Street
 - vi. Commercial Street (only in Community Center area)
- d. Compact Design

In order to create a compact design, the following standards of density and dimensions will be included in any Neighborhood Residential development proposal.

- i. Open Space. At least 15 percent of the gross acreage of the Neighborhood Residential development must be open space. At least 25 percent of the open space must be common open space dedicated to the public for parkland. Ninety percent of the lots within the areas devoted to residential uses shall be within a ¼ mile from common open space. Large outdoor recreation areas should be located at the periphery of neighborhoods rather than central locations.
- ii. Residential Units. The number of residential dwelling units and the amount of nonresidential development (excluding open spaces) shall be determined as follows:
 - 1) In areas devoted to Residential uses:
 - a. The number of single-family attached and detached units permitted shall be 2.5 dwelling units per net acre;
 - b. The number of multi-family units shall be 14 dwelling units per net acre.
 - c. Accessory dwelling units shall be permissible in addition to the number of dwelling units authorized under this section. However, the total number of accessory dwelling units shall not be more than 10 percent of the total number of single-family attached and detached units.

2) In Community Center areas:

- a. The number of single-family and multi-family dwelling units permitted shall be calculated the same as above plus an additional number of units not to exceed 10 percent of the amount permitted above.
 - b. All dwelling units constructed above commercial uses shall be permissible in addition to the number of dwelling units authorized under this section. However, the total number of dwelling units shall not be increased by more than 10 dwelling units or 10 percent, whichever is greater.
- iii. Commercial Space. The total ground floor area of nonresidential development uses, including off-street parking areas, shall not exceed 25 percent of the Neighborhood Residential development.
- iv. Lot and Block Standards.
- 1) Block and lot size diversity. Street layouts should provide for development blocks that are generally in the range of 200-400 feet deep by 400-800 feet long. A variety of lot sizes should be provided that allow diverse housing choices.
 - 2) Lot Width. Lot widths should create a relatively symmetrical street cross section that reinforces the public space of the street as a simple, unified public space.
 - 3) Lot Orientation. Lot design should allow for passive solar designs for buildings. Typically this will place longer walls along an east-to-west axis.
- v. Building Setbacks.
- 1) Building Setback, Front – Community Center Area. Structures in the Community Center area have no minimum setback. Commercial and civic or institutional buildings should abut the sidewalks in the Community Center area.
 - 2) Building Setback, Front - Residential. Single-family detached residences shall have a building setback as a 15' to 25' build to zone in the front. Single-family attached residences and multifamily residences shall have a building setback as a build to zone in the front between 0 and 15 feet.

- 3) **Building Setback, Rear - Residential.** The principal building on lots devoted to single-family detached residences shall be setback no less than 30 feet from the rear lot line.
- 4) **Side Setbacks.** Provision for single-family sideyard lot should be made, provided that a reciprocal access easement is recorded for both lots and townhouses or other attached dwellings, provided that all dwellings have pedestrian access to the rear yard through means other than the principal structure.

e. **Architectural Standards.**

A variety of architectural features and building materials is encouraged to give each building or group of buildings a distinct character.

i. **Guidelines for Existing Structures**

Any structure designated as a landmark shall be protected from demolition or encroachment by incompatible structures or landscape development. The U.S. Secretary of the Interior’s Standards for Rehabilitation of Historic Properties shall be used as the criteria for renovating historic or architecturally significant structures.

ii. **Guidelines for New Structures**

- 1) **Height.** New structures within a Neighborhood Residential development shall be no more than three stories for single-family residential, or five stories for commercial, multifamily residential, or mixed use.
- 2) **Entries and Facades**
 - a. The architectural features, materials, and the articulation of a facade of a building shall be continued on all sides visible from a public street or courtyard.
 - b. The front facade of the principal building on any lot in a Neighborhood Residential development shall face onto a public street.
 - c. The front facade shall not be oriented to face directly toward a parking lot.
 - d. Porches, roof overhangs, or other similar architectural elements shall define the front entrance to all residences.

- e. For commercial buildings, a minimum of 50 percent of the front facade on the ground floor shall be transparent, consisting of window or door openings allowing views into and out of the interior. New structures on opposite sides of the same street should follow similar design guidelines. This provision shall not apply to buildings bordering civic uses.

- iii. Garages and Accessory Dwelling Units: Garages and accessory dwelling units may be placed on a single-family detached residential lot within the principal building or an accessory building provided that the accessory dwelling unit shall not exceed 500 square feet.

- iv. Exterior signage: Sign standards applicable to the underlying base district standards shall apply unless otherwise modified by this section. A comprehensive sign program is required for the entire Neighborhood Residential development to establish a uniform theme. Signs shall share a common style (e.g., size, shape, material). In the mixed-use area, signs shall be either a wall or a projecting sign. Ground mounted signs shall be prohibited. A projecting sign shall be mounted perpendicular to the building face and shall not exceed eight square feet. A wall sign shall be sized and placed to fit within the architectural elements.

f. Circulation Standards

The circulation system shall provide for different modes of transportation. The circulation system shall provide functional links within the Residential areas, Community Center area, and open space and shall be connected to existing and proposed external development. The circulation system shall provide adequate traffic capacity, provide connected pedestrian and bicycle routes (especially off street bicycle or multi-use paths or bicycle lanes on the streets), limit access onto streets of lower traffic volume classification, and promote safe and efficient mobility through the Neighborhood Residential development.

- i. Pedestrian Circulation. Convenient pedestrian circulation systems that minimize pedestrian-motor vehicle conflicts shall be provided continuously throughout the Neighborhood Residential development. Where feasible, any existing pedestrian routes through the site shall be preserved and enhanced. All streets, except for alleys, shall be bordered by sidewalks on both sides. The following provisions also apply:
 - 1) Residential Sidewalks. Clear and well-lighted sidewalks, five feet in width, shall connect all dwelling entrances to the adjacent public sidewalk.

 - 2) Community Center Sidewalks. Clear and well-lit walkways shall connect building entrances to the adjacent public sidewalk and to associated parking areas.

- 3) **Disabled Accessibility.** Sidewalks shall comply with the applicable requirements of the Americans with Disabilities Act.
 - 4) **Crosswalks.** Intersections of sidewalks with streets shall be designed with clearly defined edges. Crosswalks shall be well lit and clearly marked with contrasting paving materials at the edges or with striping.
- ii. **Bicycle Circulation.** Bicycle circulation shall be accommodated on streets and/or on dedicated bicycle paths. Where feasible, any existing bicycle routes through the site shall be preserved and enhanced. Facilities for bicycle travel may include off-street bicycle paths (generally shared with pedestrians and other non motorized users) and separate, striped, 4-foot bicycle lanes on streets. If a bicycle lane is combined with a lane for parking, the combined width shall be 14 feet.
 - iii. **Public Transit Access.** Where public transit service is available or planned, convenient access to transit stops shall be provided. Where transit shelters are provided, they shall be placed in highly visible locations that promote security through surveillance, and shall be well-lighted.
 - iv. **Motor Vehicle Circulation.** Motor vehicle circulation shall be designed to minimize conflicts with pedestrians and bicycles. Traffic calming features such as “queuing streets,” curb extensions, traffic circles, and medians may be used to encourage slow traffic speeds.
 - v. **Street Hierarchy.** Each street within a Neighborhood Residential development shall be classified according to the following (arterial streets should not bisect a Neighborhood Residential development):
 - 1) **Collector.** This street provides access to commercial or mixed-use buildings, but it is also part of the City’s major street network. On-street parking, whether diagonal or parallel, helps to slow traffic. Additional parking is provided in lots to the side or rear of buildings. This type of street includes the Commercial Street and Boulevard as illustrated in Exhibit 9.18 and 9.19.
 - 2) **Sub-collector.** This street provides primary access to individual residential properties and connects streets of lower and higher function. Design speed is 25 mph. This type of street includes the Neighborhood Street as illustrated in Exhibit 9.17.
 - 3) **Local Street.** This street provides primary access to individual residential properties. Traffic volumes are relatively low, with a design speed of 25 mph.

This type of street includes the Neighborhood Street as illustrated in Exhibit 9.17.

- 4) Alley. These streets provide secondary access to residential properties where street frontages are narrow, where the street is designed with a narrow width to provide limited on-street parking, or where alley access development is desired to increase residential densities. Alleys may also provide delivery access or alternate parking access to commercial properties. This type of street includes the Alley as illustrated in Exhibit 9.16.
- vi. Street Layout. The Neighborhood Residential development should maintain the existing street grid, where present, and restore any disrupted street grid where feasible. In addition:
- 1) Intersections shall be at right angles whenever possible, but in no case less than 75 degrees. Low volume streets may form three-way intersections creating an inherent right-of-way assignment (the through street receives precedence), which significantly reduces accidents without the use of traffic controls.
 - 2) Corner Radii. The roadway edge at street intersections shall be rounded by a tangential arc with a maximum radius of 15 for local streets and 20 feet for intersections involving collector or arterial streets. The intersection of a local street and an access lane or alley shall be rounded by a tangential arc with a maximum radius of 10 feet.
 - 3) Curb Cuts. Curb cuts for driveways to individual residential lots shall be prohibited along arterial streets. Curb cuts shall be limited to intersections with other streets or access drives to parking areas for commercial, civic or multifamily residential uses. Clear sight triangles shall be maintained at intersections unless controlled by traffic signal devices:
 - 4) Street Orientation. The orientation of streets should enhance the visual impact of common open spaces and prominent buildings, create lots that facilitate passive solar design, and minimize street gradients. All streets shall terminate at other streets or at public land, except local streets may terminate in stub streets when such streets act as connections to future phases of the development. Local streets may terminate other than at other streets or public land when there is a connection to the pedestrian and bicycle path network at the terminus.
- vii. Parking requirements. Parking areas for shared or community use should be encouraged. In addition:

- 1) In the mixed-use area, any parking lot shall be located at the rear or side of a building. If located at the side, screening shall be provided as specified in Section 9.29.
 - 2) A parking lot may not be adjacent to or opposite a street intersection.
 - 3) In the mixed-use area, a commercial use must provide three parking spaces per 1,000 square feet of gross building area.
 - 4) Parking lots or garages must provide not less than one bicycle parking space for every 10 motor vehicle parking spaces.
 - 5) Adjacent on-street parking may apply toward the minimum parking requirements.
 - 6) In the mixed residential areas, parking may be provided on-site. Parking on-site shall provide parking as required in Exhibit 9.0-9.13, Lot and Building Type Standards.
 - 7) Multi - family uses shall provide parking as required in the corresponding Exhibit 9.5, Townhome A; Exhibit 9.6, Townhome B; and Exhibit 9.7, Two Family Duplex Lot and Building Type Standards.
- viii. Service access. Access for service vehicles should provide a direct route to service and loading dock areas, while avoiding movement through parking areas.
- 1) Paving. Reduction of impervious surfaces through the use of interlocking pavers is strongly encouraged for areas such as remote parking lots and parking areas for periodic uses.
- ix. Outdoor lighting.
- 1) Street lighting design shall meet the minimum standards developed by the Illumination Engineering Society and as further regulated in Section 9.27.
 - 2) Exterior lighting shall be directed downward in order to reduce glare onto adjacent properties.
- g. Landscaping and Screening Standards.

Overall composition and location of landscaping shall complement the scale of the development and its surroundings. In general, larger, well-placed contiguous planting areas shall be preferred to smaller, disconnected areas.

- i. General Screening. Required screening shall be in accordance with the base zoning district requirements.
- ii. Street trees. A minimum of one deciduous canopy tree per 40 feet of street frontage, or fraction thereof, shall be required. Trees can be clustered and do not need to be evenly spaced. Trees should preferably be located between the sidewalk and the curb, within the landscaped area of a boulevard, or in tree wells installed in pavement or concrete. If placement of street trees within the right-of-way will interfere with utility lines, trees may be planted within the front yard setback adjacent to the sidewalk.
- iii. Parking Area Landscaping and Screening.
 - 1) All parking and loading areas fronting public streets or sidewalks, and all parking and loading areas abutting residential districts or uses, shall provide:
 - a. A landscaped area at least 10 feet wide along the public street or sidewalk;
 - b. Screening at least three feet in height and not less than 50 percent opaque; and
 - c. One tree for each 25 linear feet of parking lot frontage.
 - 2) Parking area interior landscaping. The corners of parking lots, “islands,” and all other areas not used for parking or vehicular circulation shall be landscaped per Section 9.25. Vegetation can include turf grass, native grasses or other perennial flowering plants, vines, shrubs or trees. Such spaces may include architectural features such as benches, kiosks or bicycle parking.
 - 3) In large parking lots containing more than 200 spaces, an additional landscaped area of at least 300 square feet shall be provided for each 25 spaces or fraction thereof, containing one canopy tree. The remainder shall be covered with turf grass, native grasses or other perennial flowering plants, vines or shrubs.
- h. Stormwater Management. The design and development of the development should minimize off-site stormwater runoff, promote on-site filtration, and minimize the discharge of pollutants to ground and surface water and comply with the requirements of Section 9.35.

C. Residential Conservation

1. Purpose

The Residential Conservation District is intended to provide a mechanism allowing the revitalization or conservation of older areas or districts possessing distinctive features, identity, or character worthy of retention and enhancement.

2. Applicability

- a. The Residential Conservation District is primarily designed to accommodate improvements in the R-1d, Single-Family Residential District directly adjacent to the APD, Architectural Preservation District. This older residential neighborhood includes lots that do not entirely conform to existing district standards but contain some of the community's most unique housing and street patterns.
- b. The Residential Conservation District is established through rezoning and only in conjunction with base zoning districts. Letters, numbers, or a combination thereof, shall be combined with other applicable district designations to the property(ies) on which an overlay district is established. Except as modified by the overlay zoning district, the provisions of the applicable base-zoning district shall apply to all development within the boundary of the designated area. If regulations conflict, the applicable overlay zoning district regulations shall prevail.
- c. Whenever an overlay district is established, any subsequent application to change the base-zoning district shall not be construed to be an application to eliminate the overlay district for the property covered by the application. An intent to eliminate the overlay district on a given property shall be expressly stated to be part of the application.

3. Rezoning and Development Review/Approval of Plans

Applications shall be processed in accordance with the same review and hearing procedures as described in Section 5.09. Residential Conservation District applications may be submitted only if the project is located within the Residential Conservation District. However, this mechanism is optional and shall not be required of all projects located within the Residential Conservation District. Projects not being developed in accordance with the Residential Conservation District standards shall be developed in accordance with the development standards of the underlying base zoning district. (*Ord. 17-14*)

4. Standards

No building or grading permit for a project within a Residential Conservation District shall be issued by the Building Official unless the use, alteration or construction meets the following standards.

a. Site Design

The intent of these design standards is to encourage residential buildings that address the street in a manner which creates a consistent "facade line" and defines the public and semi-public realms. In addition, where fences or dense landscaping exist, or are proposed, it is intended that they be used to define the boundaries of private property without eliminating the visibility of the house and front yard from the street.

- i. Building orientation. The front facades of all principal structures shall be parallel to the street. On corner lots, both street facing facades must be parallel to the intersecting streets. On curvilinear streets, the front facade of all structures shall be parallel to the tangent of the midpoint of the arc of the street. One element, such as a bay window or dormer, placed at a front corner of the building may be on a diagonal from the street if desired.
- ii. Build-to lines. On parcels or lots of less than 15,000 square feet, at least 60 percent of the front façade shall be within 5 feet of the minimum front yard setback line. On corner sites, at least 60 percent of both street facades of the building shall be within 5 feet of the minimum setback lines. Porches may be used meet the 60 percent standard.
- iii. Fences. Fences, hedgerows, and planter boxes shall not be more than 42 inches high, measured from natural grade, in all areas forward of the front facade of the house.

b. Building Form

The intent of the following building form standards is to respect the scale of the City's older homes by creating new homes which are more similar in their massing.

c. Secondary Mass

All new structures shall locate at least 10 percent of their total square footage above grade in a mass which is completely detached from the principal building, or linked to it by a subordinate connecting element. Accessory buildings such as garages, sheds, and Accessory Dwelling Units are examples of appropriate uses for the secondary mass.

d. Parking, Garages, and Carports

The intent of the following parking, garages, and carport standards is to minimize the potential for pedestrian and vehicular conflicts to minimize the presence of garages at the street front.

- i. On the street facing facade(s), the width of the living area on the first floor shall be at least five feet greater than the width of the garage or carport.
- ii. The front facade of the garage or the frontmost supporting column of a carport shall be set back at least 10 feet further from the street than the frontmost wall of the house.
- iii. On lots of at least 12,000 square feet in size, the garage or carport may be forward of the front facade of the house only if the garage doors or carport entry are perpendicular to the street (side-loaded).
- iv. When the floor of a garage or carport is above or below the street level, the driveway cut within the front yard setback shall not exceed 2 feet in depth, measured from natural grade.
- v. The vehicular ramp width of a garage or carport shall not be greater than 24 feet.
- vi. The garage doors shall be single stall doors.

e. Building Elements

The intent of the following building elements standards is to ensure that each residential building has street-facing architectural details and elements which provide human scale to the facade, enhance the walking experience, and reinforce local building traditions.

- i. Street oriented entrance and principal window. All single-family homes, town, houses, and duplexes shall have a street-oriented entrance and a street facing principal window. In the case of townhouses and accessory units facing courtyards or gardens, entries and principal windows should face those features.
 - 1) On comer lots, entry and principal windows should face whichever street has a greater block length. Multiple unit residential buildings shall have at least one street oriented entrance for every 4 units, and front units must have a street-facing principal window. This standard shall be satisfied if all of the following conditions are met:

- a. The entry door shall be no more than 10 feet back from the frontmost wall of the building. Entry doors shall not be taller than eight feet.
 - b. A covered entry porch of 50 or more square feet, with a minimum depth of six feet six, shall be part of the front facade. Entry porches and canopies shall not be more than one story in height.
- ii. A street-facing principal window requires that a significant window or group of windows face street.
- 1) One story element. All residential buildings shall have a one-story street facing element the width of which comprises at least 20 percent of the building's overall width. For example, a one story element may be a porch roof, architectural projection, or living space.
 - 2) Windows. Street facing windows shall not span through the area where a second floor level would typically exist, which is between nine and 12 feet above the finished first floor. For interior staircases, this measurement will be made from the first landing if one exists.
 - 3) Lightwells. All areaways, lightwells and/or stairwells on the street facing facade(s) of a building shall be entirely recessed behind the front most wall of the building.

f. Context

The intent of the following standards is to reinforce the unique character of the neighborhood by drawing upon the City's vernacular architecture and neighborhood characteristics in designing new structures.

The quality of the exterior materials and details and their application shall be consistent on all sides of the building.

- i. Materials shall be used in ways that are true to their characteristics. For instance stucco, which is a light or non-bearing material, shall not be used below a heavy material, such as stone.
- ii. Highly reflective surfaces shall not be used as exterior materials.

g. Inflection

The following standard must be met for parcels which are 6,000 square feet or over:

- i. If a one story building exists directly adjacent to the subject site, then the new construction must step down to one story in height along their common lot line. If there are one story buildings on both sides of the subject site, the applicant may choose the side towards which to inflect. A one story building shall be defined as follows: A one story building shall mean a structure, or portion of a structure, where there is only one floor of fully usable living space, at least 12 feet wide across the street frontage. This standard shall be met by providing a one story element which is also at least 12 feet wide across the street frontage.

D. Residential Lifestyle Community

1. Purpose

A Lifestyle Community is a large scale residential development catering to and associated with a specific lifestyle, the central focus of the community. Such community shall be designed in a manner to maintain the overall single family residential character of the City. The central focus of a Lifestyle Community relates to the active or passive recreational lifestyle of the residents within the community. This focus is to be the dominant element within a Lifestyle Community. All elements and amenities of this community are designed to emphasize this focus. A Lifestyle Community may also provide varying detached and attached housing opportunities

2. Applicability

An overall master plan for a lifestyle community shall be approved by the City in accordance to the approval requirements of Section 5.11, Development Approvals of this Ordinance and the following requirements:

- a. The Community Master Plan must specifically describe and define the focus of the community. Development plans of the community focus shall be incorporated into the master plan.
- b. The Community Master Plan shall show the location of all development parcels, their intended use(s), acreage, and density.
- c. The intended use(s) that have been approved in the Community Master Plan for development parcels may be changed or re-configured subject to approval by the approving authority.
- d. Any substantial change to the approved Master Plan regarding the use, community focus, or the location, size or density of any individual development parcel shall be considered an amendment to the Community Master Plan and shall be subject to approval by the approving authority in accordance with Section 5.09 of this UDO. A substantial change includes one or more of the following:

- i. The addition of any use permitted in this section of the UDO that was not included as a part of the approved Community Master Plan,
 - ii. An increase in density of 1 dwelling unit per acre or more in a individual development parcel,
 - iii. A 33% or 5 acre, whichever is the lesser acreage, increase or decrease in a individual development parcel, or
 - iv. A shift in the location of a development parcel greater than 300 feet.
- e. Limit access and establish a reserve area per the cluster development standards in this Section 9.05 of the UDO.
 - f. The Community Master Plan may include the final development plans for any or all individual development parcels.

3. Standards

- a. A Lifestyle Community must be at least 200 acres in size.
- b. A Lifestyle Community shall devote at least 40% of the gross land area to the central focus of the community.
- c. The maximum density for the entire lifestyle community shall not exceed 2 dwelling units per acre.
- d. The following types of communities may be permitted as a Lifestyle Community:
 - i. Golf Course Community
 - ii. Resort Community where the central focus is public or private open space that incorporates two or more of the following:
 - 1) Natural areas of woods and streams or ponds.
 - 2) Walking, hiking, running, or bicycling trails.
 - 3) Lakes for boating, fishing, or water skiing.
 - 4) Tennis, cross-country skiing, swimming or other non-motorized recreational activity involving a course or court.

- 5) Horse stables and riding trails.
 - 6) Small farms of at least 5 acres in size.
 - 7) Land devoted to gardening and garden plots.
- e. Amenities package for a Lifestyle Community shall be designed to carry the theme of the community throughout entire development.
- i. Entryway-Materials: brick, stone, or wood, shall be permitted for any fence or wall, mounding, gatehouse, crosswalks and sign for the Community. A vinyl fence may also be permitted.
 - ii. Skin improvements including pedestrian walkways, bikeways, lighting plan, and fencing.
 - iii. Club House, Community Building, or Swim and Tennis Center. The exterior design of all buildings including the walls, siding, roof, windows, doors, cornice and other trim features shall be designed to provide a unified theme for the Lifestyle Community and project the residential character of the City.
 - 1) All buildings must provide at least one third of each facade with door and window openings.
 - 2) All siding materials used shall be brick, stone, wood, stucco or E.I.F.S. (Exterior Insulation Finishing System). Any synthetic siding that imitates wood lap, brick, or stone, or split-face concrete block are considered inappropriate siding, however, may be permitted by the approving authority on a case-by-case basis.
 - 3) The mass, scale, and proportion of all buildings shall reflect the mass, scale and proportions of those residences within the community.
 - 4) All buildings shall have a pitched roof or articulate a pitched roof as a part of its design.
- f. Individual Development Parcels
- i. Plans for Individual Development parcels may be approved by the Planning Commission as a Planning Commission Special Approval after the Major Use Special Approval for a Lifestyle Community is approved by the City Council.

- ii. The development of individual parcels shall be in accordance to the Community Master Plan for the Lifestyle Community.
- iii. Development parcels may include any combination of attached or detached dwelling units as outlined in the Community Master Plan.
- iv. The Planning Commission may make minor modifications or refinements to the Master Plan including amenities provided such minor modifications or refinements do not constitute a substantial change or compromise the intent of the original approved Master Plan.

g. Detached Housing

- i. The number of detached housing units shall not be less than 65% of the total number of dwelling units permitted for this development.
- ii. The minimum building setback requirements for individual platted lots of record shall be those required for a Residential Cluster Development.
- iii. The minimum building setback requirements for detached dwelling units where the land is not subdivided, shall be those required in Section 9.05, R-3 Multi Family, of this UDO.
- iv. The maximum density for any individual development parcel where such parcel is exclusively detached housing shall be 3.5 dwelling units per acre.

h. Attached Housing

- i. The number of attached housing units shall not exceed 35% of the total number of dwelling units permitted for this development.
- ii. An individual development parcel where attached housing is approved shall not exceed 6 dwelling units per acre for that development parcel.
- iii. The minimum building setback requirements for any individual development parcel or that portion of a parcel where attached housing is proposed shall be in accordance to Section 9.05, Multi-Family, of this Ordinance.
- i. The percentage of detached housing units shall at no time during the construction of the Lifestyle Community be less than 50% of all platted, single-family lots and unplatted housing units constructed or under construction.

- j. Certain commercial uses may be permitted in association with and as a part of the Community Master Plan. These retail uses must be approved as a part of the Community Master Plan and must be clearly related and incidental to the focus of the community and contained within any club house or community building. The following commercial uses may be considered in a Community Master Plan:
 - i. Table Service Restaurant
 - ii. Small Retail Shop such as a Florist, Gift Shop, or Pro Shop.
 - iii. Small Cafe including a Coffee Shop, Pastry Shop, Candy Shop, or Ice Cream Shop
- k. Screening, buffering and landscaping are subject to Section 9.25 of the UDO.

E. Building Standards

1. Purpose

The purpose of this section is to prescribe overall dimensions for buildings within the City's Overlay Zoning Districts. The proper building location, parking location, overall height, setback, and orientation are illustrated in the following Exhibits 9.0 thru 9.13.

2. Applicability

Table 9.3 summarizes the permitted building types within each zoning district classification. These standards apply to lots in the RC, Residential Conservation; NR, Neighborhood Residential; NC, Neighborhood Center; CC, Community Center; CB, Corporate Business; and DT, Downtown Districts. (*Ord. 07-18*)

Table 9.3

Building Type	Zoning Districts					
	Residential Conservation	Neighborhood Residential	Lifestyle Community	Neighborhood Center	Community Center	Corporate Business
	RC	NR	LC	NC	CC	CB
Estate Lot	-	-	-	-	-	-
Manor Lot	-	-	-	-	-	-
Single-Family(Medium Lot)	-	-	-	-	-	-
Single-Family(small Lot)	-	-	-	-	-	-
Villa 60'	-	-	-	-	-	-
Courtyard 70-80'	-	-	-	-	-	-
Neo-Traditional 50'	-	-	-	-	-	-
Duplex	-	-	-	-	-	-
Townhome	-	-	-	-	-	-
Multi-Family	-	-	-	-	-	-
Live-Work	-	-	-	-	-	-
Neighborhood Mixed-Use(with Retail)	-	-	-	-	-	-
Multi-Family Mixed-Use(with Retail)	-	-	-	-	-	-
Mixed-Use Retail/Office	-	-	-	-	-	-
Neighborhood Scale Retail	-	-	-	-	-	-
Large Format Retail	-	-	-	-	-	-
Neighborhood Scale Office	-	-	-	-	-	-
Institutional & Office	-	-	-	-	-	-
Light Industrial	-	-	-	-	-	-

Exhibit 9.0

Single Family House- Estate		
Section	Plan	
LOT OCCUPATION	Lot Area	20,000 sq. ft. minimum
	Lot Coverage	30% maximum
PRINCIPAL BUILDING SETBACKS	Front	25 feet minimum, 50 feet maximum ①
	Side	10 feet minimum ②
	Rear	20 feet minimum or outside any easement ③
ACCESSORY BUILDING SETBACKS	Front	Prohibited
	Side	10 feet minimum
	Rear	5 feet minimum
BUILDING FRONTAGE		N/A
LOT WIDTH		70 feet minimum, no maximum
BUILDING HEIGHT	Principal Building	1 story minimum, 3 story maximum ④
	Out Building	25 feet maximum ⑤
PARKING	Spaces	Minimum 2/unit - maximum 3/unit
	Driveway	Maximum width 20 feet ⑨ Minimum 20 feet length in front of a garage
	Area	30 feet x 24 feet maximum
	Access	Entered from front or rear. On corner lots, side yard access is permitted.
USES		Residential
DISTRICTS		LC, Lifestyle Community; NR, Neighborhood Residential
INTERIOR HEIGHT		10 feet minimum finished floor to finished ceiling; upper stories 8 feet minimum finished floor to finished ceiling. ⑦ ⑧
FIRST FLOOR ELEVATION		3 feet minimum above finished grade ⑥

Precedent and Character Setting Examples (for illustrative purposes only)



Exhibit 9.1

Single Family House - Manor		
	Section	Plan
LOT OCCUPATION	Lot Area	15,000 sq. ft. minimum
	Lot Coverage	40% maximum
PRINCIPAL BUILDING SETBACKS	Front	20 feet minimum, 50 feet maximum ①
	Side	10 feet minimum ②
	Rear	20 feet minimum. ③
ACCESSORY BUILDING SETBACKS	Front	Prohibited
	Side	10 feet minimum
	Rear	5 feet minimum
BUILDING FRONTAGE		N/A
LOT WIDTH		60 feet minimum, no maximum
BUILDING HEIGHT	Principal Building	1 story minimum, 3 story maximum ④
	Out Building	2 story maximum. 800 sq. ft. maximum building footprint ⑤
PARKING	Spaces	Minimum 2/unit - maximum 3/unit
	Driveway	Maximum driveway width 20 feet ⑨, Minimum 20 feet length in front of a garage
	Area	30 feet x 24 feet maximum
	Access	Entered from front or rear. On corner lots, side yard access is permitted. Garage/accessory building 20 feet minimum setback from front facade. ⑩
USES		Residential
DISTRICTS		LC, Lifestyle Community; NR, Neighborhood Residential
INTERIOR HEIGHT		10 feet minimum finished floor to finished ceiling; upper stories 8 feet minimum finished floor to finished ceiling. ⑦ ⑧
FIRST FLOOR ELEVATION		3 feet minimum above finished grade ⑥

Precedent and Character Setting Examples (for illustrative purposes only)



Exhibit 9.2

Single Family House		
Section		Plan
LOT OCCUPATION	Lot Area	10,000 sq.ft minimum to 15,000 sq. ft. maximum
	Lot Coverage	60% maximum
PRINCIPAL BUILDING SETBACKS	Front	10 feet minimum, 15 feet maximum ①
	Side	3 feet minimum ②
	Rear	20 feet minimum ③
ACCESSORY BUILDING SETBACKS	Front	Prohibited
	Side	3 feet minimum
	Rear	5 feet minimum
BUILDING FRONTAGE		N/A
LOT WIDTH		50 feet minimum, no maximum
BUILDING HEIGHT	Principal Building	40 feet maximum height ④
	Out Building	25 feet maximum in case of detached Garage ⑤
PARKING	Spaces	Maximum 2/unit - minimum 1/unit
	Driveway	Maximum driveway width 20 feet ⑨, Minimum 20 feet length of driveway in front of a garage
	Area	20 feet x 24 feet maximum
	Access	Entered from front or rear. On corner lots, side yard access is permitted.
USES		Residential
DISTRICTS		N-CON, Neighborhood Conservation; LC, Lifestyle Community; NR, Neighborhood Residential
INTERIOR HEIGHT		10 feet minimum finished floor to finished ceiling; upper stories 8 feet minimum finished floor to finished ceiling. ⑦ ⑧
FIRST FLOOR ELEVATION		3 feet minimum above finished grade ⑥

Precedent and Character Setting Examples



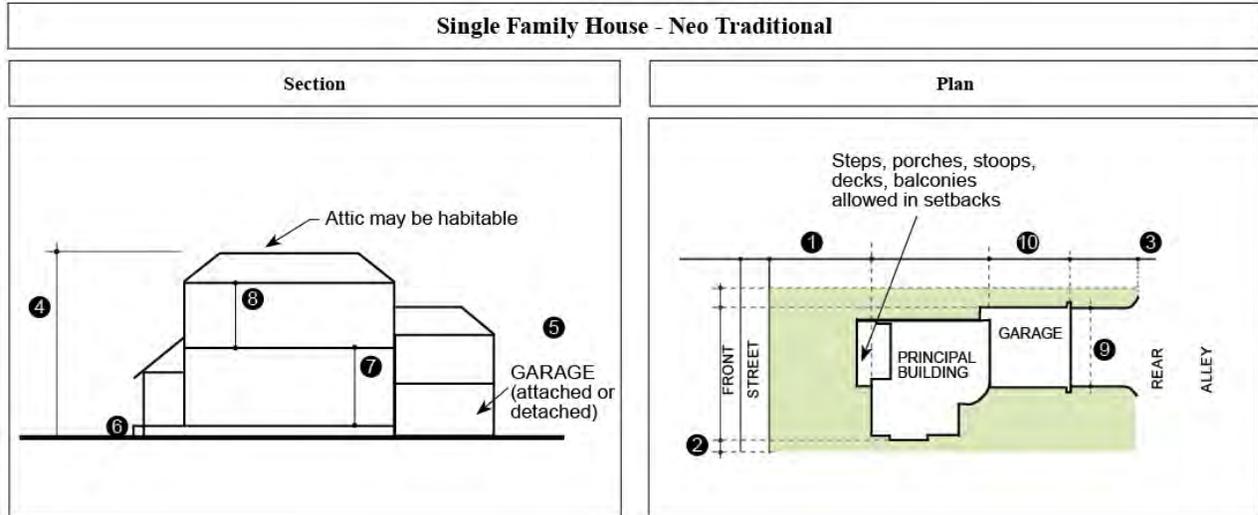
Exhibit 9.3

Single Family House- Sideyard		
	Section	Plan
LOT OCCUPATION	Lot Area	15,000 sq. ft. minimum
	Lot Coverage	30% maximum
PRINCIPAL BUILDING SETBACKS	Front	25 feet minimum, 50 feet maximum ①
	Side	10 feet minimum ②
	Rear	20 feet minimum. ③
ACCESSORY BUILDING SETBACKS	Front	Prohibited
	Side	3 feet minimum
	Rear	5 feet minimum
BUILDING FRONTAGE		N/A
LOT WIDTH		60 feet minimum, no maximum
BUILDING HEIGHT	Principal Building	1 story minimum, 3 story maximum ④
	Out Building	25 feet maximum ⑤
PARKING	Spaces	Minimum 2/unit - maximum 3/unit
	Driveway	Maximum driveway width 20 feet ⑨, 20 feet minimum length in front of a garage
	Area	20 feet x 24 feet
	Access	Entered from front or rear. On corner lots, side yard access is permitted.
USES		Residential
DISTRICTS		LC, Lifestyle Community; NR, Neighborhood Residential; NC, Neighborhood Conservation
INTERIOR HEIGHT		10 feet minimum finished floor to finished ceiling; upper stories 8 feet minimum finished floor to finished ceiling. ⑦ ⑧
FIRST FLOOR ELEVATION		3 feet minimum above finished grade ⑥

Precedent and Character Setting Examples (for illustrative purposes only)



Exhibit 9.4

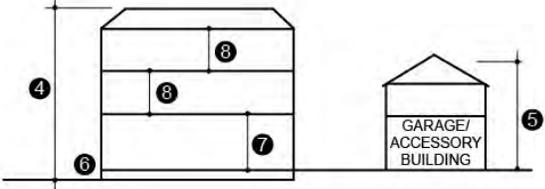
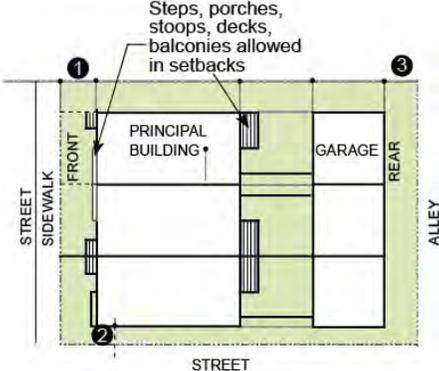


LOT OCCUPATION	Lot Area	4,500 sq. ft. minimum to 8,000 sq. ft. maximum
	Lot Coverage	60% maximum
PRINCIPAL BUILDING SETBACKS	Front	10 feet minimum to 15 feet maximum ①
	Side	3 feet minimum garge side yard, 7 feet minimum other side yard ②
	Rear	N/A
BUILDING FRONTAGE		N/A
BUILDING HEIGHT	Principal Building	1 story minimum, 3 story maximum ④
PARKING	Spaces (exterior)	Minimum 1/unit - maximum 2/unit
	Driveway	20 feet minimum length
	Area	20 feet x 24 feet maximum ⑩
	Access	Entered from rear. On corner lots sideyard access is permitted
USES		Residential
DISTRICTS		LC, Lifestyle Community; NR, Neighborhood Residential; NC, Neighborhood Center; CC, Community Center
INTERIOR HEIGHT		10 feet minimum finished floor to finished ceiling; upper floors 8 feet minimum finished floor to finished ceiling. ⑦ ⑧
FIRST FLOOR ELEVATION		3 feet minimum above finished grade ⑥

Precedent and Character Setting Examples



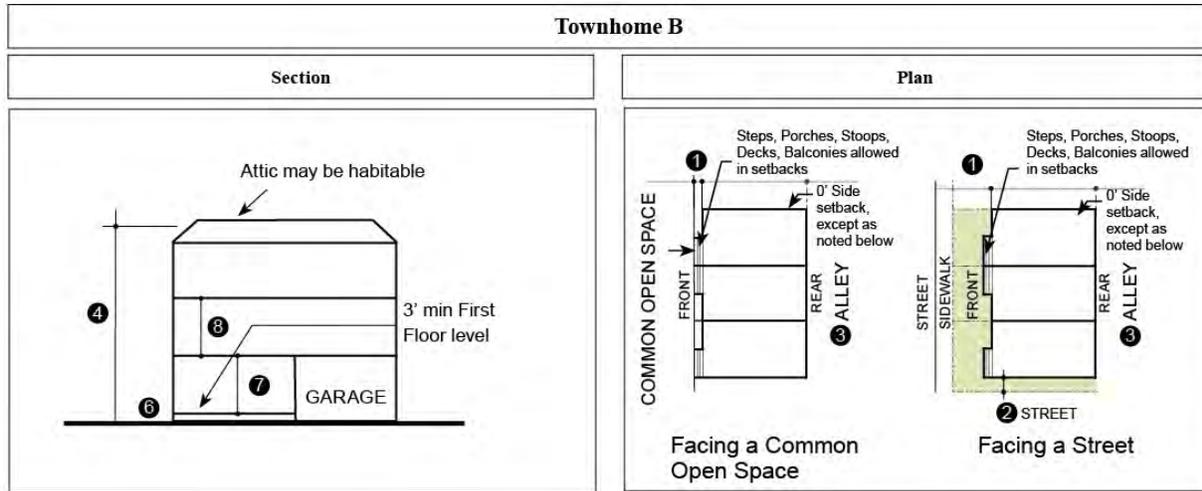
Exhibit 9.5

Townhome A		
	Section	Plan
		
LOT OCCUPATION	Lot Area (by Unit)	1,500 sq. feet minimum - 2,500 sq. feet maximum
	Lot Coverage	70% maximum
PRINCIPAL BUILDING SETBACKS	Front	10 feet minimum - 15 feet maximum ①
	Side	No required setback except 3 feet minimum setback for lots with side lot line on Neighborhood Street. ②
	Rear	No required setback, 20 feet required for off street parking provided in front of garage ③
FRONTAGE		90-100% of lot frontage
BUILDING HEIGHT	Principal Building	40 feet maximum height ④
	Out Building	25 feet maximum height ⑤
PARKING	Spaces	1-2 bedroom, 1 1/2 spaces; 3 bedroom, 2 spaces
	Driveway	20 feet minimum length in front of a garage
	Area	20 feet x 24 feet maximum in rear yard
	Access	Primary access from front. Rear access from alley.
USES		First Floor of Principal Building could include Retail or Live-work. Second Floor of Out Building could include Live-work.
DISTRICTS		LC, Lifestyle Community; NR, Neighborhood Residential; NC Neighborhood Center; CC, Community Center
INTERIOR HEIGHT		10 feet minimum finished floor to finished ceiling; upper stories 8 feet minimum floor to finished ceiling. ⑦ ⑧
FIRST FLOOR LEVEL		3 feet minimum above finished grade ⑥

Precedent and Character Setting Examples (for illustrative purposes only)



Exhibit 9.6

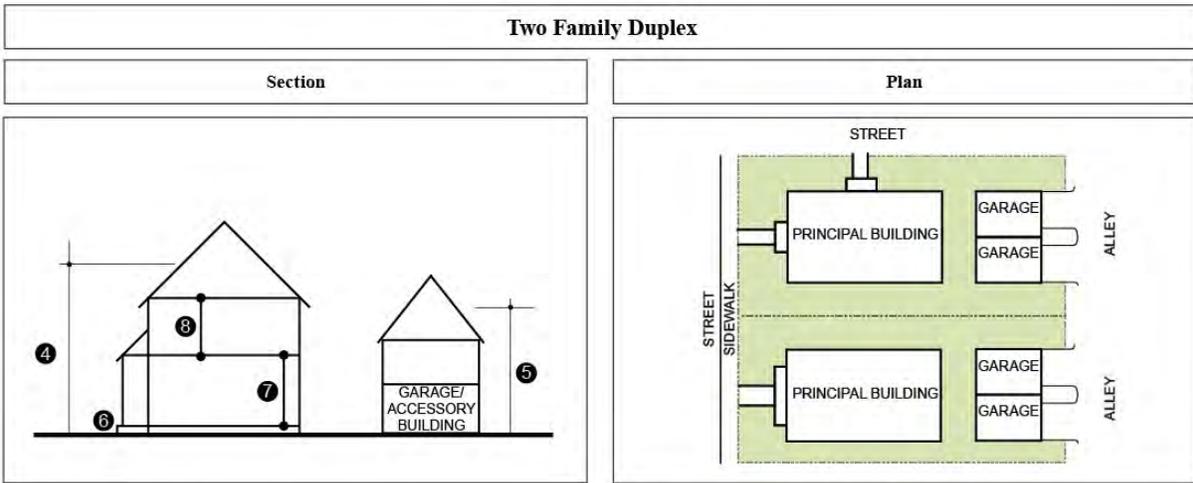


LOT OCCUPATION	Lot Area (by Unit)	800 sq. feet minimum- 1,499 sq. feet maximum
	Lot Coverage	80% maximum
PRINCIPAL BUILDING SETBACKS	Front	3 feet minimum-10 feet maximum when fronting the Common Open Space. 10 feet minimum/maximum or build to line for lots fronting the Street. ①
	Side	3 feet minimum ②
	Rear	3 feet minimum. ③
FRONTAGE		18 feet minimum
BUILDING HEIGHT	Principal Building	40 feet maximum height ④
	Out Building	N/A
PARKING	Spaces	1-2 bedroom, 1 1/2 spaces; 3 bedroom, 2 spaces
	Driveway	20 feet minimum driveway length in front of a garage
	Area	20 feet x 24 feet maximum
	Access	Rear access from alley
USES		First Floor units could include Retail or Live-work. See NC, Neighborhood Center; CC, Community Center; DT, Downtown
DISTRICTS		LC, Lifestyle Community; NR, Neighborhood Residential; NC Neighborhood Center; CC, Community Center
INTERIOR HEIGHT		10 feet minimum finished floor to finished ceiling; upper stories 8 feet minimum floor to finished ceiling ⑦ ⑧
FIRST FLOOR ELEVATION		3 feet minimum above finished grade. ⑥

Precedent and Character Setting Examples



Exhibit 9.7

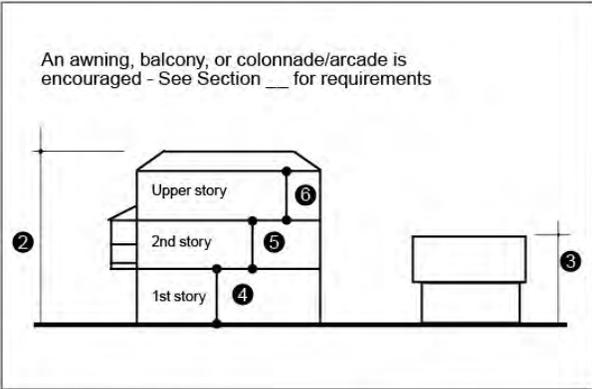
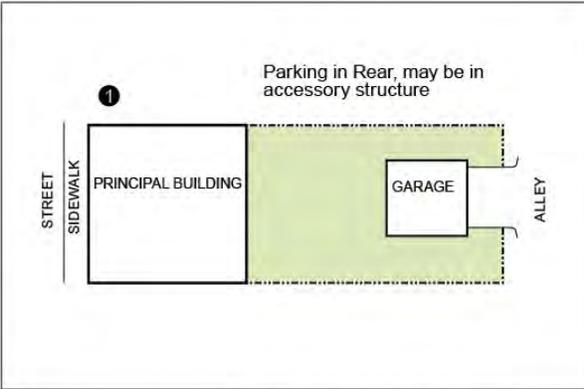


LOT OCCUPATION	Lot Area	5,000 sq. ft. minimum, 7,500 sq. ft. maximum
	Lot Coverage	40% maximum
PRINCIPAL BUILDING SETBACKS	Front	20 feet minimum, 50 feet maximum ①
	Side	10 feet minimum ② Maximum driveway width 10 feet
	Rear	5 feet minimum. ③
BUILDING FRONTAGE		N/A
LOT WIDTH		40 feet minimum/unit
BUILDING HEIGHT	Principal Building	1 story minimum, 3 story maximum ④
	Out Building	2 story maximum, 650 sq. ft. maximum building footprint ⑤
PARKING	Spaces	Minimum 1/unit - maximum 3/unit
	Driveway	Maximum driveway width 10 feet ⑨
	Area	20 feet x 24 feet
	Access	Entered from front or rear. On corner lots, side yard access is permitted.
USES		Residential
DISTRICTS		LC, Lifestyle Community; NR, Neighborhood Residential
INTERIOR HEIGHT		10 feet minimum finished floor to finished ceiling; upper stories 8 feet minimum finished floor to finished ceiling. ⑦ ⑧
FIRST FLOOR ELEVATION		3 feet minimum above finished grade ⑥

Precedent and Character Setting Examples (for illustrative purposes only)



Exhibit 9.8

Live - Work		
Section	Plan	
<p>An awning, balcony, or colonnade/arcade is encouraged - See Section ___ for requirements</p> 	<p>Parking in Rear, may be in accessory structure</p> 	
LOT OCCUPATION	Lot Area	1,800 square feet minimum, 7,200 square feet maximum
	Lot Coverage	80% maximum
PRINCIPAL BUILDING SETBACKS	Front	0 feet minimum, 10 feet maximum
	Side	0 feet minimum
	Rear	15 feet minimum
FRONTAGE		80% to 100% of the lot frontage as measured from side property line to side property line at the front property line ①
LOT WIDTH		16 feet minimum, 60 feet maximum
BUILDING HEIGHT	Principal Building	2 story minimum, 3 story maximum ②
	Out Building	2 story maximum ③; 625 square feet maximum building footprint.
PARKING	Spaces	3 spaces per 1,000 gross square feet
	Area	30 feet x 24 feet maximum
	Access	The primary entrance should be in the front, convenient to on-street parking
USES		Two-family, multi-family, residential accessory unit, civic, neighborhood-commercial, office
DISTRICTS		NC Neighborhood Center; CC, Community Center; CB, Corporate Business
INTERIOR HEIGHT		12 feet minimum finished floor to finished ceiling ④; upper stories 8 feet minimum finished floor to finished ceiling ⑤ ⑥

Precedent and Character Setting Examples (for illustrative purposes only)



Exhibit 9.9

Neighborhood Scale Mixed-Use		
Section	Plan	
<p>Primary entry of retail oriented to the street. Awning allowed 5' over sidewalk. Commercial windows to have 75% transparency. 4</p> <p>First Floor flush with sidewalk</p> <p>Parking at the rear such that it is not visible from the street</p>	<p>Parking, service entrance, and loading bay to be located at the rear of the building</p>	
LOT OCCUPATION	Lot Area	2,400 square foot minimum, no maximum
	Lot Coverage	90% maximum
PRICIPAL BUILDING SETBACKS	Front	0 feet minimum - 10 feet maximum 1
	Side	No required setback. 2
	Rear	3 feet minimum. 3
FRONTAGE		N/A
BUILDING HEIGHT	Principal Building	2 stories 4
	Out Building	N/A
PARKING	Spaces	3 spaces minimum - 4 spaces maximum/ 1000 sq. ft. Gross Floor Area.
	Area	N/A
	Access	Front, side or rear access not to exceed 20 feet width.
USES		Office and retail, or multi-family residential and retail
DISTRICTS		NC, Neighborhood Center; CC, Community Center; CB, Corporate Business
INTERIOR HEIGHT		15 feet minimum finished floor to finished ceiling. Upper floors, 8 feet minimum finished floor to finished ceiling. 5
FIRST FLOOR ELEVATION		At grade.

Precedent and Character Setting Examples



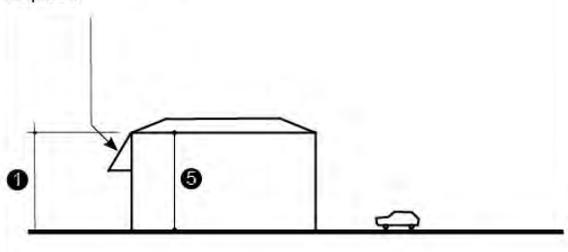
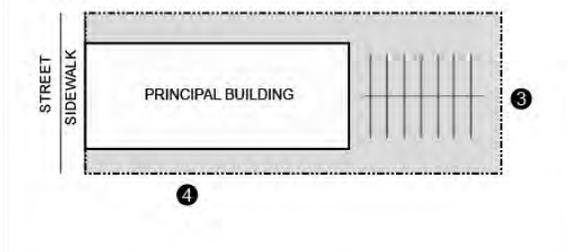
Exhibit 9.10

Mixed - Use/ Commercial Blockfront		
Section	Plan	
<p>An awning, balcony, or colonnade/arcade is encouraged - See Section ___ for requirements</p>		
LOT OCCUPATION	Lot Area	2,400 square feet minimum, no maximum
	Lot Coverage	80% maximum
PRINCIPAL BUILDING SETBACKS	Front	0 feet minimum, 10 feet maximum
	Side	0 feet minimum
	Rear	0 feet minimum ③
FRONTAGE		80% of the lot frontage measured from side property line at the front property line ①
LOT WIDTH		24 feet minimum, no maximum
BUILDING HEIGHT	Principal Building	3 story, 46 feet ②
	Out Building	NA
PARKING	Spaces	3 spaces per 1,000 square feet minimum
	Area	NA
	Access	Rear or side access
USES		Residential, retail, and office
DISTRICTS		NC Neighborhood Center; CC, Community Center
INTERIOR HEIGHT		12 feet minimum finished floor to finished ceiling ④; upper stories 8 feet minimum finished floor to finished ceiling ⑤ ⑥

Precedent and Character Setting Examples (for illustrative purposes only)



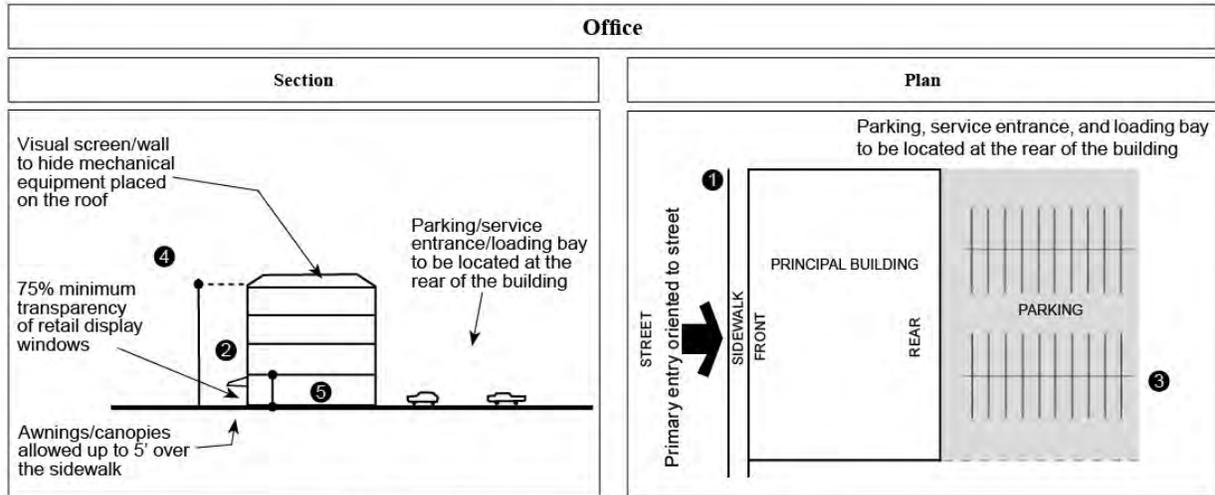
Exhibit 9.11

Neighborhood Scale Office		
Section	Plan	
<p>An awning, balcony, or colonnade/arcade is required.</p> 		
LOT OCCUPATION	Lot Area	2,400 sq.ft. minimum, 7,200 sq.ft. maximum
	Lot Coverage	80% maximum
PRINCIPAL BUILDING SETBACKS	Front	0 feet minimum, 10 feet maximum ²
	Side	0 feet minimum ⁴
	Rear	15 feet minimum ³
FRONTAGE		80% minimum, 100% maximum
LOT WIDTH		24 feet minimum
BUILDING HEIGHT	Principal Building	One to two stories ¹
	Out Building	N/A
PARKING	Spaces	See Section 9.29
	Area	N/A
	Access	Access to parking from the side or rear
USES		Office
DISTRICTS		NC, Neighborhood Center; CC, Community Center; CB, Corporate Business
INTERIOR HEIGHT		14 feet minimum, finished floor to finished to ceiling ⁵

Precedent and Character Setting Examples (for illustrative purposes only)



Exhibit 9.12



LOT OCCUPATION	Lot Area (by Unit)	1.0 acre minimum; 5.0 acres maximum
	Lot Coverage	90% maximum
PRINCIPAL BUILDING SETBACKS	Front	No required setback. Arcades 8 feet maximum first floor setback. ①
	Side	0' feet minimum ②
	Rear	0' feet minimum ③
FRONTAGE		N/A
BUILDING HEIGHT	Principal Building	100 feet maximum ④
	Out Building	N/A
PARKING	Spaces	3 spaces/1000 sq. ft. gross floor area
	Area	N/A
	Access	Front, rear or side access not to exceed 20 feet in width.
LOADING		As per Section 9.29
USES		First Floor units could include Retail or Live-work. See NG, Neighborhood Generic; CC, Community Center; DT, Downtown
DISTRICTS		CC, Community Center; CB, Corporate Business
INTERIOR HEIGHT		12 feet minimum finished floor to finished ceiling. Upper floors 8 feet minimum finished floor to finished ceiling.

⑤

Precedent and Character Setting Examples



Exhibit 9.13

Large Format Retail						
	Section	Plan				
LOT OCCUPATION	<table border="1"> <tr> <td>Lot Area</td> <td>1.0 acre minimum - 5.0 acres maximum</td> </tr> <tr> <td>Lot Coverage</td> <td>90% maximum</td> </tr> </table>	Lot Area	1.0 acre minimum - 5.0 acres maximum	Lot Coverage	90% maximum	
Lot Area	1.0 acre minimum - 5.0 acres maximum					
Lot Coverage	90% maximum					
PRINCIPAL BUILDING SETBACKS	Front	0' front setback. Awning/canopies allowed up to 5 feet maximum setback for 25% of frontage. For arcade, 8 feet maximum first floor setback is allowed. ①				
	Side	5 feet maximum				
	Rear	0 feet minimum				
BUILDING FRONTAGE		75% of the lot frontage measured from side property line at the front property line				
BUILDING HEIGHT	Principal Building	2 stories, 80 feet maximum ②				
	Out Building	N/A				
PARKING	Spaces	3 spaces minimum - 4 spaces maximum/1,000 sq.ft. gross floor area. Parking lots shall be located to reduce visual or operational impacts to surrounding properties. In case of Sideyard Parking it should occupy no more than 25% of the total street frontage lot line.				
	Area	N/A				
	Access	Rear or side access				
LOADING BAY		As per Section 9.29				
USES		Retail, theater, movie/play house, health and fitness, restaurant and general services				
DISTRICTS		CC, Community Center				

Precedent and Character Setting Examples (for illustrative purposes only)



F. Street Standards

1. Purpose

The purpose of this section is to prescribe dimensions for various streets within the City’s Overlay Zoning Districts. The proper design of streets and their location relative to adjacent structures is illustrated in the following Exhibits 9.14 thru 9.19

2. Applicability

Table 9.4 summarizes the permitted street types within each Overlay Zoning District classification. These standards apply to development in the RC, Residential Conservation, NR, Neighborhood Residential; NC, Neighborhood Center; CC, Community Center; and CB, Corporate Business Districts.

Table 9.4

Street Type						
	Residential Conservation	Neighborhood Residential	Lifestyle Community	Neighborhood Center	Community Center	Corporate Business
	RC	NR	LC	NC	CC	CB
Trail						
Path						
Alley						
Drive						
Neighborhood Street						
Commercial Street						
Boulevard						

Exhibit 9.14

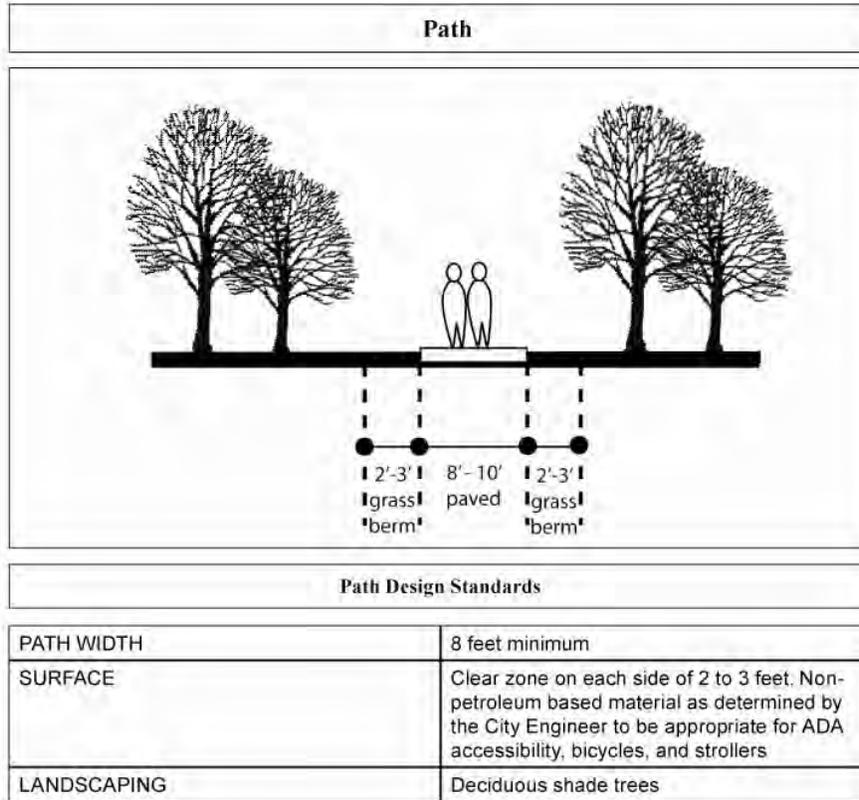


Exhibit 9.15

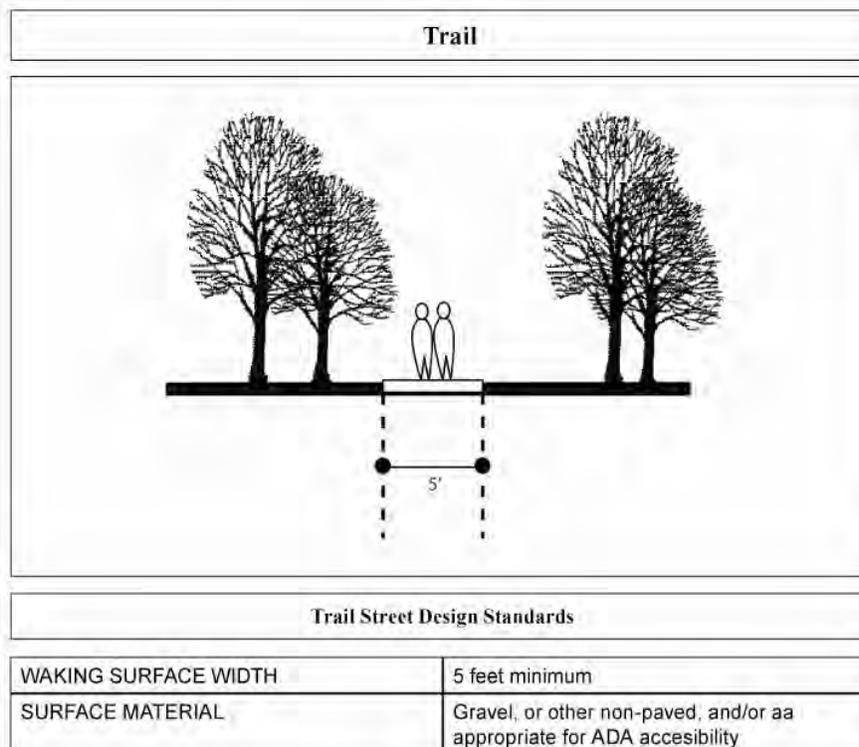
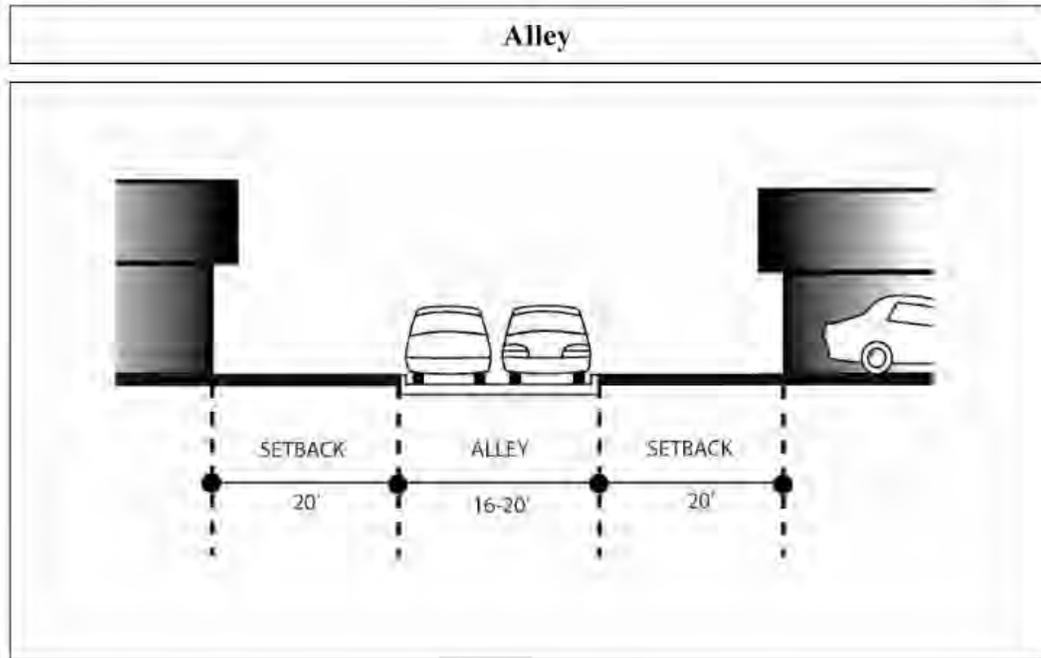


Exhibit 9.16



Alley Design Standards

TOTAL WIDTH	56 to 60 feet
PAVEMENT WIDTH	16 to 20 feet as determined by City Engineer
TRAFFIC MOVEMENT	Two-way
TRAFFIC LANE WIDTH	8 to 10 feet
DESIGN SPEED	10 to 15 mph
PARKING	None
CURB TYPE	None except when required by City Engineer
CURB RADIUS	5 feet
OUTBUILDING SETBACK	20 feet minimum
SIDEWALK WIDTH	None
PLANTER STRIP WIDTH	None
LANDSCAPING	None

Exhibit 9.17

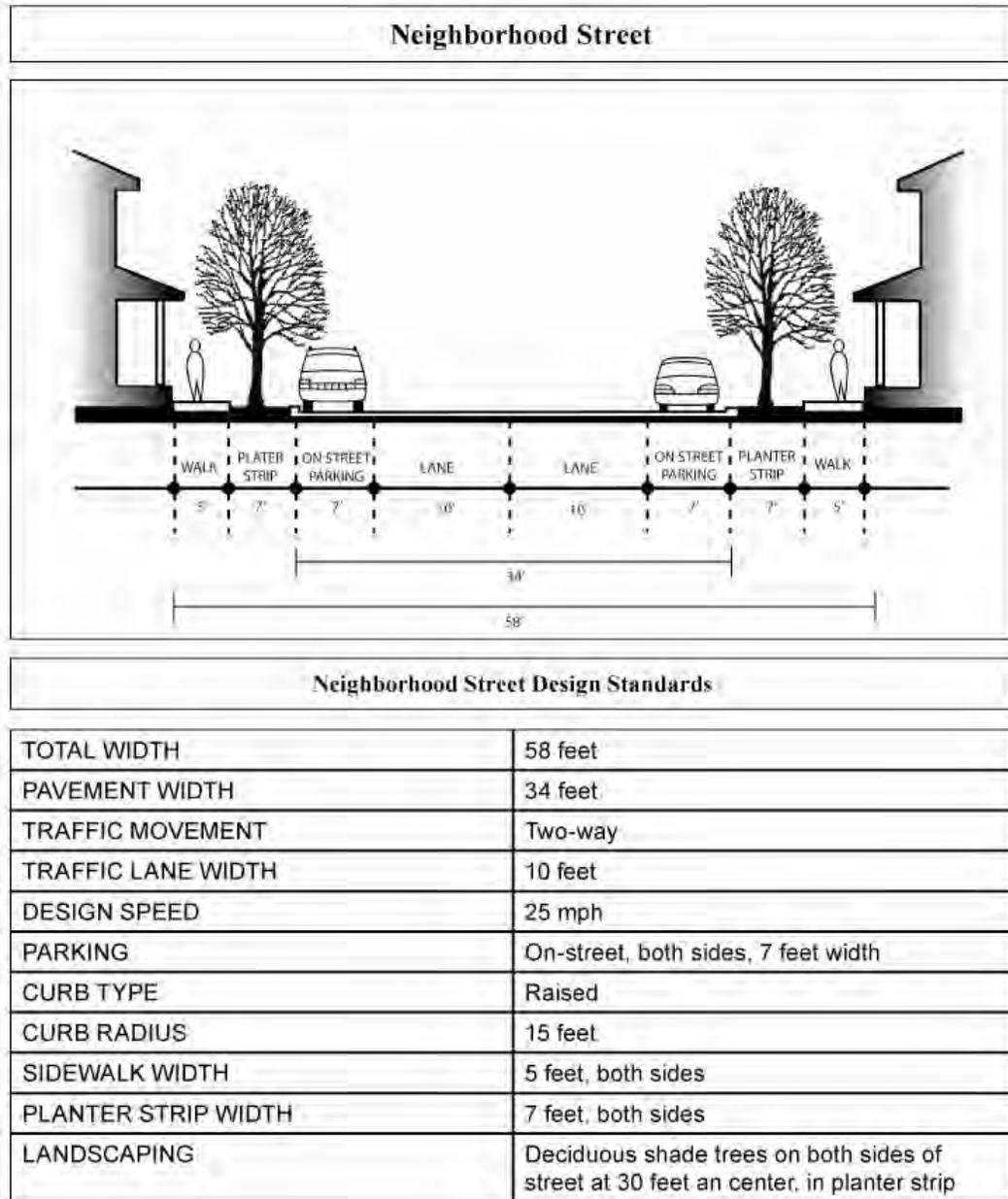
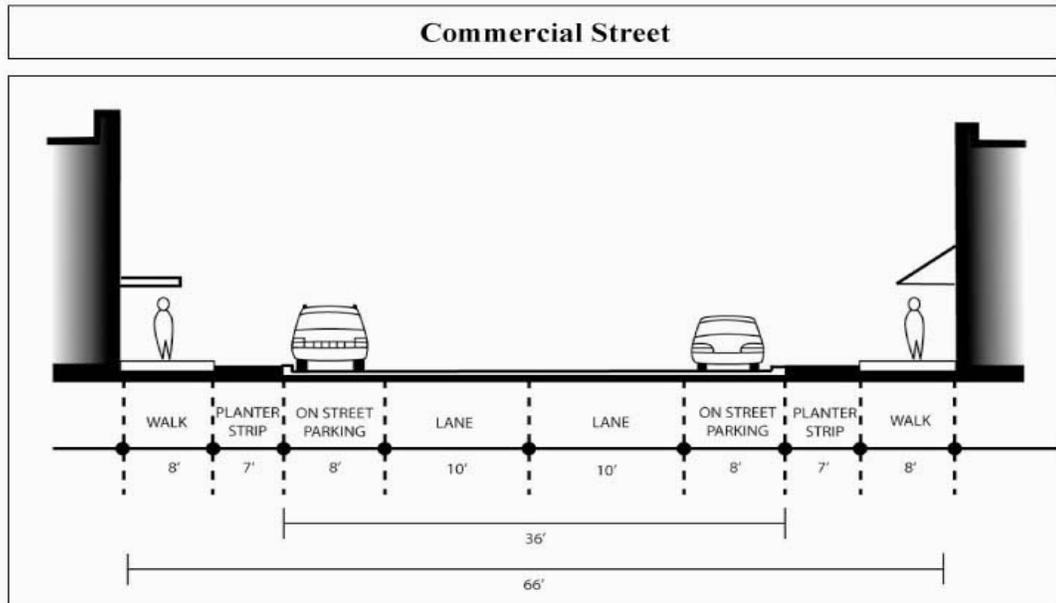


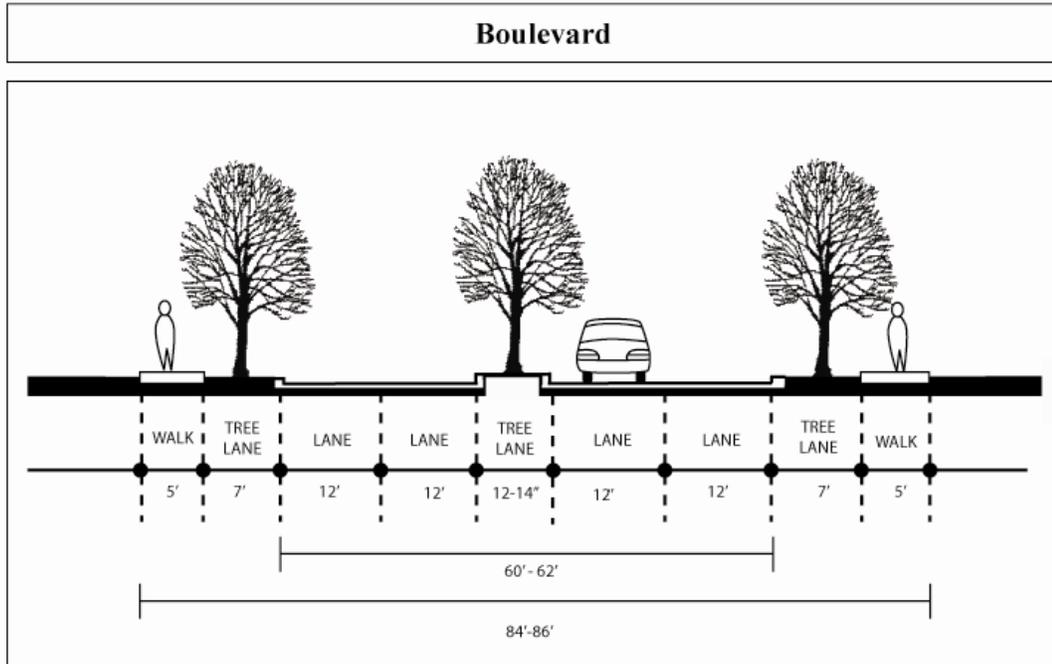
Exhibit 9.18



Commercial Design Standards

TOTAL WIDTH	66 feet
PAVEMENT WIDTH	36 feet
TRAFFIC MOVMENT	Two-way
TRAFFIC LAND WIDTH	10 feet
DESIGN SPEED	25 mph
PARKING	On-street, both sides
CURB TYPE	Raised
CURB RADIUS	25 to 30 feet
SIDEWALK WIDTH	8 to 15 feet, both sides with both bulb-outs at intersections and mid-block crossings where approached
PLANTER STRIP	Tree wells in sidewalk
LANDSCAPED MEDIAN WIDTH	12 to 16 feet required for pedestrian refuge on streets with more than 2 lanes
LANDSCAPING	Deciduous shade trees on both sides of street at 30 feet on center, in 5-foot square tree wells

Exhibit 9.19



Boulevard Design Standards

TOTAL WIDTH	72 feet
PAVEMENT WIDTH	48 feet in two 24-foot segments
TRAFFIC MOVEMENT	Two-way
TRAFFIC LANE WIDTH	12 feet
DESIGN SPEED	30 mph
PARKING	None
CURB TYPE	Raised
PLANTER STRIP	7 feet, both sides
LANDSCAPED MEDIAN WIDTH	12 to 14 feet required pedestrian refuge on streets with more than 2 lanes
LANDSCAPING	Deciduous shade tree on both sides of street on center in planter strip

PART 2: SUBDIVISION

9.09 Purpose

Part 2 establishes procedures for the subdivision of land and includes requirements for plat details, performance guarantees, and dedications. Standards relating to public and site improvements are set forth in Part 3. Requirements for plat procedures and submissions are set forth in Article 5 of this Ordinance.

9.11 Applicability

Part 2 applies to the subdivision of all lands within the City of Centerville.

9.13 Required Improvements

A. Purpose

The purpose of this Section is to provide site planning and design regulations for new subdivisions. Review procedures for minor and major subdivision plans and plats are found in Article 5, Section 5.11. Information required for submittal of an application is found in Section 5.13.

B. Streets

The following gives the layout, right-of-way widths, improvements and minimum street grades for streets within the City.

1. Layout.

- a. Street layout shall conform to the Official Thoroughfare Plan. If the plat involves a section of a street shown on the Official Thoroughfare Plan, the corresponding right-of-way must be so dedicated by the subdivider,
- b. Streets shall generally continue existing streets and provide ease of circulation within the plat and with adjoining plats and shall be platted with regard to topography and other existing physical features.
- c. Street intersections shall be at right angles to the greatest extent practical.
- d. Cul-de-sacs streets shall not exceed 600 feet in length.
- e. Half streets shall be accepted only when they complete an existing half street on the border of the plat.

- f. Permanent dead end streets shall not be permitted.
 - g. Alleys may be required in commercial and industrial districts in the rear of lots fronting on thoroughfares, and in residential districts.
 - h. Easements for utilities shall be provided where needed and/or by public utility companies.
 - i. The number of intersecting streets along thoroughfares shall be held to a minimum in accordance with the Access standards, Section 9.31.
 - j. A parallel service drive, alley, or frontage road is recommended to eliminate numerous driveways from opening onto a thoroughfare.
 - k. Where a subdivision abuts or contains an existing or proposed thoroughfare street (eighty-two feet to 120-foot right-of-way) the Planning Commission may require marginal access streets, reverse frontage with screen planting contained in a non-access reservation along the rear property line, loop streets, cul-de-sacs or other such treatment as may be necessary to adequately protect residential properties and to afford separation of through and local traffic.
 - l. Access to public or private streets: See 9.31 Access Control for Streets and Highways.
 - m. Collector streets for industrial subdivisions shall be planned to serve industrial areas exclusively and shall connect with arterial streets so that no industrial traffic will be directed into any residential streets. The intersections of service streets from parking areas with thoroughfare or collector streets shall not be less than 100 feet from the intersection of the thoroughfare or collector street with any other street. Streets shall be planned to be extended to the boundaries of any adjoining land planned for industry, except in cases of severe physical conditions or if the Commission finds that such extension is not in accord with the approved plan of the area.
2. Minimum Right-of-way Widths. The typical standards shown herein are minimum only.
- a. Official Thoroughfare Plan streets: see the Official Thoroughfare Plan.
 - b. Major Thoroughfare: 120 foot right-of-way.
 - c. Minor Thoroughfare: 82-90 foot right-of-way.

- d. Major Collector Street: 70 foot right-of-way.
 - e. Minor Collector Street: 60 foot right-of-way.
 - f. Public access or service drives: 40 foot right-of-way.
 - g. Cul-de-sacs: fifty-foot right-of-way for access and 100-foot diameter right-of-way for turn-a-rounds.
 - h. Alleys: 20 foot right-of-way.
 - i. Rear or Side Property Line Easements shall be a minimum width of 10 feet, five feet on each side of the rear or side property line. The Planning Commission may increase, reduce, or eliminate any portion of this requirement as a part of the subdivision or site plan review based upon the needs of the agencies requiring the easement(s).
3. Street Cross-Sections (*Ord. 17-14*)
- a. Official Thoroughfare Plan street design and pavement width shall be based upon appropriate engineering studies.
 - b. Major Thoroughfare Cross-Section
 - i. Roadway Width: 5 lanes.
 - ii. Center Landscaped Median.
 - iii. 5 foot sidewalks located on both sides of the roadway.
 - iv. Curb, gutter, and storm sewer.
 - c. Minor Thoroughfare Cross-Section
 - i. Roadway Width: 5 lanes.
 - ii. Center Landscaped Median.
 - iii. 5 foot sidewalks located on both sides of the roadway.
 - iv. Curb, gutter, and storm sewer.

d. Major Collector Street Cross-Section

- i. Roadway Width: 3 lanes.
- ii. On-street parking as needed.
- iii. Curb, gutter, and storm sewer.
- iv. 5 foot sidewalks located on both sides of roadway.

e. Minor Collector Street Cross-Section

- i. Roadway Width: 2 lanes.
- ii. On-street parking as needed.
- iii. Curb, gutter, and storm sewer.
- iv. 5 foot sidewalks located on both sides of roadway.

f. Local Streets and Cul-de-sac Street Cross-Section

- i. Roadway Width: 2 lanes; shall provide a minimum roadway width of 24 feet.
- ii. On-street parking as needed.
- iii. Curb, gutter, and storm sewer.
- iv. 5 foot sidewalks located on both sides of roadway.
- v. 78 foot diameter turn around area.

g. Public Access or Service Drives

- i. Roadway Width: 2 lanes; shall provide a minimum roadway width of 24 feet.
- ii. Curb, gutter, and storm sewer.
- iii. 5 foot sidewalks located on both sides of roadway.

h. Private Streets

- i. Roadway Width: 2 lanes; shall provide a minimum roadway width of 24 feet.

i. Alleys

- i. Roadway Width: 16 foot minimum.

4. Maximum Street Grades, Curves and Sight Distances.

For specific roadway design standards see the Ohio Department of Transportation's (ODOT) Location and Design Manual: Volume 1; July, 2006 or most current version.

- a. The grades of streets shall not exceed the following gradients except as modified by the City Council as part of a Preliminary or Final Development Plan, Preliminary Subdivision or Record Plat:
 - i. Major thoroughfares: six percent.
 - ii. Minor thoroughfares: seven percent.
 - iii. Local streets and all others: eight percent. (*Ord. 17-16*)
- b. Vertical street alignment for main thoroughfares shall be determined as follows: Profile grades shall be connected by vertical curves of a minimum length equivalent to twenty times the algebraic difference between the rates of grade, expressed in feet; for secondary and minor streets and alleys, fifteen times.
- c. Horizontal curves, measured on the centerline, shall be as follows:
 - i. Thoroughfare streets: minimum of fifteen-degree curve, 385-foot radius.
 - ii. All other streets: fifty-eight degree curve, 100-foot radius. A minimum fifty-foot tangent shall be introduced between reverse curves.
- d. Intersection site distance standards shall be as provided in Section 9.31, C of this UDO.
- e. Private Streets. Private streets, where so designated on a plan or plat, shall meet all of the requirements of this chapter, with the exception of roadway widths.
- f. Traffic Calming: In all cases developers/subdividers should design local streets within subdivisions to slow traffic to protect public safety. Local streets shall be

designed to accommodate a maximum 25 miles per hour speed limit. Traffic calming devices shall meet the design requirements of the City Engineer.

5. **Street Construction:** Streets shall be graded to full width of the right-of-way and fully constructed with asphalt pavement or concrete pavements surfaced with asphaltic or Portland cement concrete wearing surfaces, concrete curbs and gutters with tile underdrain and porous backfill and proper storm drains and inlets. Streets shall be in conformity with the plans and specifications for street construction adopted by Council, duplicates of which shall be kept on file in the office of the City Manager and the City Engineer. *(Ord. 16-13)*
6. **Submit worksheets** showing that storm and sanitary pipe crossings and the design of catch basins at street low points. *(Ord. 16-13)*
7. **Electric and Telephone Lines:** Where it is necessary to locate electric or telephone lines in the street right-of-way, they shall be not closer less than nine feet six inches to the back of curb. *(Ord. 16-13)*
8. **Street Signs:** The City will erect the necessary street signs. The Subdivider shall reimburse the City for the cost thereof. *(Ord. 16-13)*

C. **Bikeways and Multi-Use Trails**

1. **Layout.**
 - a. Bikeway and multi-use trail layout shall conform to the Official Thoroughfare Plan. If the plat involves a section of a bikeway and multi-use trail shown on the Official Thoroughfare Plan, the corresponding right-of-way must be so dedicated by the subdivider,
2. **Where required bikeway and multi-use trails may:**
 - a. Be incorporated as a part of the roadway width
 - b. Be a separate facility having a minimum width of 8 feet
3. **Street intersections** shall be designed to accepted engineering practices
4. **A bikeway of multi-use trail**, when required as a separate facility, adjacent to a public street may be built in lieu of the required sidewalk on that side of the street.

D. **Sidewalks**

1. **Sidewalks for Multi-Family or Non-Residential Uses**

- a. Public sidewalks shall be located within the public right-of-way adjacent to the premises. Sidewalks shall be required to be installed by the developer when:
 - i. A sidewalk is designated on the City Sidewalk Plan.
 - ii. The first, detached principal building is constructed on a premises.
- b. A public sidewalk shall not be required with the addition of a subsequent, detached principal building on a premises, addition to an existing principal building, construction of an accessory building or the demolition of a building.
- c. Private Walkways for Multi-Family Residential Use: Walkways shall be integrated with the overall development plan, parking lot layout and landscape plan to provide pedestrian access throughout the development and connect to any existing or required public sidewalk.
- d. Sidewalks shall be constructed to standards and specifications as adopted by the City.
- e. Handicapped access to sidewalks shall be provided in accordance with standards and specifications as adopted by the City.
- f. Sidewalks in the Architectural Preservation District

See Section 9.53, D of this UDO for additional requirements.

Sidewalks shall be constructed in accordance with the specifications referred to in paragraph (B)(3) hereof. The Commission may, upon proper application by a subdivider, waive the requirement of sidewalks on both sides of the street and may order sidewalks on only one side of the street or eliminate the requirement of sidewalks throughout all or part of the plat. In acting upon an application for a waiver, the Commission shall give primary consideration to the requested waiver's effect on public safety. The Commission shall also consider any special factors existing which justify the granting of the waiver. The Commission may grant the waiver as requested or may grant such modified waiver as it deems best, giving consideration to public safety and the special factors which exist.

E. Water System

Each lot shall be provided with access to the water distribution system in accordance with County Sanitary Engineering. Where, in the opinion of the City or County agency having jurisdiction, connection with the existing water system cannot be reasonably provided, then each lot must be served by an individual well or other approved system.

F. Sanitary Sewer

The subdivision shall be provided with a complete sewerage system which shall connect with the nearest existing sanitary sewage system in accordance with Montgomery County or

Greene County Sanitary Engineering requirements and standards. Where, in the opinion of the City or County agency having jurisdiction, connection with the existing mains cannot be reasonably provided, then proper provision shall be made for the disposal of sanitary wastes by means of septic tanks or other approved methods of disposal.

G. Public Open Space

Due consideration shall be given to the allocation of suitable areas for schools, parks, and playgrounds to be dedicated for public use or reserved by deed covenants for the use of the property owners.

H. Improvements

1. Variations

It is the intent of this chapter to assure lot improvements which provide for:

- a. Suitable access from an abutting street to a structure and its accessory buildings;
- b. Immediate diversion of water away from buildings and assured disposal of water from the lot;
- c. Adequate usable outdoor area for essential outdoor activities;
- d. An appropriate setting for structures; and
- e. Protection of adjacent properties from altered and/or increased flow of water.

A variation from this chapter may be permitted by the City when an alternative method of proposed lot improvements is necessary to meet special topography or design conditions on the site and the variation attains the stated objectives contained in this section.

2. Supervision and Specifications

All improvements required must be constructed under the supervision of, and meet the specifications of, the agency involved must comply with this chapter and must be approved by the City Engineer and Planning Commission.

3. Streets; Incorporation of Centerville Standards for Street Construction.

- a. Curbs and gutters shall be required.

- b. Surfacing, paving, grading and backfilling shall meet the requirements of the Centerville Standards for Street Construction, or the most current version and which is hereby incorporated and made a part of these Regulations by reference. Streets, thoroughfares and alleys shall be constructed in accordance with the specifications contained in such Standards and shall be one of the alternative types allowed by such Standards. Any existing improvements in the right-of-way which are damaged by the subdivider's work shall be restored by the subdivider to their former condition.
- c. In any new subdivision abutting along a former Township or County road, the subdivider will be required to reconstruct the road or street to meet standards now in force.

4. Stormwater Drainage

Stormwater drainage may be discharged into the natural drainage system. In general, the entire sewerage system and the disposal of sanitary and storm sewage shall be planned and built to meet the approval of the proper authorities.

5. Monuments

Permanent monuments shall be accurately set and established in accordance with the minimum standards for boundary surveys provided in the Ohio Revised Code and established surveying practices. On the detailed drawings of each section, as presented to Council, the location of these monuments will be indicated by a suitable symbol and certification by a surveyor licensed in Ohio to the City that these monuments have been accurately placed.

6. Street Trees in the Public Right-of-Way

If proposed, street trees in the public right-of-way shall be planted as part of the subdivision development subject to the standards located in Section 9.25 of the UDO. (*Ord. 16-13*)

7. Traffic Control Devices

- a. All traffic control devices shall be required in accordance with the Ohio Manual on Uniform Traffic Control Devices and shall be of a type approved by the City Engineer. Before an occupancy permit is issued for any dwelling, street signs, either permanently or for a temporary period of time, shall be required.
- b. Any private street that is open to public traffic shall comply with the Ohio Manual on Uniform Traffic Control Devices.

8. Street and Walkway Lighting

The subdivider shall be required to provide street lights installed in accordance with standards and specifications of the City Engineer and the Planning Commission in each

residential subdivision. Street lights, where required, at a minimum, shall be located at each street intersection and at each entrance to a residential subdivision.

9. Fire Protection

Fire hydrants with two, two and one-half inch outlets and one large pumping connection shall be provided by the subdivider in all subdivisions with public water supplies. The hydrants shall be located between property lines and curbs with all outlets facing or parallel to the street. Hydrants shall be placed at the corners of all blocks and at mid-block for blocks exceeding 800 feet in length. Hydrants shall also be required at the entrance and end of all cul-de-sacs exceeding 400 feet in length. The type of hydrant and control valves and the location of the hydrant shall be approved by the Fire Chief. The minimum size of any water line serving any hydrant shall be six inches in diameter and the same should be circulating water lines. The size and location of water lines shall be approved by the Fire Chief and by the appropriate County Sanitary Engineer for commercial and industrial subdivisions.

I. Other Development Improvements

Other improvements, such as retaining walls and fences, shall be provided at the purchaser's expense, as needed to handle excessive grade differences, to screen unsightly views, to provide suitable access, personal safety and usable lot areas and to protect the property. They shall be structurally sound and durable and designed to current engineering standards.

J. Underground Installation of Utilities in New Residential Subdivisions; Exceptions

1. Any other provision of these Codified Ordinances or the 2006 Residential Code of Ohio (RCO), as adopted in the Building and Housing Code, relating to subdivisions or construction to the contrary notwithstanding, within the area of any new residential plat and subdivision, all newly installed utility distribution facilities, including, but not limited to, electric, telephone, communication and community television or similar associated facilities, shall be placed and maintained underground within utility easements in the rear or side yard, or public ways. Underground placement of utilities shall not apply to the following: (*Ord. 17-16*)
 - a. Equipment appurtenant to utility distribution facilities, such as surface-mounted transformers, pedestal-mounted terminal boxes and meter cabinets, switching enclosures and substations.
 - b. Poles supporting only street lights and traffic signals; police-fire call boxes; and traffic signal cantilever poles.

- c. Electrical or communication overhead lines temporarily connected due to an emergency, but not to exceed a duration of six months.
 - d. In cases where unusual topographical conditions, such as soil, open ditches, rock formations or other physical conditions, make underground installation of such utility distribution facilities unreasonable, impracticable or uneconomical.
 - e. Service to model homes or other buildings under construction, or to other temporary structures, with less than 600 volts to ground service only, but not to exceed twelve months duration. Renewal for an additional period of six months may be granted for good cause.
 - f. Poles, above-ground wires and associated above-ground structures used for the transmission of electrical energy at voltages of 22,000 volts or more.
 - g. Additions of, or extensions to, existing above-ground utility distribution facilities.
2. The owner, subdivider or consumer shall furnish the necessary easements to accommodate all the utility installations required to be placed underground, shall establish the final grade before the utility company is required to install its facilities, and shall provide the trench and backfill the same for the service line extending from the utility distribution facilities to the consumer's structure.
 3. No new residential plat or subdivision shall be approved unless such plat or subdivision complies with this section. However, if above-ground utility distribution facilities have already been constructed as of the date of the adoption of this section, based upon a previously approved preliminary plat, then the final plat shall be approved with an exception for such above-ground utility distribution facilities.
 4. No utility company shall make or assess against an owner, subdivider or consumer an extra charge or rate for, or resulting from, the installation of the underground utility distribution facilities required by this section.
 5. All utility distribution facilities shall be installed and maintained in accordance with the provisions of the, 2006 Residential Code of Ohio (RCO), and the OBC Commercial Building Code the order or orders of the Public Utilities Commission of Ohio and the Industrial Commission of Ohio, and good utility practice. Additionally, the following construction standards shall supplement or supersede the standards set forth above and shall be controlling in the event of a conflict therewith:
 - a. No blasting shall be permitted for trench excavation in the installation of underground utility distribution facilities, except by permission of the City.

- b. Wherever possible, underground electric lines, cable television lines and telephone lines shall be located within the same trench.
 - c. Handholes or service boxes for street light services shall be located within the curb lawns between the street and property line or within easements and public ways.
6. All utility distribution facilities in new residential plats and subdivisions governed by these Subdivision Regulations shall be placed underground in accordance with the requirements and provisions of this section.

9.15 Lot and Block Arrangement (*Ord. 17-13*)

A. Purpose

The purpose of this Section is to regulate the arrangement of lots and building heights within a subdivision and to ensure that lot and height dimensions are consistent with the appropriate zoning district standards.

B. Lots

All lots shall front onto a public or private road, and all lots shall conform to or exceed the requirements of the UDO and the zoning district regulations for the district in which they are located. The following regulations shall govern the design and layout of lots and lot improvements:

- 1. **Block Size:** The average perimeter of all blocks within a subdivision shall not exceed 1,400 feet. No block face shall have a length greater than 400 feet without a common access easement, alley or pedestrian pathway through access to another street, alley or common access easement. However, existing streets in adjacent plats, topographical conditions and the type of development may permit considerable variation in this requirement.
- 2. **Block Width:** Blocks shall be of sufficient width to provide for two tiers of lots.
- 3. **Block Length:** Block lengths along major thoroughfares shall be of sufficient length to provide safe ingress and egress to the thoroughfare. Block length shall be a minimum of 500 feet and a max of 1,000 feet.
- 4. **Commercial and Industrial Blocks:** Blocks in commercial and industrial districts shall be of sufficient length and depth to best serve the use intended for the area. Length and depth shall be adequate to include off-street parking and delivery.

5. **Lot Arrangement:** The lot arrangement shall be such that there will be no foreseeable difficulties, for reasons of topography or other conditions, in securing building permits to build on all lots in compliance with all applicable UDO health and building regulations and in providing approved driveway access to buildings on the lots from an approved road.
6. **Lot Dimensions:** All lots shall comply with the standards of Table 9.0 for residential uses and for commercial uses.
7. **Future Subdivision Lots:** Where lots are more than double the minimum required area, Planning Commission may require that those lots be arranged so as to allow further subdivision and the opening of future streets where they would be necessary to serve potential lots, all in compliance with the UDO.
8. **Side Lot Lines:** In general, side lot lines shall be at right angles to street lines (or radial to curving street lines) unless a variation from this rule is approved by Planning Commission when such variance will give a better street or lot plan.
9. **Corner Lots:** Dimensions of corner lots shall be large enough to allow for the construction of buildings, observing the minimum front yard setback from both streets.
10. **Building Setback:** The building setback line shall be established from the edge of the right-of-way or the edge of an access easement. It shall be equal to the building setbacks listed in Table 9.0 as applicable.
11. **Commercial and Mixed Uses:** Depth and width of lots reserved or laid out for commercial and/or mixed use purposes shall be adequate to provide for the off-street parking and loading facilities required for the type of use and development contemplated.
12. **Depth-to-Width Ratio:** No lot shall have an average depth, which is more than 4.5 times its average width. However, Planning Commission or as appropriate may permit a waiver of this recommended standard, permitting the lot depth to be up to 3.5 times the average width.
13. **Double Frontage Lots:** In general, double frontage lots and reversed frontage lots should be avoided except where necessary to provide separation of residential development from traffic arterials or to overcome specific disadvantages of topography or orientation, as determined by Planning Commission or City Planner as appropriate.

14. As to lots included in any plat approved by the Planning Commission and accepted by Council after April 1, 1960, the required depth of the front yard shall be the distance between the street right-of-way line and the setback line shown on the plat, if less than 40 feet.
15. As to any lots in any recorded plat which has greater restrictions than are required under this Ordinance, then these recorded restrictions shall apply and the Planning Commission shall have no authority to grant variances there from.

C. Subdivision of Land within Planned Development Districts

1. A lot that is zoned R-PD, Residential Planned Development; O-PD, Office Planned Development; B-PD, Business Planned Development; and I-PD, Industrial Planned Development may be subdivided into lots smaller than the minimum lot area requirement contained in this UDO providing that the following conditions are met:
 - a. A development plan must have been approved according to the procedure in Article 5.11 for the entire lot.
 - b. Subdivision and/or development of that lot must be in accordance with Section 5.11 of this UDO.
 - c. Refer to Section 9.13 of this UDO for additional requirements.

9.17 Guarantee of Construction and Installation of Improvements; Inspections

A. Guarantees

1. Required agreements

To provide the City with assurance that the construction of all required public improvements will be constructed, the subdivider shall enter into one of the following agreements:

- a. To construct all improvements directly affecting the subdivision, as required by the Planning Commission, prior to the final approval of the development; or
- b. In lieu of the completion of the improvements, to furnish a bond executed by a surety company, a cash deposit by certified check in a non-interest bearing account or an irrevocable letter of credit, in a form approved by the Municipal Attorney, from a bank or lending institution licensed to do business in the State, equal to the cost of construction of such improvements as shown on plans, such cost being based on an estimate provided by the developer and approved by the City Engineer.

2. Execution of subdivider's agreement and performance bond, certified check or letter of credit prior to final plat approval. Before the final plan is given final approval, the developer shall have executed a subdivider's contract and a performance bond, certified check or irrevocable letter of credit with the Council covering the estimated cost of required improvements. The performance bond, cash deposit or irrevocable letter of credit shall run to the City until all improvements are complete, for a period of not more than two years from the date of execution and shall provide that the subdivider, his or her heirs, successors and assigns and their agents or servants, will comply with all applicable terms, conditions, provisions and requirements of these Subdivision Regulations and will faithfully perform and complete the work of constructing and installing such facilities or improvements in accordance with such laws and regulations.
3. Extensions of time. If the construction or installation of any improvement or facility, for which guarantee has been made by the developer in the form of bond, cash deposit or irrevocable letter of credit, is not completed within the time stipulated, but not more than two years from the date of final approval of the record plat, the developer may request the Council to grant an extension of up to six months, provided that he or she can show reasonable cause for inability to complete said improvements within the time stipulated in the subdivider's agreement. The Council may grant additional extensions, upon application by the developer and a showing of good cause, provided that each said extension does not exceed six months. At the expiration of all extensions, the City will use as much of the bond, cash deposit or irrevocable letter of credit as is necessary to complete the construction of the improvements. The same shall apply whenever construction of improvements is performed in accordance with applicable standards and specifications.
4. Completion of work; reduction of bond, cash deposit or irrevocable letter of credit. As required improvements are completed, approved and accepted, the Council may, with the concurrence of the City Engineer, reduce the amount of the performance bond, cash deposit or irrevocable letter of credit.
5. Maintenance Bond that guarantees work for one year shall be posted at the completion of work and prior to release of any other performance bond or guarantee. The required maintenance bond shall be 10% of the value of all performance bonds.

B. Inspections

It shall be the responsibility of a subdivider to notify the City Engineer's office at least twenty-four hours in advance of the time that all is in readiness for the following periodic inspections which must be made:

1. After all storm sewers, drains and appurtenances are installed and before trenches for the same are backfilled.
2. After the forms for curbs and gutters are set (where combined curbs and gutters are required), the gravel base is in place and before any concrete is placed.
3. After the forms for drive approaches or sidewalks are set and the gravel base is in place and before any concrete is placed.
4. After the subgrade is shaped and rolled and before a compaction test is made.
5. After forms are in place and immediately before any pavement or channel concrete is placed.
6. Immediately before any soil stabilization additives, lime, fly ash or aggregates are placed in base courses.
7. Immediately before any prime is applied.
8. Immediately before any asphaltic concrete is laid.
9. After the surveyor certifies that section monuments are in place.
10. No work shall be accepted or bonds released unless these inspections have been made and the work is found to be satisfactory.

Appendix Follows This Page.

PART 3: SITE DESIGN AND IMPROVEMENT STANDARDS

9.19 Purpose

Part 3 expands upon the zoning district and subdivision development standards of Parts 1 and 2 by addressing additional details of site planning, project design, and the operation of land uses. The intent of these standards is to ensure that proposed development is compatible with existing and future development on neighboring properties, and produces an environment of stable and desirable character, consistent with the Comprehensive Plan.

9.21 Applicability

The requirements of Part 3 shall apply to all proposed development and new land uses, except as specified in Article 3 (Nonconforming Uses, Lots, Structures, and Combination), and shall be considered in combination with the standards for the applicable zoning district in Part 1 (Zoning).

9.23 Required Improvements

- A. Streets (See Section 9.13, B).
- B. Sidewalks (See Section 9.13, D).
- C. Water System (See Section 9.13, E).
- D. Sanitary Sewer (See Section 9.13, F)
- E. Storm Sewer and Drainage (See Section 9.35)
- F. Monuments (See Section 9.13, H, 5)
- G. Street Trees (See Section 9.25) (*Ord. 16-13*)
- H. Traffic Control Devices (See Section 9.13, H, 7)
- I. Street and Walkway Lighting (See Section 9.13, H, 8)
- J. Fire Protection (See Section 9.13, H, 9)
- K. Other Development Improvements (See Section 9.13, I)
- L. Guarantee of Construction and Installation of Improvements; Inspections (See Section 9.17)

9.25 Landscaping, Screening and Buffering Standards

Whenever any property is affected by these landscape requirements, the property owner or developer shall prepare a landscape plan for submittal to the Planning Director or designee for review.

A. Implementation of Landscaping Plan

Where landscaping is required, no building permit shall be issued until the required landscaping plan has been submitted and approved by the City Planner. It shall not be legal to use the property (as opposed to the structure) until landscaping is completed as shown on the approved plan. In instances where conditions do not permit immediate planting of materials and if the City Planner is furnished with a bond or irrevocable letter of credit, then a Temporary Occupancy Permit may be issued.

B. Posting of Bond or Irrevocable Letter of Credit

A performance bond or irrevocable letter of credit from a banking institution or other such surety acceptable to the Municipal Attorney may be substituted for completion of the landscaping as shown on the approved landscaping plan, subject to the approval of the City Planner.

After a bond or irrevocable letter of credit has been posted, the landscaping material required in the approved landscaping plan shall be installed within six months after the date of posting the bond or irrevocable letter of credit. A one-month extension of the planting period may be granted by the City Planner upon a demonstration by the property owner or developer that such an extension is warranted because of adverse weather conditions or unavailability of required plant materials. No more than three such one-month extensions may be granted. Foreclosure proceedings shall be brought against the performance bond or irrevocable letter of credit if the required landscaping plans have not been complied with by the end of the approved planting period.

C. Landscape, Screening and Bufferyard Requirements (*Ord. 17-14, 7-18*)

1. Fence or Wall: Any fence or wall that is required for screening purposes or within a bufferyard shall be constructed using natural materials such as wood, brick or stone. Such a fence or wall shall appear solid with no visible gaps. A fence or wall shall have a minimum height of 6 feet and a maximum height of 7 feet.
2. Table of Minimum Plant Size: Unless otherwise specifically indicated elsewhere in this ordinance, all plant materials used for screening or within a bufferyard shall meet the following minimum size standards:

Plant Material Type	Minimum Size
Canopy Tree	
Single Stem	2.5 inch caliper
Multi-Stem	10 feet height
Understory Tree	1.5 inch caliper
Evergreen Tree	5 feet height
Shrub	
Deciduous	24 inches height
Evergreen	18 inches height

3. **Planting Requirements:** All trees, shrubs and other plantings shall be installed in accordance to standards established by the most recent American Standard for Nursery Stock . (*Ord. 17-16*)

4. **Location of Required Screening:** All planting, berming, fencing and/or walls required by this ordinance shall be installed within the area established as the bufferyard. However, at the discretion of the approving authority, all or a portion of the required screening may be placed outside of the required bufferyard where, because of topographical or other physical constraint, such location provides the most effective screening. All landscaping installed shall be aesthetically located to maximize buffering to any adjoining residentially zoned land. (*Ord. 16-13*)

5. **Bufferyard Requirements:** Existing vegetation that meet or exceed the requirements in the Table of Minimum Plant Size or any tree required to be preserved by this or other Ordinance that is located within a required bufferyard shall be counted to satisfy the planting requirements contained in this Ordinance. All improvements made to these areas shall be in accordance to Table 9.6 Bufferyard, Landscaping and Screening Requirements.

6. **Earthen Berm:** An earthen berm, when required, shall be constructed in a sculpted and undulating manner to an average height as stated in Table 9.25 Bufferyard, Landscaping and Screening Requirements. Berming shall be required where a bufferyard is devoid of trees or any significant vegetation or where topographic constraints or stormwater drainage systems do not preclude its construction.

7. **Traffic Hazard:** Where located adjacent to a dedicated public right-of-way, landscaping or screening shall not be permitted to obstruct clear vision so as to create a potential traffic hazard.

8. **Vehicle Inventory Lot:** The minimum landscape design requirements as defined herein for a Vehicle Inventory Lot may be reduced or modified upon concurrence from the requisite approval authority.

Table 9.6: Bufferyard, Landscaping and Screening Requirements (Ord. 17-14, 17-16)

Zoning District by Use or Circumstance	Buffer Width (feet)	Minimum Bufferyard Requirements					
		Earthen Berm (avg. ht.)	Fence or Wall ⁶	No. of Plants per 100 Linear Feet of Bufferyard			
				Canopy Tree ⁴	Understory Tree ⁴	Shrub ⁴	Evergreen or Conifer
O-PD, B-PD, and I-PD¹							
Adjacent to a Residential Use	100	6 feet	Yes	10	15	50	30
Adjacent to a Public Street	20	3 feet	No	3	0	15	0
Adjacent to a non-residential use	20	N/R	No	2	4	6	0
O-S, B-1, B-2, I-1: Non-Residential Use⁵							
Adjacent to a Residential Use	25	4 feet	Yes	3	6	20	15
Adjacent to a Public Street	10	N/R	No	3	0	15	0
Adjacent to a Non-Residential Use	10	N/R	No	2	4	6	0
APD, Architectural Preservation District							
Non-Residential Use adjacent to a Residential Use	10	N/R	Yes	0	0	0	15
R-1, R-2, R-3, R-PD: Non-Residential Uses¹							
Adjacent to a Residential Use	25	3 feet	Yes	3	6	20	15
Adjacent to an Arterial Street	25	3 feet	No	3	0	15	0
Abutting any other Street or a non- residential use	10	N/R	No	2	0	6	0
R-3, R-PD: Multi-Family Residential Use^{1,5}							
Adjacent to a Single-Family Use	25	3 feet	Yes	3	6	20	15
Adjacent to an Arterial Street	25	3 feet	No	3	5	10	0
Abutting any other Street or a non-residential use	10	N/R	No	2	0	6	0
R-2, Two-Family Residential Use⁵							
Adjacent to a Single Family Use	10	N/R	No	2	4	6	0
Adjacent to a Public Street	10	N/R	No	2	0	6	0
R-1, Single-Family Residential Use⁵							
Freestanding Solar Energy System	5	N/R	Yes	0	0	0	0
Residential Cluster Development adjacent to an Arterial Street	25	3 feet	No	4	6	10	5
RV in the Side Yard abutting a Single-Family Use ²	5	N/R	Yes ³	0	2	2	3
RV in the Side Yard abutting a Non-Residential Use ²	5	N/R	Yes ³	0	0	2	3

N/R: Not Required

1 Outer Perimeter of the Planned Development Zoning Districts.

2 Number of plants required per thirty (30) linear feet of bufferyard.

3 A resident or property owner may apply for a Zoning Certificate to substitute a fence for any or all of the required landscape screening provided such fence is of sufficient size and mass to provide buffering greater than or equal to the required landscape screening.

4 Up to 50% of the required landscape materials may be substituted subject to the following ratios: 1 Canopy Tree = 2 Understory Trees; 1 Understory Tree = 3 Shrubs; 1 Canopy Tree = 6 Shrubs. This does not apply to required landscaping adjacent to or abutting a public street or single-family residential use.

5 Default standards for interior bufferyards in Planned Development Zoning Districts for residential and non-residential uses if a standard is not established as part of a Development Plan approved by City Council.

6 A fence or wall may substitute for an earthen berm where permitted provided such fence or wall is of an equivalent height.

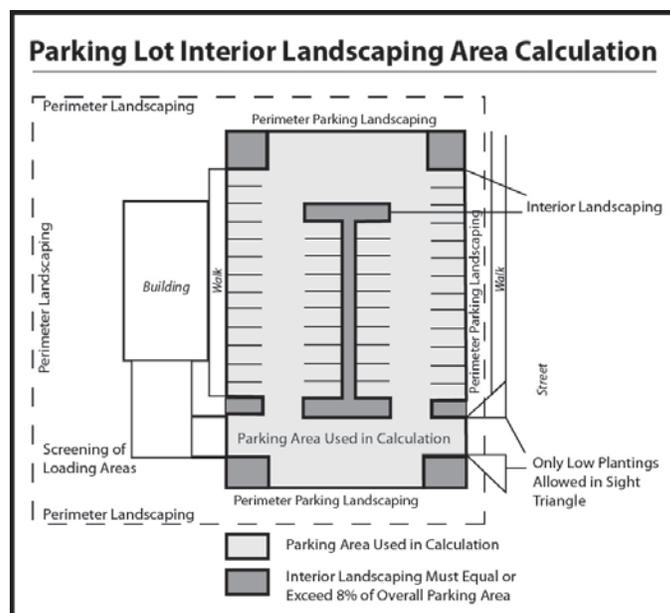
D. Parking Lot Landscaping Requirements

1. Landscaping Required (Ord. 7-18)

- a. Any premises having a parking lot or lots with an area of 6,000 square feet or greater shall provide landscape areas within the interior of the parking lot.

- b. Interior landscaping shall be 8% of the parking lot surface area.
- c. Landscaped areas shall be placed within the perimeter of a parking lot. The perimeter of a parking lot is defined by placing a simple geometric shape around the external edges of the lot. Landscaping areas located in the corners or otherwise set in from the edge of the parking lot where such area would otherwise be paved are considered to be within the parking lot and may be included as a part of the required landscaping. See Figure 9.1.

Figure 9.1: Calculation of Interior Parking Lot Landscaping



- d. Required parking or paving setbacks, screening, bufferyard, or other landscaping required by this ordinance shall not be utilized to meet any requirement of these landscaping provisions.
- e. A minimum of 1 canopy tree, 1 understory tree, and 2 shrubs shall be installed for every 300 square feet of landscaped area. The landscaped area shall include plantings of a type and size described in Section 9.25, C, above. (*Ord. 16-13*)
- f. The use of concrete, asphalt or other paved surface inside the required landscape areas shall be prohibited.
- g. All landscaped areas shall be designed and located to standards acceptable to the City Planner that clearly define internal streets, traffic lanes and parking areas and maintain intersection sight distance. In addition:
 - i. Landscaped areas shall have a minimum width of 9 feet.
 - ii. Raised concrete curbing shall be placed around the perimeter of all landscaped areas. Up to two (2) gaps each of 12 inches or less are permitted per landscaped area to allow for the drainage of stormwater into landscape islands for the purposes of irrigation. (*Ord. 16-13*)

E. Street Trees (*Ord. 16-13*)

1. Purpose: To establish minimum planting and maintenance requirements for street trees installed by a Subdivider or Developer within a public right-of-way.
2. Requirements for Trees Located within Public Right-of-Way: A Subdivider or Developer that proposes to plant trees in a public right-of-way within or adjacent to their subdivision or development may plant such trees in a manner, type, quantity and location as approved by the Planning Commission and subject to the following:
 - a. Trees shall be planted in accordance with any Landscape Plan that is a part of an approved Development Plan, Site Plan or Subdivision. Final tree locations may be adjusted by the City as unusual conditions may warrant.
 - b. The specific tree types proposed on a Landscape Plan shall be subject to approval by the Public Works Director or appointed designee.
 - c. The minimum spacing between trees shall be 40 feet for canopy trees, 30 feet for medium trees and 20 feet for understory trees.
 - d. The minimum distance between the tree and the edge of the street shall be two and one-half feet for a canopy tree, two feet for a medium tree and one and one-half feet for an understory tree. In areas where a sidewalk exists or is proposed, the minimum distance between the tree trunk and both the edge of the street and the sidewalks shall be two feet for a large tree, two feet for a medium tree and one and one-half feet for a small tree.
 - e. The tree location shall maintain required intersection sight distances.
 - f. The trees shall be planted a minimum of ten feet from a fire hydrant.
 - g. Only understory trees shall be planted under or within ten lateral feet of overhead utility wires.
 - h. A Subdivider shall include street trees as a part of their Maintenance Bond required by Article 9.17, Guarantees of the UDO.
 - i. A Developer shall provide to the City a Maintenance Bond in accordance with Article 9.17, Guarantees of the UDO.
 - j. All street trees shall be maintained in accordance with Chapter 1028 of the Centerville Municipal Code.

F. Preservation of Trees (*Ord. 16-13*)

1. Subdivisions, Development Plans or Major Site Plans: Existing trees or stands of trees shall be shown on the construction drawings or plot plans with the location, trunk diameter and common name of all trees to be presented to the Planning Commission for its consideration. Reference on the plot plan shall be made to any tree where removal or damage to the root system, trunk or branches is contemplated.
2. Care of a Tree during Development, Construction, Improvement, Excavation and Grading.
 - a. Trees shall be protected as described in two documents by the International Society of Arboriculture titled “Tree Care Information: Avoiding Damage During Construction” and “Tree Care Information: Treatment of Trees Damaged By Construction.”
 - b. Every effort shall be made to locate structures, driveways, parking areas, swimming pools, streets, sidewalks, water, sewer, gas, electrical and telephone lines, or any other improvement, when a tree is involved, in such a manner so as to minimize the removal, cutting or damaging of it.
 - c. If a change in the grade level of a property is necessary and the removal or addition of soil is needed, then the root system of the tree shall be protected by an acceptable tree well or retaining wall. Reference must be made to this on the construction plans.
3. Tree Removal Necessitated by Construction, Development or Improvement of Land.
 - a. A tree may be removed within six feet of a proposed permanent building as indicated on a plot plan, but only after considering all alternative building sites on the property. The tree to be removed must be referred to on the site plan and its removal must be approved in advance, in writing, by the Planning Commission or its staff designate.
 - b. A tree may be removed elsewhere on the lot, but only after consideration of all alternative plans has shown that such removal is necessary for the development of parking areas, driveways, streets and sidewalks and the installation of water, sewer, gas, telephone and electrical lines.
 - c. When a tree is a safety hazard, it shall be removed in accordance with Chapter 1028 of the Centerville Municipal Code.
 - d. Any tree removed or seriously damaged shall be replaced by a like tree on that lot at a location suitable to the owner, provided that it does not create or extend a safety hazard.

9.27 Non-Residential On-Site Lighting Standards

A. Purpose

The intent of the sight lighting standards is to provide a level of illumination necessary for adequate, safe, and efficient movement of vehicles and persons without affecting neighboring properties. Further, the level of illumination may vary according to the type of use on a lot. Prior to the approval of a Building Permit, Occupancy Permit, Property Maintenance, or Certificate of Zoning Compliance, a plan demonstrating compliance with the following exterior lighting standards will be submitted and approved by the City Planner for non-residential uses.

1. Lighting parking, loading and service areas must all be consistent in color, size, height and design.
2. When field measurements of light readings are made, they are to be taken with a light meter at grade.
3. All commercial developments with 10 or more parking spaces are required to lighting for the entire area used for vehicles, exterior doorways, and access doorways.
4. Apartments, townhomes, attached single-family, patio homes or residential development accessed by private streets with evenly distributed parking with clusters of five exterior spaces or less shall:
 - a. Illuminate all private streets or main traffic circulation aisles in compliance with this Section.
 - b. Illuminate secondary areas for vehicle use, such as driveways or and motor courts by post mounted or wall mounted fixtures in keeping with the residential character of the area.
 - c. All multi-family residential developments with clusters of six exterior parking spaces or more are to be illuminated in compliance with the required standard listed above for commercial developments.

B. Applicability

All non-residential developments are required to provide exterior lighting for all exterior doorways, pedestrian pathways, and parking and loading/service areas.

C. Minimum Site Lighting Criteria

All exterior lighting shall meet the following minimum standards and be demonstrated on all plan submittals:

1. 0.5 Foot-candles Average Maintained: Measured at grade in all parking and loading areas and pedestrian pathways. Actual site measurement compliance shall not drop below a minimum of 0.3 foot-candles at any one location. For design purposes, the light loss factor (LLF) as defined in Article 11 shall be calculated at: (*Ord. 17-16*)
 - a. 0.7 LLF for Incandescent, Metal Halide, and Mercury Vapor lamp sources.
 - b. 0.8 LLF for Fluorescent and Sodium lamp sources.
 - c. 0.9 LLF for Light Emitting Diode (LED) lamp sources.

2. Lighting Uniformity Shall Not Exceed:
 - a. 10:1 Maximum to minimum light levels.
 - b. 4:1 Average to minimum light levels.

3. Pole Mounted Luminaire Overall Height Limitations: Height shall be measured from finished grade to top of fixture unless otherwise limited.

Office, Commercial & Inst.	25 feet maximum
Mixed Use	30 feet maximum

4. The color temperature of exterior illumination shall appear as natural or neutral ranging from a minimum of 2,200K (high pressure sodium) to a maximum of 5,400K (metal halide) as measured in Degrees Kelvin.

D. Light Trespass Criteria

Light originating on a site shall not be permitted beyond the site to exceed the following values when measured at grade 10 feet beyond the property line for the following adjacent properties:

Single-Family	0.3 foot-candles
Multi-Family	0.5 foot-candles
Office, Commercial & Inst.	1.0 foot-candles
Mixed Use	1.0 foot-candles
Industrial Warehouse	1.5 foot-candles
Highway Commercial	1.5 foot-candles

Outdoor Sports Facilities will be reviewed for compliance with regard to the intent of these exterior lighting standards to minimize the impact of light trespass and glare on all surrounding properties and public rights-of-way.

Service station and service station/mini-mart canopy lighting and outdoor display area lighting used in conjunction with a vehicle sale, rental and ancillary service establishment must not exceed an average lighting level of 25 foot-candles as measured horizontally at grade.

E. Glare Control Criteria

1. All exterior lighting used to light parking lots, loading/service areas, and pedestrian pathways shall be “total full cutoff type” as defined by the Illuminating Engineering Society of North America’s (IESNA) latest standard. The four IESNA classifications are defined as follows (IESNA 2000):
 - a. Full cutoff—The luminous intensity (in candelas) at or above an angle of 90° above nadir is zero, and the luminous intensity (in candelas) at or above a vertical angle of 80° above nadir does not numerically exceed 10% of the luminous flux (in lumens) of the lamp or lamps in the luminaire.
 - b. Cutoff—The luminous intensity (in candelas) at or above an angle of 90° above nadir does not numerically exceed 2.5% of the luminous flux (in lumens) of the lamp or lamps in the luminaire, and the luminous intensity (in candelas) at or above a vertical angle of 80° above nadir does not numerically exceed 10% of the luminous flux (in lumens) of the lamp or lamps in the luminaire.
 - c. Semi-cutoff—The luminous intensity (in candelas) at or above an angle of 90° above nadir does not numerically exceed 5% of the luminous flux (in lumens) of the lamp or lamps in the luminaire, and the luminous intensity (in candelas) at or above a vertical angle of 80° above nadir does not numerically exceed 20% of the luminous flux (in lumens) of the lamp or lamps in the luminaire.
 - d. Non-cutoff—There is no candela limitation in the zone above maximum candela.
2. All other exterior lighting, including but not limited to doorways, architectural, accent, landscape, signage, decorative, security, floodlighting, or area lighting shall be “total cutoff type” or no portion of the lamp, reflector, lens, or refracting system may extend beyond the housing or shield so as to create or allow glare to be visible from off site, except the following:
 - a. Lighting required by the Building Code for emergency egress when operating in emergency conditions; or
 - b. Light sources which do not exceed 2300 initial lumens or 4000 main beam candlepower.

F. Lighting Plan Submittal Criteria: See Article 5 for submittal requirements.

9.29 Parking and Loading Standards

A. Purpose

The intent of this section is to:

1. Provide for off-street parking and loading areas to assure that all developments adequately and safely provide for the parking, loading, and movement of vehicles on a premises.
2. Off-street vehicle parking and loading space shall be required for all land uses as specified in the standards in this section.

B. Off-Street Parking Standards

1. General Standards

- a. Off-street parking facilities as required on a premises by this ordinance shall be used solely for the parking of motor vehicles in operating condition by patrons, occupants, or employees of the premises.
- b. A bicycle, tricycle or other similar small-scale, human-powered vehicle designed primarily for the recreational use by a child shall be exempt from these provisions.

2. Requirements applicable to a residential premises

- a. All vehicle parking areas shall be constructed with a hard paved surface. (*Ord. 17-13*)
- b. Vehicles may be parked or stored outdoors in the front yard of a residential premises provided that:
 - i. The vehicle is a self-propelled motor vehicle that is licensable for operation on a public street.
 - ii. The overall dimensions of such a vehicle shall not exceed 8 feet in height, 8 feet in width or 20 feet in length.
 - iii. All vehicles including a recreational vehicle must be parked on a paved surface in accordance with Section 9.29, C. of this UDO.
 - iv. Only one such vehicle may be a commercial vehicle.
 - v. Front yard parking of all other types of vehicles not specifically permitted by this UDO, including Recreational Vehicles, shall be prohibited. However, any 1 vehicle,

except a commercial vehicle, may be temporarily parked in the front yard for loading or unloading purposes for no more than 3 days in any 7 day period beginning the first day the recreational vehicle is parked on the property.

- vi. A visitor's recreational vehicle may be parked in the driveway for a time not to exceed 7 days in any 6 month period beginning the first day the recreational vehicle is parked on the property.

c. Recreational Vehicle

- i. A maximum of 1 recreational vehicle may be parked outdoors per dwelling unit.
 - ii. A recreational vehicle shall not exceed 8 feet in width, 12 feet in height, or 30 feet in length.
 - iii. Recreational vehicle shall be located in the side yard of a residential premises. Front or rear yard parking shall be prohibited except as provided in Section 9.29(B).
 - iv. No recreational vehicle shall be parked nearer to a side lot line than 5 feet.
 - v. A recreational vehicle shall be screened in accordance to the Screening Requirements contained in Section 9.25, Table 9.6 of the UDO.
 - vi. Refer to Article 3.13(H)(5) for provisions pertaining to non-conforming Recreational Vehicle Uses of this UDO.
- d. No vehicle shall be used for living, sleeping, housekeeping, or commercial purposes when parked on a residential lot, or in any location not approved for such use.
- e. Side or rear yard parking of a commercial vehicle shall be prohibited.
- f. A commercial trailer shall not be parked or stored outdoors on residential premises except a commercial trailer may be temporarily parked during the time of repair, maintenance or construction of the residence and/or premises.

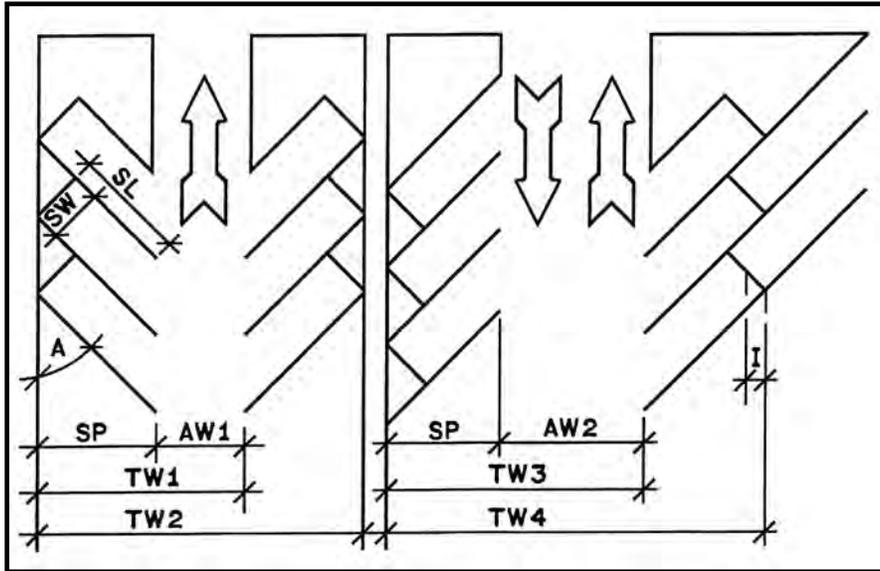
C. Size and Design

- 1. Off-street parking spaces shall meet or exceed the minimum design standards for parking lot layouts as set forth in this section of the UDO. The minimum size for an off-street parking space as indicated in Table 9.7 shall be 18 feet in length by nine feet wide.

2. Minimum Design and Construction Standards

- a. Off-street parking may be open to the sky, or enclosed in a building or structure, either above or below ground. Off-street parking areas shall meet acceptable engineering standards as set forth by the Engineering Department for such things as driveway widths, island design, curbs, barriers, grades, turning radii, vertical clearance, stacking and waiting areas and drainage.
- b. Non-Residential Uses (including Multi-Family Residential Uses)
 - i. Each off-street parking space shall open directly into an aisle or driveway of adequate width and design for safe and efficient vehicular access to the parking space. No parking space shall open directly onto any public street.
 - ii. An aisle or driveway shall not be used for parking of vehicles.
 - iii. All vehicle parking areas shall be graded and constructed with a hard paved surface. (*Ord. 17-13*)
 - iv. A driveway permit shall be required from the Engineering Department for any new driveway opening onto a public street.
 - v. A grass paver parking lot for the purpose of overflow or occasional use parking of vehicles may be approved by the Planning Commission as a part of a major site plan.
- c. Single-Family, Two-Family, or Townhouse Dwelling (*Ord. 17-13, 7-18*)
 - i. All vehicle parking areas shall be graded and constructed with a hard paved surface.
 - ii. Grass pavers may be used to access a vehicle parking area. Paver systems shall be planted with grass seed or sod and installed per manufacturer specifications for the anticipated vehicle load. Parking on grass pavers is prohibited.
- d. Refer to Section 9.31, Access Control for Streets and Highways of the UDO for driveway width requirements.
- e. Vehicle Inventory Lot
 - i. The minimum design standards for a parking stall and drive aisle may be reduced for a vehicle inventory lot, as defined by this ordinance.
 - ii. The City Planner or his designee shall approve the design of a vehicle inventory lot.

Figure 9.1



Legend

- A-Parking Angle
- SW-Stall Width on Angle
- SL-Stall Length on Angle
- SP-Stall Length Perpendicular to the Aisle
- AW1-One Way Aisle Width
- AW2-Two-Way Aisle Width
- TW1-Total Width of One Stall with a One-Way Aisle
- TW2-Total Width of Two Stalls with a One-Way Aisle
- TW3-Total Width of One Stall with a Two-Way Aisle
- TW4-Total Width of Two Stalls with a Two-Way Aisle
- I-Reduction per Stall in the Total Width for Inter-Locking Stalls

Table 9.7: Minimum Design Standards for Off-Street Parking Areas

Parking Angle (In Degrees)					
	0° (Parallel)	30°	45°	60°	90°
SW - Stall Width on Angle	24	9	9	9	9
SL - Stall Length on Angle	8	18	18	18	18
SP - Stall Length Perpendicular to Angle	8	17	19	20	18
AW1 - Aisle Width, One-Way	12	12	12	18	24
AW2 - Aisle Width, Two-Way	20	20	20	22	24
TW1 - Total Width, 1 Stall, One-Way Aisle	20	29	31	38	42
TW2 - Total Width, 2 Stalls, One-Way Aisle	28	46	50	58	60
TW3 - Total Width, 1 Stalls, Two-Way Aisle	28	37	39	42	42
TW4 - Total Width, 2 Stall, Two-Way Aisle	36	54	58	62	60
I - Reduction in Total Width for Interlock (Per Stall)	0	3.9	3.2	2.3	0

Note: All figures are measured in feet unless otherwise noted.

3. Curbing and Wheel Stops

a. Where Required

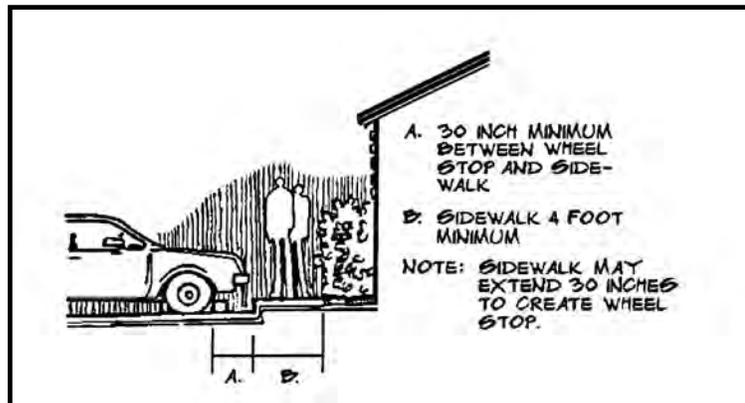
A continuous curbing and/or the installation of wheel stops shall be required for any parking lot or portion thereof, as determined by the City Planner or his designee, where any of the following conditions exist:

- i. Encroachment of a vehicle into any traffic aisle, pedestrian walkway or sidewalk;
- ii. Parking area abuts a wall, light standard, fence, or any other structure; or
- iii. A severe grade change or embankment at the edge of a parking area.

b. Standards

- i. All curbing shall be 6 inches in height above finished pavement and may be made of concrete, stone, timber or similar material. The use of asphalt as a curb material shall be prohibited.
- ii. Wheel stops shall be made of concrete at least 6 feet in length and permanently affixed with steel dowels to the paved surface beneath it.
- iii. All curbing and wheel stops shall provide a minimum clearance of at least 30 inches from any adjacent sidewalk, traffic aisle, embankment, wall, fence or other structure.
- iv. A sidewalk may be used as a curb or wheel stop providing said sidewalk is a minimum of 6.5 feet in width. (*Ord. 18-13*)

Figure 9.2



4. Drainage

All off-street parking areas shall meet the standards for stormwater runoff control as adopted by the City of Centerville.

5. Marking

Designated parking spaces shall be marked on the surface of the parking area with paint or permanent marking materials and maintained in a clearly visible condition. Where driveways intersect the public right-of-way, the paint lines dividing vehicle paths and other pavement markings shall be in accordance with the State of Ohio Uniform Traffic Control Manual.

6. Landscaping Required

All parking lot landscaping shall conform to the standards located in Section 9.25, D of the UDO.

7. Parking for Handicapped Persons

Any parking area to be used by the general public shall provide parking spaces and an accessible route designed and located to adequately accommodate the handicapped, and those spaces shall be clearly marked as such. The number, design and location of such spaces shall be consistent with the provisions of the City Building Code.

8. Mixed Uses

The total requirement for off-street parking facilities for mixed occupancies or for parking areas shared by 2 or more buildings shall be the sum of the requirements for the various uses computed separately.

9. Joint Use of Parking Spaces

The City Planner or his designee may authorize a reduction in the total number of required off-street parking spaces for 2 or more non-residential uses providing their respective hours of operation do not normally overlap. Examples of these types of uses are restaurants, theaters, churches, school auditoriums, banks, business or professional offices, and retail or personal service establishments.

Reduction of joint use parking shall be subject to the following conditions:

- a. Not more than 50 percent of the total number of off-street parking spaces required may be located on other premises.

- b. The applicant shall submit data to indicate that there is no substantial conflict in the principal operating hours of the uses proposing to make use of the joint parking facilities.

D. Location

1. Single- or Two-Family Residential Uses (*Ord. 17-14*)

- a. Front, side, or rear yard parking shall be permitted.
- b. The total paved area shall not cover more than 35 percent of the front or rear yard. The total paved area shall not cover more than 50 percent of the total side yards.

2. Multi-Family Residential or Non-Residential Uses (Excluding the Architectural Preservation District)

All off-street parking shall be located behind the minimum front, side, or rear setback line for parking or paving.

3. Architectural Preservation District

Refer to the Section 9.05 of this Ordinance for additional requirements.

4. Zoning District

All required off-street parking shall be located in the same zoning district as the use served or a zoning district where the use served is a principal permitted use.

5. Proximity to the Use Served

- a. All required off-street parking facilities shall be situated on the same lot as the use it is intended to serve. However, if the City Planner or his appointed designee, determines that it is not feasible for a building or use to fulfill their total parking requirement on the premises, parking may be located off-premises provided that:
 - i. The farthest public or customer parking space is not more than 400 feet away from the premises.
 - ii. The farthest employee parking space is not more than 1,000 feet away from the premises.
 - iii. Such parking area meets all other requirements of this ordinance.

- b. In no event shall the required parking for a residential use be located elsewhere than on the premises for which such parking is required.

6. Parking Provided Under Separate Ownership

If a use requiring parking spaces is in one ownership and all or part of the required parking spaces provided is in another ownership, the property owners involved shall submit a legal agreement, approved by the City Attorney, guaranteeing that the required parking spaces shall be maintained so long as the use requiring parking is in existence or unless the required parking is provided elsewhere in accordance with the provisions of this ordinance. Such instrument shall be recorded by the property owner in the office of the corresponding County Recorder and a copy filed with the Planning Department.

E. Computation

1. Number of Spaces

When determination of the number of off-street parking spaces required by this section results in a fraction less than one-half, may be disregarded and a fraction equal or greater than one-half, shall be counted as one parking space.

2. Units of Measurement

For the purpose of determining off-street parking requirements, the following units of measurement shall apply:

- a. Floor Area. Floor area for non-residential purposes shall be the sum of the gross horizontal area of all floors of a building measured from the exterior faces of the exterior walls. Any floor or part thereof used for incidental storage of goods, materials, or merchandise, not to exceed 25% of the total floor area, may be excluded from the gross floor area computation. (*Ord. 17-14*)
- b. Hospital Beds. In hospitals, bassinets shall not be counted as beds.
- c. Places of Public Assembly
 - i. Benches - In stadiums, sports arenas, churches and other places of assembly in which those in attendance occupy benches, pews or other similar seating facilities, 20 inches of such seating facilities shall be counted as one seat.
 - ii. Fixed Seats and Assembly Areas - In cases where a place of assembly has both fixed seats and open assembly area, requirements shall be computed separately for each type and added together.

- d. **Employees on the Largest Work Shift.** Employees on the largest work shift means the maximum number of employees which could be employed at a facility, regardless of the time period during which this occurs and regardless of whether any such person is a full-time employee. The largest work shift may be a particular day of the week or a lunch or dinner period in the case of a restaurant.
- e. **Capacity.** Capacity means the maximum number of persons which may be accommodated by the use as determined by its design or by fire code regulations, whichever is greater.

F. Number of Parking Spaces Required

The minimum number of parking spaces required per use is shown in Table 9.8. (*Ord. 17-14, 7-18*)

G. Bicycle Parking Requirements (*Ord. 17-16*)

- b. Off-street parking of bicycles shall be provided as follows:
 - a. Multi-Family Residential uses: 1 space per 10 units.
 - b. Non-residential uses: Two (2) spaces minimum, plus one space per 15 required off-street parking spaces up to a maximum of 20 total bicycle parking spaces.
 - c. For each required bicycle parking space, a permanently anchored facility shall be provided which supports the bicycle frame and can enable a user to secure the frame and one wheel of a bicycle with a six (6) foot cable and lock. The facility shall be conveniently located to a public entrance of the use it serves. Acceptable bicycle parking facilities include the following:
 - a. Permanently anchored freestanding bicycle rack, such as an Inverted-U rack, an Inverted-U Series Rack, Post and Ring rack, or other acceptable bicycle parking rack as determined by the City Planner provided it meets the requirements noted above.
 - b. Enclosed bicycle lockers large enough to accommodate a bicycle with a three (3)-foot handlebar width, a height of four (4) feet from the bottom of the wheel to the top of the handlebar, and a length of six (6) feet from the front of the front wheel to the back of the rear wheel.
 - c. A fenced, covered, locked, or guarded bicycle storage area. Such area shall be large enough that each of the required bicycle parking spaces can accommodate a bicycle with a three (3)-foot handlebar width, a height of four (4) feet from the bottom of the wheel to the top of the handlebar and a length of six (6) feet from the front of the bike to the back of the rear wheel.

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*(Footnotes are listed on the on the following page)

Table 9-8: Minimum Number of Parking Spaces Required	Parking Spaces Required																			
	Building											Lot or Area				Person			Vehicles	
	Residential			Per 1,000 ft. ² Gross Floor Area	Per Seat in the Main Auditorium ²	Per Exam or Treatment Room	Per Service Bay or Fueling Stall	Per Bed	Per Room or Suite	Per Class-room	Per Seat or Chair	Per 1,000 sq. ft	Per 75 sq. ft. of Water Surface Area	Per Golf Hole	Per Court or Lane	Per Employee Largest Work Shift	Per Resident	Per Patron, Student or Child ²	Per Company Vehicle	Stacking Spaces per Drive-thru Lane
	Driveway Space ¹	Garage Space	Dwelling Unit																	
Single-Family Dwelling ⁶	2.0	2.0	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Two, Three or Four Family Dwelling	2.0	2.0	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Townhouse Dwelling	2.0	2.0	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Garden Style Dwelling - Efficiency & 1	-	-	1.5	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Garden Style Dwelling - 2 & 3 Bedroom	-	-	2.0	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Group Living																				
Dormitory, Convent or Monastery	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	1.0	0.2	-	-	-
Corporate Guest House	-	-	0.5	-	-	-	-	-	-	-	-	-	-	-	-	1.0	-	-	-	-
Residence Group Home	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	1.0	0.25	-	-	-
Retirement Community, Senior Citizen	-	-	1.0	-	-	-	-	-	-	-	-	-	-	-	-	1.0	-	-	-	-
Institutional Uses																				
Cemetery	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	1.0	-	-	-	-
Community Center	-	-	-	4.0	-	-	-	-	-	-	-	-	-	-	-	1.0	-	-	-	-
Day Care Center ⁵	-	-	-	2.5	-	-	-	-	-	-	-	-	-	-	-	1.0	-	0.2	-	-
Family Day Care, Type A	2.0	2.0	1.0	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Family Day Care, Type B	2.0	2.0	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Library, Museum or Art Gallery	-	-	-	4.0	-	-	-	-	-	-	-	-	-	-	-	1.0	-	-	-	-
Hospital	-	-	-	-	-	-	-	0.5	-	-	-	-	-	-	-	1.0	-	-	-	-
Nursing or Personal Care Facility	-	-	-	-	-	-	-	0.2	-	-	-	-	-	-	-	1.0	-	-	-	-
Place of Worship	-	-	-	-	0.25	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Public Office or Building	-	-	-	4.0	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
School - College, University or Seminary	-	-	-	-	-	-	-	-	-	-	0.33	-	-	-	-	1.0	-	-	-	-
School - Elementary or Middle	-	-	-	-	-	-	-	-	-	0.50	-	-	-	-	-	1.0	-	-	-	-
School - High School	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	1.0	-	0.2	-	-
Recreational Uses																				
Auditorium	-	-	-	-	-	-	-	-	-	0.25	-	-	-	-	-	0.5	-	-	-	-
Arena or Stadium	-	-	-	-	-	-	-	-	-	0.25	-	-	-	-	-	0.5	-	-	-	-
Bowling Alley	-	-	-	-	-	-	-	-	-	-	-	-	-	5.0	0.5	-	-	-	-	-
Health Club or Gymnasium	-	-	-	4.0	-	-	-	-	-	-	-	-	-	-	0.5	-	-	-	-	-
Golf Course	-	-	-	-	-	-	-	-	-	-	-	-	6.0	-	0.5	-	-	-	-	-
Golf Course Driving Range	-	-	-	-	-	-	-	-	-	-	-	-	-	1.0	1.0	-	-	-	-	-
Miniature Golf	-	-	-	-	-	-	-	-	-	-	-	-	1.5	-	1.0	-	-	-	-	-
Outdoor Commercial Entertainment	-	-	-	-	-	-	-	-	-	-	-	-	-	-	0.5	-	0.5	-	-	-
Recreation Center	-	-	-	4.0	-	-	-	-	-	-	-	-	-	-	0.5	-	-	-	-	-
Recreation Center: Senior Citizens	-	-	-	1.0	-	-	-	-	-	-	-	-	-	-	0.5	-	-	-	-	-
Skating Rink	-	-	-	4.0	-	-	-	-	-	-	-	-	-	-	0.5	-	-	-	-	-
Swimming Pools (Not Private Residential)	-	-	-	-	-	-	-	-	-	-	-	1.0	-	-	0.5	-	-	-	-	-
Tennis: Indoor, Racquetball or Handball	-	-	-	-	-	-	-	-	-	-	-	-	-	4.0	0.5	-	-	-	-	-
Tennis: Outdoor	-	-	-	-	-	-	-	-	-	-	-	-	-	2.0	0.5	-	-	-	-	-
Theater or Concert Hall	-	-	-	-	0.4	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Office Use																				
Business or Professional Office	-	-	-	4.0	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Information Technology	-	-	-	4.0	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Medical or Dental Office ³	-	-	-	-	-	3.0	-	-	-	-	-	-	-	-	1.0	-	-	-	-	-
Research and Development, Offices	-	-	-	1.0	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Commercial Use																				
Animal Hospital or Veterinary Clinic	-	-	-	-	-	2.0	-	-	-	-	-	-	-	-	1.0	-	-	-	-	-
Bank or Credit Union	-	-	-	4.0	-	-	-	-	-	-	-	-	-	-	1.0	-	-	-	-	5.0
Banquet or Meeting Hall, Lodge or	-	-	-	4.0	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Barbers Shops, Hair or Tanning Salons	-	-	-	-	-	-	-	-	-	2.0	-	-	-	-	1.0	-	-	-	-	-
Cleaning Service	-	-	-	4.0	-	-	-	-	-	-	-	-	-	-	1.0	-	-	-	1.0	-

Table 9-8: Minimum Number of Parking Spaces Required Continued	Parking Spaces Required																			
	Building											Lot or Area				Person			Vehicles	
	Residential			Per 1,000 ft. ² Gross Floor Area	Per Seat in the Main Auditorium ²	Per Exam or Treatment Room	Per Service Bay or Fueling Stall	Per Bed	Per Room or Suite	Per Class-room	Per Seat or Chair	Per 1,000 sq. ft.	Per 75 sq. ft. of Water Surface Area	Per Golf Hole	Per Court or Lane	Per Employee Largest Work Shift	Per Resident	Per Patron, Student or Child ²	Per Company Vehicle	Stacking Spaces per Drive-thru Lane
Driveway Space ¹	Garage Space	Dwelling Unit																		
Commercial Use, continued																				
Commercial School or Studio	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Convention Center	-	-	-	-	-	-	-	-	-	-	0.25	-	-	-	-	-	-	-	-	-
Convenience Store	-	-	-	4.0	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Drive-thru stores	-	-	-	4.0	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	5.0
Funeral Home	-	-	-	20	-	-	-	-	-	-	-	-	-	-	-	-	-	-	1.0	-
Game Room	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	1.0	-
General Merchandise Store	-	-	-	4.5	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Grocery Store	-	-	-	4.5	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Home Improvement, Hardware Stores	-	-	-	4.5	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Hotel or Motel	-	-	-	-	-	-	-	-	1.0	-	-	-	-	-	-	-	-	-	0.33	-
Kennel	-	-	-	1.0	-	-	-	-	-	-	-	-	-	-	-	-	-	-	1.0	-
Laundromats	-	-	-	1.0	-	-	-	-	-	-	-	-	-	-	-	-	-	-	1.0	5.0
Large Format Retail; GFA < 100,000 sq.	-	-	-	4.5	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Large Format Retail; GFA > 100,000 sq.	-	-	-	4.0	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Plant Nursery or Garden Supply Store	-	-	-	4.0	-	-	-	-	-	-	-	1.0	-	-	-	-	-	-	1.0	-
Pet Store	-	-	-	4.0	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Restaurant, Class 1 - Sit Down	-	-	-	-	-	-	-	-	-	-	0.5	-	-	-	-	-	-	-	0.5	-
Restaurant, Class 2 - Sit Down	-	-	-	-	-	-	-	-	-	-	0.5	-	-	-	-	-	-	-	0.5	8.0
Restaurant, Class 3 - Sit Down, Drive-up	-	-	-	-	-	-	-	-	-	-	0.5	-	-	-	-	-	-	-	0.5	8.0
Restaurant, Class 4 - Drive-up, Food	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	0.5	8.0
Shopping Center; GFA 100,000 sq. ft. or less	-	-	-	4.5	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Shopping Center; GFA Greater than 100,000	-	-	-	4.0	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Specialty Retail (Not otherwise enumerated)	-	-	-	4.5	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Tavern, Bar or Night Club	-	-	-	16	-	-	-	-	-	-	-	-	-	-	-	-	-	-	1.0	-
Transport Uses, Taxi, Limousine, EMS	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	1.0	-
Vehicle Sales or Leasing	-	-	-	1.0	-	-	-	-	-	-	-	0.33	-	-	-	-	-	-	-	-
Vehicle Fueling Station	-	-	-	-	-	-	1.0	-	-	-	-	-	-	-	-	-	-	-	1.0	-
Vehicle Washing Facility - Multiple Bay	-	-	-	-	-	-	3.0	-	-	-	-	-	-	-	-	-	-	-	1.0	4.0
Vehicle Washing Facility - Single Bay	-	-	-	-	-	-	3.0	-	-	-	-	-	-	-	-	-	-	-	1.0	15.0
Industrial, Manufacturing, Research, and Wholesale Use																				
Vehicle Repair, Painting and Body Shop	-	-	-	-	-	-	2.0	-	-	-	-	-	-	-	-	-	-	-	1.0	-
Bakeries (Factory or Distribution)	-	-	-	2.0	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
City Service Yards and Garages	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	1.0	-
Construction trades, contractors office or shop	-	-	-	4.0	-	-	-	-	-	-	-	-	-	-	-	-	-	-	1.0	-
Laundry or Dry Cleaning Plant	-	-	-	2.0	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Light manufacturing	-	-	-	2.0	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Lumberyard or Building Materials Sale	-	-	-	1.0	-	-	-	-	-	-	-	0.33	-	-	-	-	-	-	-	-
Machine Shop	-	-	-	1.0	-	-	-	-	-	-	-	-	-	-	-	-	-	-	1.0	-
Printing or Publishing Services	-	-	-	2.0	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Recycling Center	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	1.0	2.0
Warehouse and mini-warehouse	-	-	-	1.0	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Warehousing and Distribution	-	-	-	0.25	-	-	-	-	-	-	-	-	-	-	-	-	-	-	1.0	-
Wholesaling and storage facilities	-	-	-	0.25	-	-	-	-	-	-	-	-	-	-	-	-	-	-	1.0	-

¹ One (1) additional guest parking space shall be required within 150 feet of a dwelling unit where a street in front of the dwelling unit is less than 24 feet in width.
² At Capacity.
³ Not less than 5 parking spaces per practitioner.
⁴ Reserved. (Ord. 17-14)
⁵ The number of parking spaces that is the greater between GFA and person shall apply.
⁶ A maximum of 4 garage spaces shall be permitted.

H. Off-Street Loading

1. Off-Street Loading Spaces Required

Any building or structure constructed, structurally altered, enlarged or having a change of use, which requires the receipt or distribution of materials or merchandise by trucks or similar vehicles, shall provide off-street loading spaces or berths as required in this section.

2. Design Standards

a. Dimension

Each off-street loading space shall be at least ten feet in width by 25 feet in length with a vertical clearance of 15 feet or more and adequate area for ingress and egress.

b. Access

- i. Each required loading space shall be served by access to a street, service drive, or alley in a manner that will not interfere with traffic or parking lot circulation.
- ii. No loading space shall be located in such a manner as to allow a vehicle to back onto a public street or to extend into the right-of-way while being loaded or unloaded.
- iii. All access to loading spaces shall meet the access control requirements of this Ordinance.

c. Surfacing and Drainage

All loading areas shall be graded as necessary and improved with asphaltic concrete or portland cement and shall meet the standards for stormwater runoff control as adopted by the City of Centerville.

d. Location

Off-street loading areas shall not be located in any front yard or within 25 feet of any street right-of-way, except for areas used for the occasional drop-off or pick-up of goods in vans, step vans, or panel trucks.

e. Marking

Designated loading areas shall be marked as such on the surface of the loading area with paint or permanent marking materials and shall be maintained in clearly visible condition.

3. Utilization

- a. No storage, motor vehicle repair work or service of any kind other than for an emergency shall be permitted within any required loading berth.
- b. Space allocated to a required loading berth shall not be used to satisfy any requirement of this ordinance for off-street parking spaces.

4. Number of Loading Spaces Required

The minimum number of loading spaces required per use is shown in Table 9.9.

TABLE 9-9: Minimum Number of Loading Spaces Required	Building Gross Floor Area						
	5,000-10,000 sq. ft.	10,000-20,000 sq. ft.	20,000-50,000 sq. ft.	50,000-100,000 sq. ft.	100,000-150,000 sq. ft.	150,000-200,000 sq. ft.	over 200,000 sq. ft.
Residential Uses							
Retirement Community, Senior Citizen Housing	-	-	1.00	1.00	1.00	1.00	2.00
Institutional Uses							
Community Center, Library, Museum or Art Gallery	-	1.00	1.00	1.00	2.00	2.00	3.00
Hospital, Medical Center, Out Patient Surgery Center	-	-	1.00	1.00	1.00	1.00	2.00
Institutional Uses (Not otherwise enumerated)	-	-	1.00	1.00	1.00	1.00	2.00
Nursing or Personal Care Facility	-	-	1.00	1.00	1.00	1.00	2.00
Place of Worship	-	-	1.00	1.00	1.00	1.00	2.00
School	-	-	1.00	1.00	1.00	1.00	2.00
Public Assembly Uses							
Auditorium, Arena, Theater or Concert Hall	-	1.00	1.00	1.00	2.00	2.00	3.00
Banquet or Meeting Hall, Lodge or Association	-	1.00	1.00	1.00	2.00	2.00	3.00
Convention Center	-	1.00	1.00	1.00	2.00	2.00	3.00
Health Club or Gymnasium, Golf/Tennis/Swim	-	1.00	1.00	1.00	2.00	2.00	3.00
Public Assembly Building (Not otherwise enumerated)	-	1.00	1.00	1.00	2.00	2.00	3.00
Stadium	-	1.00	1.00	1.00	2.00	2.00	3.00
Office Use							
Business or Professional Office	1.00	1.00	1.00	1.00	2.00	2.00	3.00
Medical or Dental Office	1.00	1.00	1.00	1.00	2.00	2.00	3.00
Commercial Use							
Bank or Credit Union	1.00	1.00	1.00	1.00	2.00	2.00	3.00
Grocery Store	1.00	2.00	3.00	4.00	5.00	6.00	7.00
Retail Uses	1.00	2.00	3.00	4.00	5.00	6.00	7.00
Commercial Use (Not otherwise enumerated)	1.00	1.00	1.00	1.00	2.00	2.00	3.00
Industrial, Manufacturing, Research, and Wholesale Use							
Industrial Uses	1.00	2.00	2.00	3.00	4.00	5.00	6.00
Manufacturing Uses	1.00	2.00	2.00	3.00	4.00	5.00	6.00
Research Uses	1.00	2.00	2.00	3.00	4.00	5.00	6.00
Wholesale and Storage Uses	1.00	2.00	2.00	3.00	4.00	5.00	6.00

9.31 Access Control for Streets and Highways

A. Purpose

The intent of this section is to:

1. Regulate driveway access to public streets to lessen the impact of future development on the City's thoroughfare system. These standards are designed to minimize safety hazards, traffic congestion, and other adverse impacts thereby protecting the integrity of the thoroughfare system.
2. Minimize the number of driveways and access points onto public streets. These regulations should be interpreted to that end whenever possible.
3. Require that sidewalks be constructed along arterial and collector streets to provide for safe and convenient pedestrian access to neighborhoods, businesses and other community facilities.

B. Access to City by Driveway or Street Located Outside City

These requirements shall specifically apply to a situation where the driveway or street or a portion of the driveway or street to be constructed, altered or the access point for such a driveway or street is within the City of Centerville and the land or a portion of the land to be accessed by the driveway or street is outside the City of Centerville. A Development Approval request in accordance with Section 5.09 of this UDO shall be required by the developer before any such construction within or access to the City of Centerville shall be permitted.

C. Roadway Access Standards

(See Ohio Department of Transportation Ohio State's Highway Access Management Manual, December 2001 and the Institute of Transportation Engineers Transportation and Land Development, 2nd Edition; or most recent revisions.) (*Ord. 17-14*)

1. Street Cut Permit Required

A street-cut permit shall be required to permit or expand a driveway to intersect any public street.

2. Driveway and Roadway Surface

All driveways and roadways shall be constructed with a hard paved surface. (*Ord. 17-13*)

3. Driveway and Roadway Spacing

The minimum spacing of driveways and roadways in relation to other driveways and roadways shall be based on the posted speed limit as illustrated in Table 9.10. This distance shall be measured from the point formed by the intersection of extended curb lines of each driveway or street.

Table 9.10 Minimum Driveway Spacing

Driveway Spacing		
Posted Speed (MPH)	Minimum Distance	
	Feet	Meters
25	155	50
30	200	65
35	250	80
40	305	95
45	360	110
50	425	130
55	495	150
60	570	175
65	645	200

Source: Ohio Department of Transportation

- a. The minimum spacing distance between adjacent one-way driveways or roadways with the inbound drive upstream from the outbound drive may be reduced by 1/2 the distance shown in Table 9.10.
 - b. The minimum driveway spacing distance for single-family or two-family residential uses shall be a minimum of 20 feet; driveways may, however, be joined together.
4. Alignment Across the Street
- a. Driveways or roadways shall either be directly opposite other driveway or street intersections or shall be offset by the minimum driveway spacing shown in Table 9.10 except in locations where there is a raised median in the street.
 - b. Single-family and two-family residential uses shall be exempt from this provision.

5. Dimensions of a Driveway

a. Non-Residential Uses (including Multi-Family Residential Uses)

- i. All driveways shall have a minimum width of 24 feet. This provision may be modified by the City Planner or his designee to allow for a second entrance lane and/or a left turn exit lane for a large or intensive non-residential or multi-family residential use. In no case shall any driveway exceed 48 feet in width.
- ii. Aisle widths for off-street parking areas shall be as provided in Table 9.7, Minimum Design Standards for Off-Street Parking Areas.

b. Single-Family and Two-Family Residential Uses

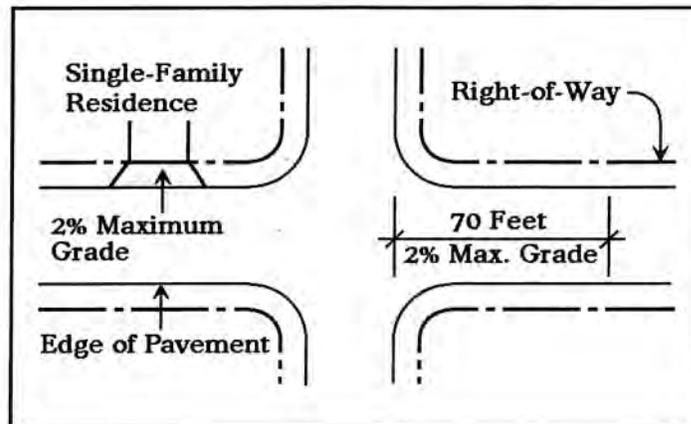
- i. A driveway for a single-family or two-family residence shall have a minimum width of 8 feet and a minimum length of 20 feet from the public right-of-way. In no case shall any driveway exceed 24 feet in width at the public right of way. (*Ord. 17-14*)
- ii. A driveway shall extend from the public right-of-way or curb-line of a private street to any vehicle parking area or the garage door of any principal or accessory building whichever is greater.

6. Intersection Angle

A driveway or roadway shall intersect a cross-street at, or nearly at, a right, 90 degree angle. In no case shall any intersection have an angle less than 75 degrees.

7. Grade at Intersection

- a. A driveway or roadway intersection shall have a maximum vertical grade of 2 percent, for a distance of 70 feet, for each leg of the intersection. This distance shall be measured from the edge of pavement of the cross-street back a distance 70 feet as shown in Figure 9.3.

Figure 9.3 Grade at Intersection

- b. Single-family and two-family residential uses shall have a maximum vertical grade of 2 percent for a distance of 10 feet or to the public right-of-way whichever is greater.
8. Horizontal Intersection Sight Distance
 - a. In order to provide a clear view of intersecting streets to the motorist, there shall be a triangular area of clear vision formed by the 2 intersecting streets and the driver's line of sight toward a car approaching the intersection. Reference A Policy on Geometric Design of Highways and Streets (American Association of State Highway and Transportation Officials). (*Ord. 17-14*)
 - b. On any portion of a lot that lies within this triangular area, nothing shall be erected, placed, planted, or allowed to grow which impedes vision between a height of 2.5 feet and 10 feet above the grade at any point within the triangle.
 9. Vertical Intersection Sight Distance (*Ord. 17-14*)
 - a. Driveways or roadways shall intersect other roadways at a point where there shall be provided a line of clear vision that is free of hills or valleys that can obstruct the visibility of a motorist. Reference A Policy on Geometric Design of Highways and Streets (American Association of State Highway and Transportation Officials).

Figure 9.5 Horizontal Intersection Sight Distance

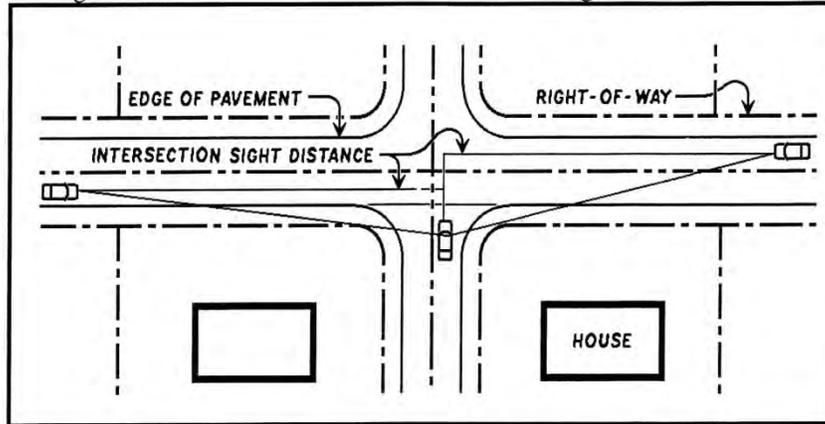
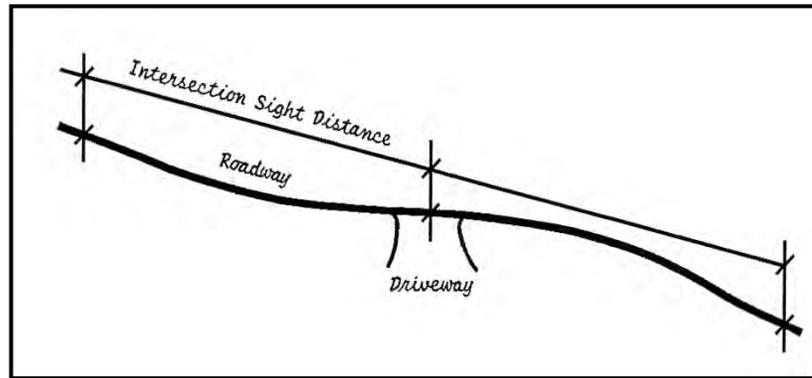


Figure 9.6 Vertical Intersection Sight Distance



10. Median Openings

Openings to non-mountable medians with a width of 4 feet or greater shall be permitted only as follows:

a. Residential Properties

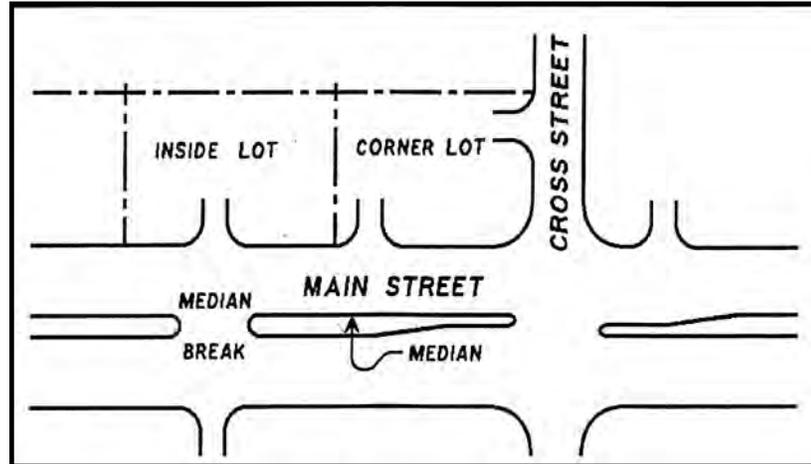
A median opening will be permitted for 1 driveway to each residential property when the alternate route that would be required to gain access to the driveway is in excess of 2600 feet.

b. Non-Residential Properties

- i. A median opening may be permitted for 1 driveway to each on-corner property.

- ii. A median opening will not be permitted for driveways to corner properties where access can be gained by way of the cross-street, except as noted below (See Figure 9.7).

Figure 9.7 Median Openings



- iii. A median opening may be permitted to a corner property only if the alternate turn from the cross-street causes unnecessary delay or creates a traffic hazard.
- c. Additional median openings may be permitted to serve high volume parking lot driveways as the need is demonstrated.
 - d. Crosswalks
 - To provide a minimum length of median at crosswalks, openings will not be permitted within 20 feet of a crosswalk.
11. These access control standards may be modified and increased or decreased upon recommendation to the City Planner or his designee, in order to accommodate unique safety or design situations or if indicated by a traffic impact analysis. In cases where these standards are recommended to be modified, the City Planner or his designee shall make a report which documents the facts of the case and the rationale for modifying these requirements.

9.33 Parking Fee-in-Lieu. (Ord. 35-14)

- A. Purpose: The Parking Fee-in-Lieu program incentivizes a more efficient use of land for commercial purposes to preserve the ambiance and character of the surrounding area while affording a revenue mechanism for public parking needs.
- B. Applicability: The Parking Fee-in-Lieu program shall be applicable solely within the area defined as the Architectural Preservation District (APD) on the Official Zoning Map of the City of Centerville, and under one or more of the following circumstances:
1. New construction of commercial or residential development.
 2. Commercial or residential additions to existing buildings whether attached or detached from the main structure.
 3. When an alteration or rehabilitation within an existing structure results in an increased parking requirement pursuant to Articles 3.13 and 9.29.
 4. When the parking requirement for a permitted or conditional use exceeds the available parking on the premises pursuant to Articles 3.13 and 9.29.
- C. Determination of the fee-in-lieu of parking
1. The City Planner shall calculate the required number of parking spaces in accordance with Article 9.29. The City Planner shall communicate the required number of parking spaces to the Applicant. The existence of an active Variance affecting the quantity of required parking spaces shall not be considered for the purpose of determining the fee-in-lieu of parking.
 2. The Applicant may request to pay a fee-in-lieu of providing the required number of parking spaces in accordance with the following:
 - a. At minimum, 50% of the required number of parking spaces shall be provided on the premises in accordance with Articles 3.13 and 9.29.
 - b. All or a portion of the required parking not to be provided in accordance with part (a) above may be substituted for a one-time fee in the following amounts (2015 dollars):
 - i. Parking spaces one (1) through five (5): \$2,000 each.
 - ii. Parking spaces six (6) through ten (10): \$3,500 each.
 - iii. Parking spaces eleven (11) and above: \$5,000 each.

- c. The Parking Fee-in-Lieu amount shall be based upon the following equation:

$$\text{Parking Fee-in-Lieu} = \frac{\text{Aggregate Fee as Calculated from Part (b) above}}{\text{Consumer Price Index as calculated by the Bureau of Labor Statistics}} \times$$

- d. The fee-in-lieu shall be aggregated and paid in its entirety to the City of Centerville in a form acceptable to the Director of Finance prior to the issuance of a Certificate of Zoning Compliance. The fee is non-refundable.
- e. The fee-in-lieu shall be applicable at each issuance of a Certificate of Zoning Compliance for a premises. Credit shall not be granted for previous fee-in-lieu payments applicable to the premises.
- f. Payment of a fee-in-lieu of parking does not absolve the developer or property owner from any future obligation to participate in future construction of public parking programs or facilities through additional funding mechanisms (e.g., a local improvement district, tax increment financing, etc.).
3. In making a determination on the request, the City Planner shall consider:
- a. The extent to which the parking requirements as applied to the subject property overly restrict nominal use of the property;
- b. Whether granting the request would have a deleterious effect on other property owners in the immediate area; and
- c. Whether granting the request would lead to a better overall result than would strict adherence to the parking requirements of Article 9.29 for the purposes of encouraging appropriate land uses, improving pedestrian circulation, achieving better parking design, and preserving the built environment.

D. Limitations of the Parking Fee-in-Lieu program

1. Funds collected through the Parking Fee-in-Lieu program shall be expended on public parking programs and facilities in the general vicinity of the area(s) listed in Article 9.33(B) above. Payment of a fee-in-lieu of parking is not a guarantee to a developer or property owner that public parking programs and facilities will be conducted or constructed for the sole use of or in immediate proximity to that development.
2. Funds may be expended by the City at any time for one or more of the following purposes, including any process, procedure, or expenditure required thereto:

- a. Construction of a new public parking facility.
- b. Expansion of an existing public parking facility.
- c. Conversion of an existing private parking facility to public use via easement, purchase, or lease.
- d. Infrastructure attributable to a public parking facility, such as signage, lighting, landscaping, and stormwater management facilities.
- e. Pedestrian, bicycle, and transit-related infrastructure.
- f. Public service announcements, advertising, publications, and other non-infrastructure programming pertaining to public parking facilities.
- g. General maintenance, repair, and replacement of any noted above item or facility.

9.35 Stormwater and Drainage Standards

A. Purpose

The purpose of these stormwater drainage standards is to provide adequate facilities to accommodate stormwater runoff created by a development project either through on-site or off-site improvements or alterations to the drainage system.

B. Site Grading and Drainage Development Plans; Waivers.

1. Any person or persons proposing to develop or redevelop land shall design and implement a site grading and drainage development plan which will:
 - a. Yield quantities of surface water runoff from the development site at rates which are the same as or less than those before development occurred and result in rates of gross erosion as specified in this section.
 - b. Not result in increasing current potentials for sedimentation of lands, siltation of waters and flooding of watercourses that are at lower elevations off-site.
 - c. Meet or exceed requirements promulgated by state and federal agencies to promote positive drainage practices, mitigate damage to water quality and foster beneficial environmental practices. (*Ord. 17-14*)

2. No changes subject to regulation under this chapter shall be made in the existing natural surface composition or subsurface configuration of any land proposed for development or redevelopment within the City without prior written approval of a site development plan by the Approving Agent. Approval of a site development plan required according to Section 9.35, H shall not be given:
 - a. Unless a determination is made by the Approving Agent that implementation of an approved site grading and drainage development plan would not cause runoff, erosion and sediment impacts that would be harmful or damaging to the lands and waters off-site; or
 - b. Until a plan for minimizing the harmful and damaging potentials of runoff, erosion and sediment impacts anticipated resulting from the implementation of a proposed site grading and drainage development plan has been approved by the Approving Agent.
3. Development situations may exist such that the development will have none of the harmful effects associated with increased runoff rates and volumes or sediment disposition. Such developments are eligible for a waiver from these standards; however, the waiver applies only to the following requirements and may have specific conditions attached by the Approving Agent, including, but not limited to:
 - a. The preparation of plans, maps and/or information specified in Section 9.35, I.
 - b. The installation of sediment abatement control devices until such time as site inspection indicates that they may be unnecessary.
 - c. Controlling runoff to predevelopment conditions as specified in Section 9.35, F except that storm water runoff must be controlled to the maximum volume and minimum rate feasible for the site as determined by the Approving Agent.
4. The request for a waiver shall be in writing and shall include sufficient detail to determine that granting a waiver will not be detrimental to abutting properties or to the drainage system. However, the waiver does not in any way imply a relaxation of any of the other standards in this chapter, including the requirement for adequate on-site drainage, the ability to accept runoff from land tributary to the development or reasonable control of soil erosion and sediment. Development activities for which waivers may be considered include the following:
 - a. Single-family residential developments involving improvement of an individual lot in a previously approved subdivision.

- b. Multifamily residential, commercial or industrial developments which total 2 acres or less.
 - c. Modifications to, or redevelopment of, an existing development which will not result in additional impervious areas.
5. Development activities that are exempt from this chapter include the following:
- a. Additions of less than 250 square feet to existing property, such as driveways, sidewalks, patios, etc.
 - b. Regular farming procedures on land designed for such use.

C. Storm Sewer and Drainage

1. Drainage Plans

- a. Intent - A drainage plan is required.
 - i. To provide a planned guideline for the construction of the development so that the drainage of the whole development and for each lot in the development meet the requirements of all sections of this chapter; and
 - ii. So that the drainage of the subject plat will be consistent with the existing or planned drainage of all adjacent plats.
- b. General
 - i. An overall map of the development shall be submitted to the City Engineer for approval prior to any work on the development which would alter or increase the original flow of water.
 - ii. This map shall show all existing and proposed lots, streets, and utilities in the proposed plat and existing lots, streets, and utilities immediately adjacent to the proposed plat.
 - iii. This map shall show the general drainage plan proposed for the development. A detailed drainage plan for each lot or group of lots shall be formulated when the type of structures to be placed on the lots is determined. The final plan shall include all storm sewers, drains, swales, appurtenances for the development.

- iv. Drainage shall be indicated on each plot plan submitted for a building permit and must conform to the overall drainage plan for the development. Plot plans shall indicate the FFE and the adjacent building grade. The plot plan shall show the approximate elevations of the lot corners, final grade. Swales, if any, with the direction of the flow of storm water, shall be indicated. Contour lines may be used to show this final drainage plan.
- v. Plot plans shall include solutions to any unusual problems, such as springs, swamps, ponds, etc., when they are known to exist, either on the proposed development or on adjacent land, if the subject development or lot will be affected.
- vi. The drawing showing the proposed overall drainage plan shall contain a statement to the effect that the proposal presented does not interfere with the drainage of adjacent properties.
- vii. The covenants on the record plan shall contain a statement to the effect that succeeding owners of portions of the plat shall not erect any structures or change the grading in any manner which would alter the water flow from or to adjacent land unless written permission is obtained from the owners of such adjacent land.

2. Storm Water Disposal

- a. All areas shall be sloped to a lower elevation off the lots or to drainage structures on the lot in accordance with the site grading plan. Two or more lots may be considered as one area. Business, industrial and commercial areas may be considered as one lot for storm water disposal purposes.
- b. Unpaved drainage swales shall have adequate width and depth to carry the runoff.
- c. Longitudinal gradients for swales or gutters shall be provided as follows:
 - i. For centerlines within 15 feet of buildings, or in a required outdoor area, see Section 9.35(D)(4).
 - ii. For center lines in other lot areas, see Section 9.35(D)(9)(a).
- d. The permanence and maintenance of off-site drainage ways shall be assured by locating such drainage ways in public or private rights of way or easements, as shown on the record plan.

- e. Where drain inlets or catch basins are installed, emergency surface drainage overflow shall be provided to prevent possible flooding against or within the building in the event of the failure of the underground drainage structures.

3. Drain Lines

- a. Storm sewers shall be constructed of concrete pipe in the public right-of-way. Pipe not in the public right-of-way may be constructed with alternate materials as permitted in the Ohio Department of Transportation Construction and Material Specifications. (*Ord. 17-14, 7-18*)
- b. Drain lines shall be of adequate size and gradient to provide proper run-off and shall be at such depth as to preclude damage to the pipe.
- c. Drain lines for surface drainage shall be sealed where necessary to prevent harmful infiltration of sand, muck and other materials. For subsurface drainage, perforated or porous pipe shall be backfilled with gravel or crushed rock over the pipe to a point at least 6 inches below finished grade.

4. Drain Inlets

The design, size and construction of drain inlets shall be adequate to carry water imposed without overflow.

5. Drainage Structures

- a. Intent. The intent of the requirements in this section is to provide for the collection of surface and subsurface water in order to protect any dwelling or other improvements; and usable lot areas.
- b. General
 - i. Paved gutters, drain lines and inlets or other necessary drainage structures shall be installed where storm water disposal cannot be obtained without their use or where erosion cannot be prevented by finish grading and/or planting. Such drainage structures shall be shown on plat design drawings.
 - ii. Design, construction and installation of drainage structures shall be in accordance with standard engineering practices and shall be suitable for the use and maintenance contemplated.

- iii. Gutters and drain lines shall be connected to suitable outfalls. The permanence and maintenance of off-site drainage ways shall be assured by public or private rights of way, by easements or by other acceptable means.
- iv. Splash blocks shall be installed at the bottom of each downspout unless the downspout is connected to a drain line. See Section 9.35, C, 7 for construction details.

6. Paved Gutters

- a. Gutters shall be constructed of concrete, brick or other durable material.
- b. Gutters shall have an adequate depth, width and longitudinal gradient to carry water without overflow. Gutters shall be connected to an adequate storm sewer system.
- c. Gutters shall be installed to provide permanent drainage with reasonable maintenance.

7. Splash Blocks

- a. Splash blocks shall be constructed of concrete or other durable material.
- b. The minimum width of splash blocks shall be 12 inches. The minimum length shall be 30 inches.
- c. Splash blocks shall be firmly imbedded to prevent displacement.

8. Dry Wells

- a. Dry wells for the disposal of water from foundation drains and crawl spaces, etc., are permissible only when the bottom of a dry well projects into a strata of porous soil at a level where the bottom of the dry well is above the ground water table at its seasonal height.
- b. The minimum distance of dry wells from buildings shall be 20 feet. The separation between dry wells and buildings may be reduced to ten feet if the diameter of the dry well does not exceed three feet.
- c. The size and construction of dry wells shall be adequate to dispose of the water.

- d. Sump pumps shall be connected to dry wells or to the nearest point of the drainage system of the plat. Sump pumps and other drains which have water flowing more than 50 percent of the time may not discharge into the gutter.

D. Grading

1. Intent - It is the intent of this section to provide grading which shall:
 - a. Direct water away from buildings;
 - b. Prevent standing water and soil saturation detrimental to structures and lot uses;
 - c. Provide for disposal of water from a lot;
 - d. Preserve such desirable lot features that do not interfere with the proper drainage of the lot or the desired use of the lot;
 - e. Provide grades for safe and convenient access to and around buildings and lots for their use and maintenance; and
 - f. Protect adjacent properties from excessive water drainage.
2. General
 - a. For examples of typical grading design, see illustrations following the text of these regulations.
 - b. For regulations pertaining to building foundations or concrete floor slabs on fill, see the 2006 Residential Code of Ohio (RCO), and the OBC Commercial Building Code.
3. Protective Slopes Around Buildings
 - a. The slope of the ground downward away from building foundations to lower areas shall conform to Section 9.35, C, 2.
 - b. The horizontal width of the downward sloping area away from foundations shall be a minimum of 10 feet, except where restricted by property lines.
 - c. The vertical fall of protective slopes shall be a minimum of 6 inches in 10 feet. However, the vertical fall at the upper end of a swale may be reduced to 3 inches in 10 feet, provided that a long slope from a nearby high bank does not exist.

4. Minimum Gradient

- a. For concrete or other impervious surfaces, the minimum gradient shall be one sixteenth of an inch per foot (one-half of one percent).
- b. For pervious surfaces, the minimum gradient in the first 10 feet from the building shall be as provided in Section 9.35, D, 3. Beyond the 10 foot area, the gradient shall comply with the objectives of this chapter.

5. Maximum Gradient

The maximum gradient shall be 2 1/2 inches for the first four feet from all building walls, except where restricted by property lines. The balance of the protective slope shall have a maximum gradient of 2:1 (two feet horizontally to one foot vertically). (See Section 9.35(D)(9)(b)).

6. Usable Outdoor Area (*Ord. 17-16*)

At minimum, 35% of a single- or two-family residential lot shall be composed of usable outdoor area. The usable outdoor area may be located in any yard(s), but shall be of such location, size and shape as to provide for outdoor living and service functions. Usable outdoor areas may overlap or be part of required protective slopes around buildings. The area may be a single area or several adjacent or separate subareas. The maximum grade for usable areas shall be five (5) percent. Usable area may include any driveway, patio, or other paved surface, but shall not include the footprint of the primary structure. The City Council may waive this requirement in its entirety or on a lot-by-lot basis as part of a Preliminary or Final Development Plan, Preliminary Subdivision or Record Plat.

7. Other Lot Areas.

- a. The minimum gradient for other lot areas shall comply with subsection 7 hereof, unless lesser gradients are shown on exhibits accepted by the City prior to any building construction activity, including grading and/or clearing. To be acceptable, the lesser gradient must be adequate to drain the area without having a detrimental effect upon buildings or upon essential lot usage and improvements. Conditions which would result in prolonged standing of water at any season are not acceptable. Where surface water disposal is proposed by infiltration into the ground, technical exhibits, such as soil gradation analyses and/or infiltration tests, may be required.
- b. The maximum gradient, unless slopes are to be held by satisfactory existing or planned vegetation, rock outcroppings or brick, rock or concrete walls, shall be limited as follows:

- i. If the vertical height of slope is 30 inches or less, the maximum gradient shall be one and one-half feet horizontal to one foot vertical.
 - ii. For slopes with a vertical height of over 30 inches, the maximum gradient shall be two feet horizontally to one foot vertically.
 - iii. Slopes of over 1 1/2 feet to 1 foot with only grass planned as the retaining vegetation shall not be permitted.
- c. Tops and bottoms of banks at swales, terraces, etc., shall be rounded for convenient maintenance.

8. Rough Grading

- a. Preservation of Trees and Shrubs. Natural site assets, such as existing trees, shrubs, ground cover and top soil, shall be preserved and protected whenever practicable, provided that retention of such items does not interfere with the drainage plan of the area.
- b. Compliance with Drainage Plans and Plot Plans; Subgrades. The balance of the lot shall be graded to comply with the grading indicated on the drainage plan and the plot plan submitted for a building permit. The subgrade shall be established by cut and fill, approximately parallel to the finish gradients and at an elevation to allow for sod and other installations.
- c. Filled Areas
 - i. Filled areas under and fifteen feet beyond buildings and other structures shall be compacted to meet the requirements of the 2006 Residential Code of Ohio (RCO) One and Two Family Dwelling Code, as adopted in Section of the Building and Housing Code and the OBC, Ohio Commercial Code.
 - ii. For the balance of the area involved, all surface debris detrimental to lot improvements shall be removed.
 - iii. Tree stumps eighteen inches below finished grade shall be removed and cut down.
 - iv. Original ground exceeding a one to three slope shall be scarified and benched if it is to receive fill, in order to prevent slippage of the fill.

v. Fill material shall be reasonably free of debris or other material detrimental to the lot for the first three feet below the finished grade and shall have reasonable moisture content when placed. Fill in the vicinity of future drainage structures shall be compacted to avoid later settling and damage to the structures.

vi. Fills having a depth of over sixty inches shall be constructed in accordance with standard engineering practices.

9. Finish Grading

- a. Lot areas shall be finish graded to the extent necessary to make the entire lot comply with the preceding standards of this chapter.
- b. The subsoil shall be smoothed parallel to the finished grade elevations and scarified where necessary to secure bond with the surface soil or sod.
- c. Where installation of a lawn or planting is required, the surface soil shall be workable, suitable for the support of plant life and free of large stones and other debris detrimental to plant life. For other areas the soil shall be as provided above or shall be soil which the property owner can improve to a comparable quality without difficult or expensive work.
- d. Surface soil shall be soil capable of sustaining plant life.
- e. Surface soil shall be spread uniformly to provide a smooth even surface.
- f. Surface soil shall be compacted lightly to minimize settlement.

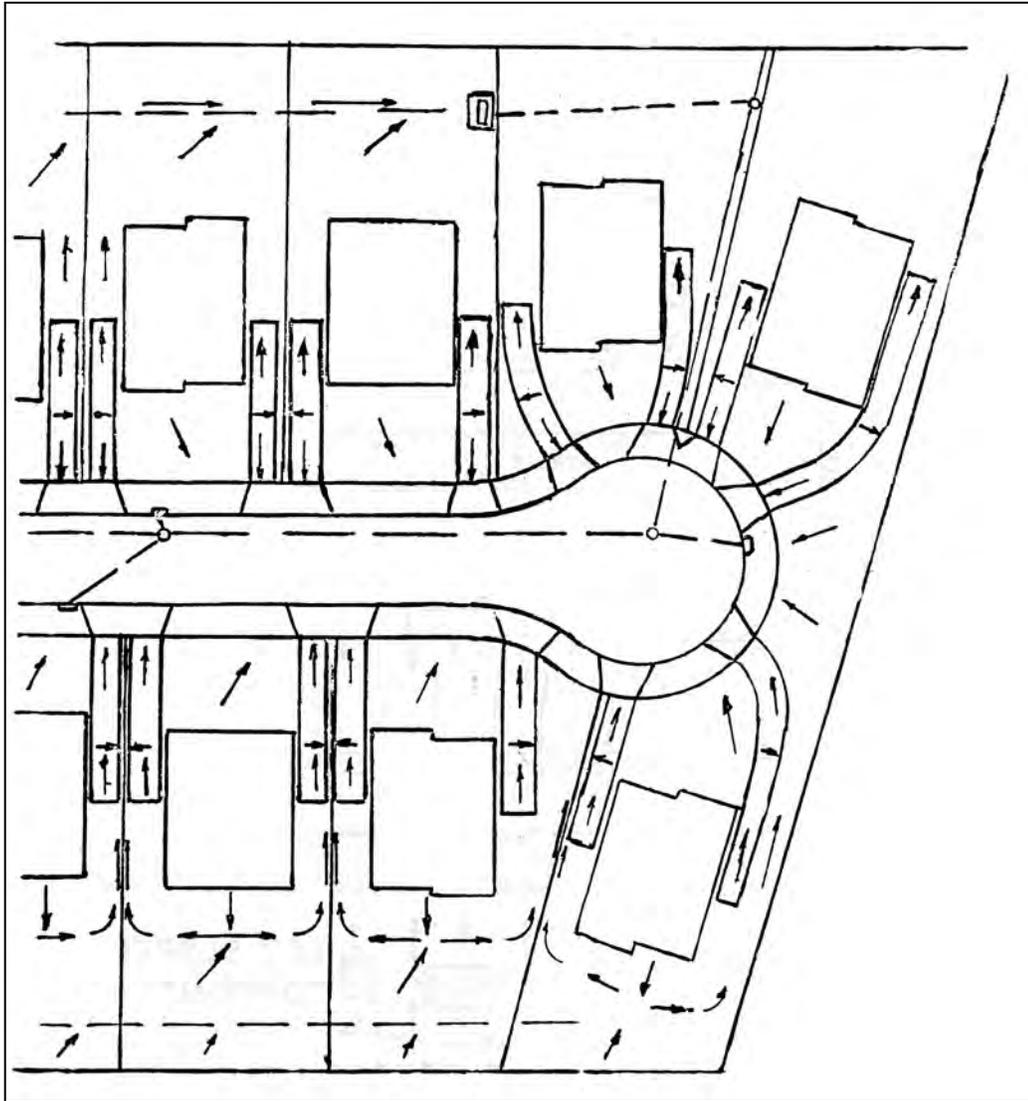
E. Erosion Control: Lawns and Ground Cover

- 1. Intent. Lawns and ground cover shall be provided:
 - a. To prevent erosion; and
 - b. Where required, to make yards usable.
- 2. Required Areas. Appropriate vegetative cover shall be provided for the following areas as follows:
 - a. On swales, as follows:
 - i. Where the gradient exceeds five-eighths of an inch per foot, five percent.

- ii. Minimum width: 4 feet. (See Section 9.35, Storm water and Drainage Standards)
 - b. On slopes where the gradient exceeds 4 feet horizontally to one foot vertically.
 - c. On other areas from the street roadway to a point 15 feet behind the building, or as agreed between the builder and purchaser. Planting in undisturbed areas may be omitted when suitable existing vegetation is present to prevent erosion.
3. Materials
- a. Lawn materials and ground cover shall be appropriate for the expected use and suitable to the local climate, soil conditions and exposure.
 - b. Seed quality shall have a minimum purity of 85 percent, a minimum germination of 80 percent and a weed content not exceeding a maximum of one-half of one percent. The seed mixture shall be not less than 85 percent, by weight, of permanent grass, and 15 percent, by weight, of annual grass.
 - c. Sod shall be fresh cut, taken from a thick stand of permanent lawn grass, reasonably free from weeds and coarse grass. It shall be at least one and one-half inches thick, totally, uniform in thickness and cut in strips.
4. Installation. Installation of lawns and ground cover shall be as follows:
- a. See Section 9.35, D, 11 for finish grading
 - b. The seed or plant bed shall be prepared by scarifying the surface lightly
 - c. Seed shall be broadcasted as recommended by the producer, but at a rate of not less than four pounds per 1,000 square feet. The seeded ground shall be rolled with a light roller and watered thoroughly with a fine spray.
 - d. Sod shall be laid in strips, avoiding wide joints. On slopes, sod laying shall be started at the bottom parallel to the contour of the slope. Sod shall be rolled with a light roller and watered thoroughly.
 - e. Ground cover shall be planted to provide a dense mat at maturity.
 - f. Lawns and ground cover shall be installed only during appropriate seasons and favorable weather and with suitable soil conditions.

- g. Lawns and ground cover shall be watered, replanted and maintained as necessary until possession is taken by the owner.

Figure 9.8 Lot Grading Plan



- F. Storm Water Runoff Control Standards (*Ord. 7-18*)
1. In general, drainage systems shall be designed according to locally accepted design practices and sound engineering judgment and shall conform to the following:
 - a. Storm sewer design shall be sufficient to convey the design storm discharge with an average recurrence interval of 10 years so that the pipe flowing full condition (hydraulic grade line at the top of the pipe) is not extended. The 25-year storm hydraulic grade line shall not exceed the proposed ground elevation. The 100-

year storm shall be contained on-site via an overland flow path through the on-site detention basin.

- b. Storm sewer design shall be submitted to the City in ODOT CDSS format, or a pre-approved alternate commercially-available software, for the 10-, 25-, and 100-year storms.
 - c. Lot grading, in-tract drainage and street improvements for all subdivisions shall be designed so that floods having an average recurrence interval of 100 years or less will not cause inundation or damage to any dwellings. A grading plan for each subdivision will be required to define the lot grading and in-tract drainage. All developments within areas of special flood hazard or delineated on the official National Flood Insurance Program Flood Insurance Rate Maps, or as determined by the City, shall comply with FEMA design requirements.
 - d. All drainage channels, conduits and other structures located outside the road right-of-way designed to convey public storm runoff (off-site runoff) should be contained in suitable public easements. Easements for open channels shall include sufficient area along the channel banks to permit access for maintenance equipment. Open channels may be fenced along both sides through urban areas where it is necessary to protect the public as well as to prevent encroachment upon needed access areas.
2. Areas adjacent to open drainageways and ponds shall be graded to preclude the entrance of storm water, except at planned locations. Where retention/detention areas are located on the project periphery, the developer may be required to provide additional landscaping or screening to adequately protect abutting properties.
 3. Each development shall provide for the on-site or off-site detention of excess storm water runoff resulting from that development. For the purpose of this section, "excess storm water runoff" shall include all increases in storm water peak flows and volume resulting from an increase in the impervious surface of the site, including all additions of buildings, roads and parking lots; changes in soil absorption caused by compaction during development; modifications in contours, including the filling or draining of small depression areas, alterations of drainageways or regrading of slopes; destruction of forests; the alteration of drainageways or the installation of collection systems to intercept street flows or to replace swales or other drainageways; or the alteration of subsurface flows, including any groundwater dewatering or diversion practices, such as curtain drains, compared with the site in its natural state.
 4. Any foreseeable increase in rates and volume of site surface drainage water runoff caused by site development shall be controlled so that the post-development peak rate of runoff does not exceed that of the predevelopment one-year frequency storm for

all twenty-four hour storms between a one-year frequency and the critical storm frequency as determined below. A recommended method which may be used to determine changes in rates and volumes of runoff is presented in the U.S. Department of Agriculture, Engineering Division of the Soil Conservation Service (SCS), Urban Hydrology for Small Watersheds, Technical Release No. 55 (Washington, D.C.: USDA, June, 1986), and the Ohio Supplement (April, 1981). To find the critical storm frequency for which additional control will be needed:

- a. The percent increase in runoff volume for a one-year frequency, twenty-four hour storm, shall be determined; and
- b. The critical storm frequency for which additional control is needed shall be determined by using the percent increase in runoff volume, derived in paragraph thereof, in the Table 9.12 below:

Table 9.12 Critical Storm Frequency

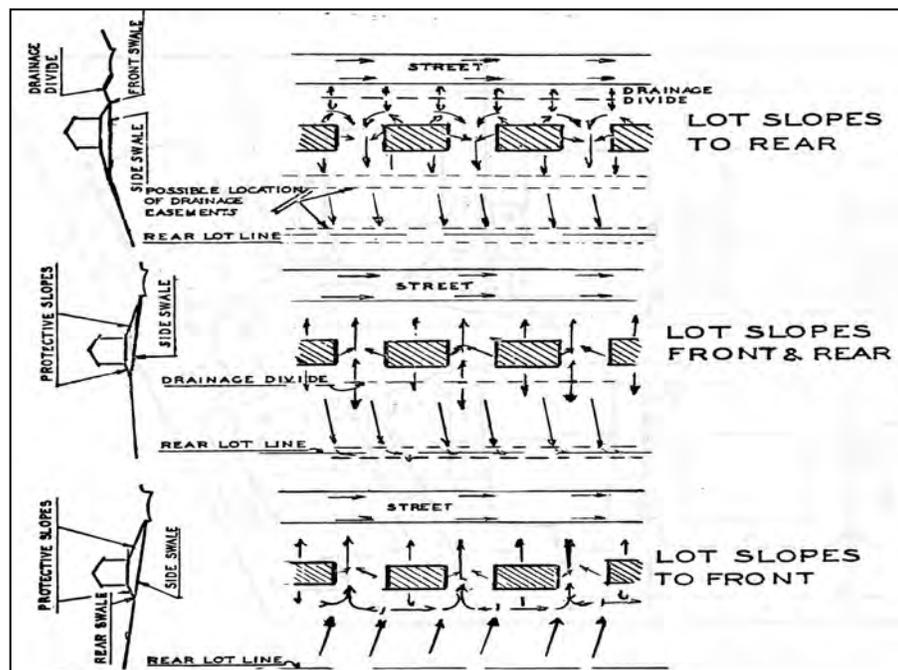
Percent Increase in Runoff Volume Form a One-Year Frequency, 24 Hour Storm		Critical Storm Frequency (yrs.)
Equal to or Greater Than:	Less Than:	
-	10	1
10	20	2
20	50	5
50	100	10
100	250	25
250	500	50
500	-	100

5. Storms of less frequent occurrence (longer return period) than the critical storm shall have a peak rate of runoff not greater than for the same storm under predevelopment conditions. For example, if the total volume is shown to be increased by thirty-five percent, the critical storm is a five-year storm. The peak rate of runoff for all storms up to this intensity shall be controlled so as not to exceed the peak rate of runoff from a one-year frequency storm under predevelopment conditions in the area. The runoff from a more intense storm need only be controlled so as not to exceed the predevelopment peak rate from the same frequency of storm.
6. The intent of subsections (4) and (5) above will be met if the criteria are fulfilled for the one, two, five, twenty-five, fifty and 100-year storms.
7. All detention facilities and improvements required by this section shall comply with the following regulations:

- a. Access easements. An access easement shall be provided to all detention facilities from the nearest public road so that such facilities are accessible in case emergency maintenance work is required. The minimum easement width will be 10 feet.
- b. Storage volumes. Storage may be provided by wet or dry bottom basins or reservoirs.
- c. Maximum depth. The maximum planned depth of storm water detained shall be 5 feet, unless site conditions lend themselves to greater depths.
- d. Outlet control structures. Outlet control structures shall be designed as simply as possible and shall operate automatically. They will be designed to limit discharges into existing or planned downstream channels or conduits so as not to exceed the existing flow from the site in its natural condition or as further controlled in Section 9.35(F)(4).
- e. Spillways. Emergency overflow facilities shall be provided unless inflow is controlled to divert flows when the basin is at capacity. The spillway shall safely discharge the detention basin overflow without damage to the detention basin. A minimum of one foot freeboard shall be provided for the 100-year twenty-four hour storm event.
- f. Dry bottom basins. For basins designed without permanent pools, the following provisions shall apply:
 - i. Interior drainage. Provision must be made to facilitate interior drainage, including the provision of natural grades to outlet structures, longitudinal and transverse grades to perimeter drainage facilities or the installation of subsurface drains.
 - ii. Multipurpose features. These may be designed to serve secondary purposes for recreation, open space or other types of use which will not be adversely affected by occasional or intermittent flooding.
 - iii. Cleaning. The basins shall be designed for periodic cleaning and removal of sediments, which shall be removed from the site or otherwise disposed of in an appropriate manner.
- g. Wet basins. For basins designed with permanent pools, the following provisions shall apply:
 - i. Depth for fish. If fish are used to help keep the basin clean, at least one-quarter of the area of the permanent pool must have a minimum depth of ten feet.

- ii. Facilities for emptying. For emergency purposes, cleaning or shoreline maintenance, facilities shall be provided or plans prepared for the use of auxiliary equipment to permit emptying and drainage.
- iii. Pollution abatement. Aeration facilities may be required when the quality of the influent and detention time would result in a lowering of dissolved oxygen content in the basin.
- iv. Slopes. Approach slopes shall be at least six to one, but not more than three to one, and shall be at least four to six feet wide and slope gently toward the basin. The side slopes shall be of non-erosive material with a slope of one to one or flatter. The ledge shall be four to six feet wide and slope gently toward the shore to prevent people or objects from sliding into deep water. There shall be a freeboard of twelve to eighteen inches above the high-water elevation on all retention basins. Alternative designs for side slopes may be considered under special circumstances where good engineering practice is demonstrated.
- v. Cleaning. The basins shall be designed to include sediment traps in all inlets. Sediment traps shall be designed to permit periodic cleaning and maintenance. A basin maintenance plan shall be developed to insure that the design depths of the basin will remain over time.

Figure 9.9 Lot Stormwater Drainage Plan



h. Building regulations.

- i. Parking lot storage. Paved parking lots may be designed to provide temporary detention storage of storm water on a portion of their surfaces. Outlets shall be designed to empty the stored waters slowly, and depths of storage must be limited so as to prevent damage to parked vehicles, and storage areas shall be posted with warning signs.
- ii. Detention storage. All or a portion of the detention storage may also be provided in underground detention facilities, provided that they meet the design regulations of Section 9.35, F, 7, b and c.
- iii. Off-site easements. Off-site easements for storm water management facilities will be required when either of the following conditions exists:
 - 1) The discharge is into any man-made facility for which the City does not have either a drainage easement or right-of-way.
 - 2) The discharge is into a natural system such that the rate or character (i.e. sheet flow versus concentrated flow) of the flow at the property line has been changed. The easement will be required to a point at which natural conditions are duplicated.
- iv. Design criteria for off-site drainage. Off-site areas which drain to or across a site proposed for development must be accommodated in the storm water management plans for the development. The storm water management system for the development must be capable of transporting existing off-site flows through or around the development without increasing stages or flows upstream or downstream of the development. The estimation of the off-site flows must be done separately from the estimation of on-site pre- and post-development flows (i.e. separate off-site and on-site hydrographs must be computed due to the typically significant differences in land use characteristics).
- v. Alternatives to detention or retention ponds. For sites containing less than 10,000 square feet of total impervious surface, alternatives to detention or retention ponds that utilize landscaped buffers and swale drainage as a means of attenuating the rate of runoff are encouraged, provided that it can be shown that applicable design and performance criteria are met.
- vi. Protection of detention and retention facilities from erosion. Measures shall be taken to protect the embankment of detention and retention facilities from

erosion and provide a definitive protective flow path downstream of the facility.

G. Off-Site Drainage Facilities

1. The City may allow or require surface water runoff to be discharged into drainage facilities off the site of development if all of the following conditions are met:
 - a. The drainage facilities are constructed and maintained in accordance with the requirements of this chapter.
 - b. Adequate provision is made for acquisition, construction and operating costs of the off-site drainage facilities.
 - c. A request to use these drainage facilities and all information relating to these proposed drainage facilities is made a part of the developer's application.
2. The City may allow or require payment of a fee for redevelopment activities in lieu of constructing a detention or retention facility as specified in Section 9.35, F. Payment received in lieu of redevelopment detention or retention shall be used for storm water improvement projects, including the establishment of regional detention systems. The fee shall be based on an amount per square foot of impervious surface (on-site).
3. Whenever deemed practical, necessary and in the public interest, the City may acquire land and construct these drainage facilities, and, to the greatest extent possible, the fees and charges for such facilities shall be sufficient to cover all costs associated therewith and such facilities shall be self-supporting.

H. Soil Erosion and Sedimentation Control Plan

1. In order to prevent both soil erosion and sedimentation, a soil erosion and sedimentation control plan shall be required whenever a development will involve any clearing, grading, transporting or other form of disturbing the land by the movement of earth. The requirements promulgated by the Ohio Environmental Protection Agency (OEPA) in Permit No. OHC000004 (or most recent revision) are to be satisfied in a Stormwater and Pollution Prevention Plan (SWPPP). (*Ord. 17-14*)
2. Sediment deposition caused by accelerated storm water runoff over a development site or by accelerated erosion due to the sloughing or sliding of surface soil that has been exposed by grading, dumping, stockpiling or any other excavation-related earth disturbances shall be retarded and confined to within the boundaries of the development site.

3. The accumulative monthly predicted amounts of gross soil loss anticipated from sheet and rill erosion shall be abated to within an average annual rate of fifteen tons per acre during the first year, ten tons per acre for any year thereafter of site development activities and to within five tons per acre per year after site development is completed. The Universal Soil Loss Equation, as referenced in the U.S. Department of Agriculture, Soil Conservation Service (SCS), Water Management and Sediment Control for Urbanizing Areas, (Washington, D.C.: U.S. Government Printing Office, June, 1978), or other approved methods, shall be used to predict average annual rates of gross soil loss by month from a development site.
4. Specifically, the following protection shall be provided for all disturbed areas: minimize velocities of water runoff, maximize protection of disturbed areas from storm water runoff and retain sedimentation within the development site as early as possible following disturbances. A list of major problem areas for erosion and sedimentation control follows. For each one, the purpose of requiring control is described. Soil erosion and sedimentation control measures for all such areas shall be provided with a view toward achieving the specific purpose listed below for which a control plan is required:
 - a. Erodible slopes: prevent detachment and transportation of soil particles from such slopes.
 - b. Streams, streambeds, streambanks, bodies of water, lake shorelines: prevent detachment and transportation of soil particles.
 - c. Drainageways: prevent detachment and transportation of soil particles (which would otherwise deposit in streams, bodies of water or wetlands); promote deposit of sediment loads (traversing these areas) before they reach bodies of water.
 - d. Land adjacent to streams, ponds, lakes and wetlands: prevent detachment and transportation of soil particles.
 - e. Enclosed drainage structures: prevent sedimentation in a structure, erosion at the outfall of the system and the deposit of sediment loads within the system or beyond it.
 - f. Large flat surface areas (unpaved): prevent detachment of soil particles and their off-site transportation.
 - g. Pervious surfaces: prevent the detachment and transportation of soil (in response to an increase in the rate and/or volume of runoff of the site or its concentration caused by impervious surfaces).

- h. Borrow and stockpile areas: divert runoff from the face of slopes which are exposed in the excavation process; convey runoff in stabilized channels to stable disposal points; and leave borrow areas and stockpiles in stable condition.
- i. Adjacent properties: prevent their erosion and/or the deposit thereon of sediment.

I. Runoff Control and Sediment Abatement Plans

- 1. Any person seeking approval of a development proposal shall:
 - a. Submit a SWPPP per the requirements and recommendations of the OEPA Permit No. OHC000004 (or most recent revision) and the Rainwater Development Manual; (*Ord. 17-14*)
 - b. Provide mapped information about the location and vicinity of the area proposed for development;
 - c. Furnish the following three types of information and maps about the proposed land development and site location:
 - i. An existing characteristics inventory;
 - ii. A predevelopment conditions assessment; and
 - iii. An abatement control plan.
 - d. Minor additions to existing facilities may be exempted from this requirement by the City Engineer.
- 2. Specifically, all proposed land developments shall have plans or maps of an appropriate scale that depict existing and proposed improvements, including, but not limited to:
 - a. Structures, streets, sidewalks, driveways, parking lots, storm drainage systems and appurtenances, utilities, poles, etc.
 - b. Elevations, contour lines, inverts of sewers and drainage facilities, etc.
 - c. The location of the boundary of the 100-year flood plain.
- 3. Runoff control and sediment abatement plan content requirements shall be as follows:

- a. A runoff control and sediment abatement plan shall identify how accelerated surface water runoff, increased erosion and sediment deposition induced by site development are to be controlled to within the abatement standards set forth in Section 9.35, F and Section 9.35, H. The developer's engineer shall include in the construction plans a master drainage map showing all existing and proposed features. The map is to be prepared on a twenty-four inch by thirty-six inch sheet on a scale not to exceed one inch equals 100 feet. Listed below are the features that are to be included on the drainage map:
 - i. Drainage boundaries, including all areas draining to the proposed subdivision or development.
 - ii. Sufficient topographical information with elevations to verify the location of all ridges, streams, etc.
 - iii. High water data on existing structures upstream and downstream for the subdivision.
 - iv. Notes indicating sources of high water data.
 - v. Notes pertaining to existing standing water areas of heavy seepage, springs, wetlands, streams, etc.
 - vi. Existing drainage features (ditches, roadways, ponds, etc.). Existing drainage features are to be shown a minimum of 1,000 feet downstream of the proposed development unless the ultimate outfall system is a lesser distance.
 - vii. Subdivision layouts with horizontal and vertical controls, showing proposed structures with minimum pad elevations.
 - viii. Proposed drainage features, including locations of inlets, swales, open drainageways, ponding areas, storm sewers, culverts, etc.
 - ix. Delineation of drainage sub-areas.
 - x. Retention/detention areas and ingress/egress areas for retention/detention facilities.
 - xi. The general type of soils (obtained from the soil survey of Montgomery or Greene County).
 - xii. Ten, twenty-five and 100-year flood elevations for any areas in or within 100 feet of the property. The source of these elevations shall also be shown on the plans.

- xiii. A description of current ground cover and/or land use.
- b. All proposed drainage features and runoff controls are to be designed in accordance with methods and techniques set forth in the City's Design Manual.
- c. A runoff control and sediment abatement plan shall be comprised of, but not limited to, the following information:
 - i. A map rendered on the base which indicates the number, types, dimensions and locations of all runoff, erosion or sediment control devices to be utilized either temporarily or permanently on a development site;
 - ii. All pertinent computations made to arrive at the final dimensions of each control device, along with plan and section view drawings of the same rendered at an appropriate design scale to be agreed upon between the applicant and the City Engineer; and
 - iii. Schedules detailing the timing for the installation and maintenance of each control device.
- d. The runoff control and sediment abatement plan shall be prepared by or under the direct supervision of a registered civil engineer.
- e. The applicant is to develop and comply with a maintenance plan that: (*Ord. 17-14*)
 - i. Designates an entity for stormwater inspection and maintenance responsibilities;
 - ii. Describes the routine and non-routine maintenance tasks to be undertaken;
 - iii. Puts forth a schedule for inspection and maintenance;
 - iv. Specifies any necessary legal binding maintenance easements and agreements;
 - v. Includes a map showing all access and maintenance easements; and
 - vi. Specifies that pollutants collected within structural post-construction practices be disposed of in accordance with local, state, and federal regulations.

J. Liabilities and Responsibilities; Enforcement; Privately Owned Installations.

1. Performance Liability. No provision of this chapter shall limit, increase or otherwise affect the liabilities of the permitted or impose any liability upon the City not otherwise imposed by law.
2. Responsibilities of Permittee during Site Development. During site development, a permittee is responsible for:
 - a. Carrying out all provisions according to approved plans and as required by this chapter;
 - b. Promptly removing all soil, miscellaneous debris or other materials that may become spilled, dumped or otherwise deposited on any public thoroughfares;
 - c. Taking precautions to inhibit the deposition of sediment into any sewer system or natural watercourse; and
 - d. Providing a bond (cash or performance) for sweeping of public streets within the vicinity of the site development in an amount determined by the City Engineer.
(Ord. 17-16)
3. Inspections; Enforcement; Stop-Work Order.
 - a. The developer's engineer shall be required to inspect all drainage facilities under construction and certify their compliance with approved plans, and, in addition, the City may inspect all drainage facilities while under construction. When facilities are not constructed according to approved plans, the City has the explicit authority to compel compliance and require correction of any situations which are not according to the approved plans.
 - b. Site development operations shall be subject to inspections by the City to determine whether a site development plan is being implemented in compliance with the provisions of this chapter and any plan approval conditions. The applicant shall arrange with the Building Inspection Department for the scheduling of inspections to ensure effective control of erosion and sedimentation and to ensure that all drainage facilities are being completed in accordance to the approved storm water management plan. Prior to final inspection, the developer's engineer shall provide as-built plans of the detention facilities and outlet control structures, documenting facilities that are constructed substantially in accordance with approved plans.
 - c. After each inspection the inspector shall complete a site development status report. If the inspector finds that operations are being conducted by a permittee

in violation of an approved plan or provisions of this chapter, a stop-work order may be issued at that time.

4. Privately Owned Installations.

- a. Design, Inspection and Maintenance. Permanent runoff control and sediment abatement installations which are to be privately owned and maintained by an individual or group of property owners shall be:
 - i. Designed and constructed by the permittee with easements sufficient to allow adequate access for inspections, maintenance and corrective actions, if necessary, by the City.
 - ii. Inspected as needed by the City to ensure that privately-owned installations are being properly maintained. If not, the City may compel the owners to make the necessary repairs at the expense of the owner.
 - iii. Maintained as installed by the permitted according to the approved design and not altered unless such alteration is approved by the City.

- b. Legal/Operation Entity Requirements.
 - i. Acceptable entities. The City considers the following entities acceptable to operate and maintain runoff and sediment control facilities:
 - 1) The City; and
 - 2) Non-profit corporations, including homeowners' associations, property owners' associations, condominium owners' associations or master associations.
 - ii. The property owner or developer is normally not acceptable as a responsible entity, especially when the property is to be sold to various third parties. However, the property owner or developer may be acceptable under one of the following circumstances:
 - 1) The property is wholly owned by said property owner or developer and is intended to be so retained. This would apply to a farm, corporate office or single industrial facility for example.
 - 2) The ownership of the property is retained by the owner or developer and is either leased to third parties, such as in some shopping centers, or rented to third parties, such as in some mobile home parks for example.

To satisfy this requirement, the owner or developer must provide written documentation.

iii. Association requirements.

- 1) If a homeowners' or property owners' association or master application is proposed, the developer must submit the articles of incorporation for the association and the declaration of protective covenants or deed restrictions, as well as a reference map if such is referred to in the documents. After these are approved, the developer must furnish the certificate of incorporation and the recording information (official book and page number) for the declaration.
- 2) If a condominium association is proposed, the developer must supply the articles of incorporation for the condominium association and the declaration of condominium. After the documents are approved by the City, including stormwater management plan, it will be necessary for the developer to forward a copy of the letter from the County Recorder's Office stating that the documents are proper for filing. The association, be it either a non-profit association or a condominium association, must comply with the applicable provisions of State law.
- 3) The association must have the following general powers which are reflected in the articles of incorporation:
 - a. Own and convey property.
 - b. Operate and maintain common property, specifically the surface water management system as permitted by the City, including all lakes, retention areas, culverts and related appurtenances.
 - c. Establish rules and regulations.
 - d. Assess members and enforce said assessments.
 - e. Sue and be sued.
 - f. Contract for services (if the association contemplates employing a maintenance company) to provide the services for operation and maintenance.
 - g. Have as members all the homeowners, lot owners, property owners or unit owners.

9.37 Floodplain Design Standards

A. Purpose

It is the purpose of these regulations to promote the public health, safety and general welfare, and to:

1. Protect human life and health;
2. Minimize expenditure of public money for costly flood control projects;
3. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
4. Minimize prolonged business interruptions;
5. Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazard;
6. Help maintain a stable tax base by providing for the proper use and development of areas of special flood hazard so as to protect property and minimize future flood blight areas;
7. Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions;
8. Minimize the impact of development on adjacent properties within and near flood prone areas;
9. Ensure that the flood storage and conveyance functions of the floodplain are maintained;
10. Minimize the impact of development on the natural, beneficial values of the floodplain;
11. Prevent floodplain uses that are either hazardous or environmentally incompatible; and
12. Meet community participation requirements of the National Flood Insurance Program.

B. Methods of Reducing Flood Loss

In order to accomplish its purposes, these regulations include methods and provisions for:

1. Restricting or prohibiting uses which are dangerous to health, safety, and property due to water hazards, or which result in damaging increases in flood heights or velocities;
2. Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
3. Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;
4. Controlling filling, grading, dredging, excavating, and other development which may increase flood damage; and,
5. Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas.

C. Lands to Which Regulations Apply

These regulations shall apply to all areas of special flood hazard within the jurisdiction of the City of Centerville as identified in Section 9.37, D, including any additional areas of special flood hazard annexed by the City of Centerville.

D. Basis for Establishing the Areas of Special Flood Hazard

For the purposes of these regulations, the following studies and/or maps are adopted:

1. Flood Insurance Study Montgomery County, Ohio and Incorporated Areas effective January 6, 2005.
2. Flood Insurance Rate Map Montgomery County, Ohio and Incorporated Areas effective January 6, 2005.
3. Flood Insurance Study Greene County, Ohio and Incorporated Areas effective March 17, 2011.
4. Flood Insurance Rate Map Greene County, Ohio and Incorporated Areas effective March 17, 2011.

5. Any hydrologic and hydraulic engineering analysis authored by a registered Professional Engineer in the State of Ohio which has been approved by the City of Centerville as required by Section 9.37, T, 3 Subdivisions and Large Scale Developments.
6. Any revisions to the aforementioned maps and/or studies are hereby adopted by reference and declared to be a part of these regulations. Such maps and/or studies are on file at the City of Centerville, Public Works Office.

E. Abrogation and Greater Restrictions

These regulations are not intended to repeal any existing ordinances including subdivision regulations, zoning or building codes. In the event of a conflict between these regulations and any other ordinance, the more restrictive shall be followed. These regulations shall not impair any deed restriction covenant or easement but the land subject to such interests shall also be governed by the regulations.

F. Interpretation

Where a provision of these regulations may be in conflict with a state or federal law, such state or federal law shall take precedence over these regulations.

G. Warning and Disclaimer of Liability

The degree of flood protection required by these regulations is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. These regulations do not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damage. These regulations shall not create liability on the part of the City of Centerville, any officer or employee thereof, or the Federal Emergency Management Agency (FEMA), for any flood damage that results from reliance on these regulations or any administrative decision lawfully made thereunder.

H. Designation of the Floodplain Administrator

The City Engineer is hereby appointed to administer and implement these regulations and is referred to herein as the Floodplain Administrator.

I. Duties and Responsibilities of the Floodplain Administrator

The duties and responsibilities of the Floodplain Administrator shall include but are not limited to:

1. Evaluate applications for permits to develop in special flood hazard areas.
2. Interpret floodplain boundaries and provide flood hazard and flood protection elevation information.
3. Issue permits to develop in special flood hazard areas when the provisions of these regulations have been met, or refuse to issue the same in the event of noncompliance.
4. Inspect buildings and lands to determine whether any violations of these regulations have been committed.
5. Make and permanently keep all records for public inspection necessary for the administration of these regulations including Flood Insurance Rate Maps, Letters of Map Amendment and Revision, records of issuance and denial of permits to develop in special flood hazard areas, determinations of whether development is in or out of special flood hazard areas for the purpose of issuing floodplain development permits, elevation certificates, variances, and records of enforcement actions taken for violations of these regulations.
6. Enforce the provisions of these regulations.
7. Provide information, testimony, or other evidence as needed during variance hearings.
8. Coordinate map maintenance activities and FEMA follow-up.
9. Conduct substantial damage determinations to determine whether existing structures, damaged from any source and in special flood hazard areas identified by FEMA, must meet the development standards of these regulations.

J. Floodplain Development Permits

It shall be unlawful for any person to begin construction or other development activity including but not limited to filling; grading; construction; alteration, remodeling, or expanding any structure; or alteration of any watercourse wholly within, partially within or in contact with any identified special flood hazard area, as established in Section 9.37, D until a floodplain development permit is obtained from the Floodplain Administrator. Such floodplain development permit shall show that the proposed development activity is in

conformity with the provisions of these regulations. No such permit shall be issued by the Floodplain Administrator until the requirements of these regulations have been met.

K. Application Required

An application for a floodplain development permit shall be required for all development activities located wholly within, partially within, or in contact with an identified special flood hazard area. Such application shall be made by the owner of the property or his or her authorized agent, herein referred to as the applicant, prior to the actual commencement of such construction on a form furnished for that purpose. Where it is unclear whether a development site is in a special flood hazard area, the Floodplain Administrator may require an application for a floodplain development permit to determine the development's location. Such applications shall include, but not be limited to:

1. Site plans drawn to scale showing the nature, location, dimensions, and topography of the area in question; the location of existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing.
2. Elevation of the existing, natural ground where structures are proposed.
3. Elevation of the lowest floor, including basement, of all proposed structures.
4. Such other material and information as may be requested by the Floodplain Administrator to determine conformance with, and provide enforcement of these regulations.
5. Technical analyses conducted by the appropriate design professional registered in the State of Ohio and submitted with an application for a floodplain development permit when applicable:
 - a. Floodproofing certification for non-residential floodproofed structure as required in Section 9.37, T, 5.
 - b. Certification that fully enclosed areas below the lowest floor of a structure not meeting the design requirements of Section 9.37, T, 5 are designed to automatically equalize hydrostatic flood forces.
 - c. Description of any watercourse alteration or relocation that the flood carrying capacity of the watercourse will not be diminished, and maintenance assurances as required in Section 9.37, T, 9.
 - d. A hydrologic and hydraulic analysis demonstrating that the cumulative effect of proposed development, when combined with all other existing and anticipated

development will not increase the water surface elevation of the base flood by more than one foot in special flood hazard areas where the Federal Emergency Management Agency has provided base flood elevations but no floodway as required by Section 9.37, T, 9, b.

- e. A hydrologic and hydraulic engineering analysis showing impact of any development on flood heights in an identified floodway as required by Section 9.37, T, 9, a.
- f. Generation of base flood elevation(s) for subdivision and large scale developments as required by Section 9.37, T, 3.

L. Review and Approval of a Floodplain Development Permits Application

1. Review

- a. After receipt of a complete application, the Floodplain Administrator shall review the application to ensure that the standards of these regulations have been met. No floodplain development permit application shall be reviewed until all information required in Section 9.37, K has been received by the Floodplain Administrator.
- b. The Floodplain Administrator shall review all floodplain development permit applications to assure that all necessary permits have been received from those federal, state or local governmental agencies from which prior approval is required. The applicant shall be responsible for obtaining such permits as required including permits issued by the U.S. Army Corps of Engineers under Section 10 of the Rivers and Harbors Act and Section 404 of the Clean Water Act, and the Ohio Environmental Protection Agency under Section 401 of the Clean Water Act.

2. Approval

Within 30 days after the receipt of a complete application, the Floodplain Administrator shall either approve or disapprove the application. If an application is approved, a floodplain development permit shall be issued. All floodplain development permits shall be conditional upon the commencement of work within 1 year. A floodplain development permit shall expire 1 year after issuance unless the permitted activity has commenced and is thereafter pursued to completion.

M. Inspections

The Floodplain Administrator shall make periodic inspections at appropriate times throughout the period of construction in order to monitor compliance with permit conditions.

N. Post-Construction Certifications Required

The following as-built certifications are required after a floodplain development permit has been issued:

1. For new or substantially improved residential structures, or nonresidential structures that have been elevated, the applicant shall have a Federal Emergency Management Agency Elevation Certificate completed by a registered surveyor to record as-built elevation data. For elevated structures in Zone A and Zone AO areas without a base flood elevation, the elevation certificate may be completed by the property owner or owner's representative.
2. For all development activities subject to the standards of Section 9.37, Q, a letter of map revision.

O. Revoking a Floodplain Development Permit

A floodplain development permit shall be revocable, if among other things, the actual development activity does not conform to the terms of the application and permit granted thereon. In the event of the revocation of a permit, an appeal may be taken as provided in Section 5.19, Appeal Procedure of this UDO.

P. Exemption from Filing a Development Permit

1. An application for a Zoning Certificate for a floodplain development shall not be required for:
 - a. Maintenance work such as roofing, painting, and basement sealing, or for small nonstructural development activities (except for filling and grading) valued at less than \$5,000.
 - b. Development activities in an existing or proposed manufactured home park that are under the authority of the Ohio Department of Health and subject to the flood damage reduction provisions of the Ohio Administrative Code Section 3701.
 - c. Major utility facilities permitted by the Ohio Power Siting Board under Ohio R.C. 4906.

- d. Hazardous waste disposal facilities permitted by the Hazardous Waste Siting Board under Ohio R.C. 3734.
 - e. Development activities undertaken by a federal agency and which are subject to Federal Executive Order 11988 - Floodplain Management.
2. Any activity exempted in Subsection 9.37 P 1 is also exempted from all requirements contained in Article 9.37, Floodplain Design Standards.

Q. Map Maintenance Activities

To meet National Flood Insurance Program minimum requirements to have flood data reviewed and approved by FEMA, and to ensure that City of Centerville flood maps, studies and other data identified in Section 9.37(D) accurately represent flooding conditions so appropriate floodplain management criteria are based on current data, the following map maintenance activities are identified:

1. Requirement to Submit New Technical Data.
 - a. For all development proposals that impact floodway delineations or base flood elevations, the community shall ensure that technical data reflecting such changes be submitted to FEMA within six months of the date such information becomes available. These development proposals include:
 - i. Floodway encroachments that increase or decrease base flood elevations or alter floodway boundaries;
 - ii. Fill sites to be used for the placement of proposed structures where the applicant desires to remove the site from the special flood hazard area;
 - iii. Alteration of watercourses that result in a relocation or elimination of the special flood hazard area, including the placement of culverts; and
 - iv. Subdivision or large scale development proposals requiring the establishment of base flood elevations in accordance with Section 9.37(T).
 - b. It is the responsibility of the applicant to have technical data, required in accordance with subsection (a) of this Section, prepared in a format required for a Conditional Letter of Map Revision or Letter of Map Revision, and submitted to FEMA. Submittal and processing fees for these map revisions shall be the responsibility of the applicant.

- c. The Floodplain Administrator shall require a Conditional Letter of Map Revision prior to the issuance of a floodplain development permit for:
 - i. Proposed floodway encroachments that increase the base flood elevation;
and
 - ii. Proposed development which increases the base flood elevation by more than one foot in areas where FEMA has provided base flood elevations but no floodway.
 - d. Floodplain development permits issued by the Floodplain Administrator shall be conditioned upon the applicant obtaining a Letter of Map Revision from FEMA for any development proposal subject to subsection (1)(a) of this Section.
2. Right to Submit New Technical Data. The Floodplain Administrator may request changes to any of the information shown on an effective map that does not impact floodplain or floodway delineations or base flood elevations, such as labeling or planimetric details. Such a submission shall include appropriate supporting documentation made in writing by the City Manager of the City of Centerville and may be submitted at any time.
 3. Annexation/Detachment. Upon occurrence, the Floodplain Administrator shall notify FEMA in writing whenever the boundaries of the City of Centerville have been modified by annexation or the community has assumed authority over an area, or no longer has authority to adopt and enforce floodplain management regulations for a particular area. In order that the City of Centerville's Flood Insurance Rate Map accurately represents the City of Centerville boundaries, include within such notification a copy of a map of the City of Centerville suitable for reproduction, clearly showing the new corporate limits or the new area for which the City of Centerville has assumed or relinquished floodplain management regulatory authority.

R. Data Use and Flood Map Interpretation

The following guidelines shall apply to the use and interpretation of maps and other data showing areas of special flood hazard:

1. In areas where FEMA has not identified special flood hazard areas, or in FEMA identified special flood hazard areas where base flood elevation and floodway data have not been identified, the Floodplain Administrator shall review and reasonably utilize any other flood hazard data available from a federal, state, or other source.
2. Base flood elevations and floodway boundaries produced on FEMA flood maps and studies shall take precedence over base flood elevations and floodway boundaries by

any other source that reflect a reduced floodway width and/or lower base flood elevations. Other sources of data, showing increased, base flood elevations and/or larger floodway areas than are shown on FEMA flood maps and studies, shall be reasonably used by the Floodplain Administrator.

3. When Preliminary Flood Insurance Rate Maps and / or Flood Insurance Study have been provided by FEMA:
 - a. Upon the issuance of a Letter of Final Determination by the FEMA, the preliminary flood hazard data shall be used and replace all previously existing flood hazard data provided from FEMA for the purposes of administering these regulations.
 - b. Prior to the issuance of a Letter of Final Determination by FEMA, the use of preliminary flood hazard data shall only be required where no base flood elevations and /or floodway areas exist or where the preliminary base flood elevations or floodway area exceed the base flood elevations and/or floodway widths in existing flood hazard data provided from FEMA. Such preliminary data may be subject to change and/or appeal to FEMA.
4. The Floodplain Administrator shall make interpretations, where needed, as to the exact location of the flood boundaries and areas of special flood hazard. A person contesting the determination of the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Section 5.19, Appeal Procedure of this UDO.
5. Where a map boundary showing an area of special flood hazard and field elevations disagree, the base flood elevations of flood protection elevations (as found on an elevation profile, floodway data table, established high water marks, etc.) shall prevail.

S. Substantial Damage Determinations

1. Damages to structures may result from a variety of causes including flood, tornado, wind, heavy snow, fire, etc. After such a damage event, the Floodplain Administrator shall:
 - a. Determine whether damaged structures are located in special flood hazard areas;
 - b. Conduct substantial damage determinations for damaged structures located in special flood hazard areas; and

- c. Make reasonable attempt to notify owners of substantially damaged structures of the need to obtain a floodplain development permit prior to repair, rehabilitation, or reconstruction.
2. Additionally, the Floodplain Administrator may implement other measures to assist with the substantial damage determination and subsequent repair process. These measures include issuing press releases, public service announcements, and other public information materials related to the flood plain development permits and repair of damaged structures; coordinating with other federal, state, and local agencies to assist with substantial damage determinations; providing owners of damaged structures materials and other information related to the proper repair of damaged structures in special flood hazard areas; and assist owners of substantially damaged structures with increased cost of compliance insurance claims.

T. Use and Development Standards for Flood Hazard Reduction

The following use and development standards apply to development wholly within, partially within, or in contact with any special flood hazard area as established in Section 9.37(D) or Section 9.37(R)(1).

1. Use regulations.
 - a. Permitted uses. All uses not otherwise prohibited in this section or any other applicable land use regulation adopted by the City of Centerville are allowed provided they meet the provisions of these regulations.
 - b. Prohibited uses.
 - i. Private water supply systems in all special flood hazard areas identified by FEMA, permitted under Ohio R.C. 3701.
 - ii. Infectious waste treatment facilities in all special flood hazard areas, permitted under Ohio R.C. 3734.
2. Water and wastewater systems

The following standards apply to all water supply, sanitary sewerage and waste disposal systems not otherwise regulated by the Ohio Revised Code:

- a. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

- b. New and replacement sanitary sewerage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the system into flood waters; and,
 - c. On-site waste disposal systems shall be located to avoid impairment to or contamination from them during flooding.
3. Subdivisions and large developments.
- a. All subdivision proposals shall be consistent with the need to minimize flood damage and are subject to all applicable standards in these regulations;
 - b. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;
 - c. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage; and
 - d. In all areas of special flood hazard where base flood elevation data are not available, the applicant shall provide a hydrologic and hydraulic engineering analysis that generates base flood elevations for all subdivision proposals and other proposed developments containing at least 50 lots or 5 acres, whichever is less.
 - e. The applicant shall meet the requirement to submit technical data to FEMA in Section 9.37, Q, 1, a, when a hydrologic and hydraulic analysis is completed that generates base flood elevations as required by subsection d above.
4. Residential structures.
- a. New construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. Where a structure, including its foundation members, is elevated on fill to or above the base flood elevation, the requirements for anchoring (this subsection a) and construction materials resistant to flood damage (subsection b below) are satisfied.
 - b. New construction and substantial improvements shall be constructed with methods and materials resistant to flood damage.

- c. New construction and substantial improvements shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or elevated so as to prevent water from entering or accumulating within the components during conditions of flooding.
- d. New construction and substantial improvement of any residential structure, including manufactured homes, shall have the lowest floor, including basement, elevated at least two feet above the highest adjacent natural grade.
- e. New construction and substantial improvements, including manufactured homes, that do not have basements and that are elevated to the flood protection elevation using pilings, columns, posts, or solid foundation perimeter walls with opening sufficient to allow unimpeded movement of flood waters may have an enclosure below the lowest floor provided the enclosure meets the following standards:
 - i. Be used only for the parking of vehicles, building access, or storage; and
 - ii. Be designed and certified by a registered professional engineer or architect to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of flood waters; or
 - iii. Have a minimum of two openings on different walls having a total net area not less than one square inch for every square foot of enclosed area, and the bottom of all such openings being no higher than one foot above grade. The openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of flood waters.
- f. Manufactured homes shall be affixed to a permanent foundation and anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors.
- g. Repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and is the minimum necessary to preserve the historic character and design of the structure, shall be exempt from the development standards of this Subsection g.

- d. They shall be firmly anchored to prevent flotation;
 - e. Service facilities such as electrical and heating equipment shall be elevated or floodproofed to or above the level of the flood protection elevation; and
 - f. They shall meet the opening requirements of Subsection 4,c above;
7. Recreational vehicles. Recreational vehicles must meet at least one of the following standards:
- a. They shall not be located on sites in special flood hazard areas for more than 180 days, or
 - b. They must be fully licensed and ready for highway use, or
 - c. They must meet all standards of Subsection 4 above.
8. Above ground gas or liquid storage tanks. All above ground gas or liquid storage tanks shall be anchored to prevent flotation or lateral movement resulting from hydrodynamic and hydrostatic loads.
9. Assurance of flood carrying capacity. Pursuant to the purpose and methods of reducing flood damage stated in these regulations, the following additional standards are adopted to assure that the reduction of the flood carrying capacity of watercourses is minimized:
- a. Development in floodways.
 - i. In floodway areas, development shall cause no increase in flood levels during the occurrence of the base flood discharge. Prior to issuance of a floodplain development permit, the applicant must submit a hydrologic and hydraulic analysis, conducted by a registered professional engineer, demonstrating that the proposed development would not result in any increase in the base flood elevation; or
 - ii. Development in floodway areas causing increases in the base flood elevation may be permitted provided all of the following are completed by the applicant:
 - 1) Meet the requirements to submit technical data in Section 9.37, Q,1;

- 2) An evaluation of alternatives which would not result in increased base flood elevations and an explanation why these alternatives are not feasible;
 - 3) Certification that no structures are located in areas which would be impacted by the increased base flood elevation;
 - 4) Documentation of individual legal notices to all impacted property owners within and outside the community, explaining the impact of the proposed action on their property; and
 - 5) Concurrence of the City Manager of the City of Centerville and the Chief Executive Officer of any other communities impacted by the proposed actions.
- b. Development in riverine areas with base flood elevations but no floodways.
- i. In riverine special flood hazard areas identified by FEMA where base flood elevation data are provided but no floodways have been designated, the cumulative effect of any proposed development, when combined with all other existing and anticipated development, shall not increase the base flood elevation more than one foot at any point. Prior to issuance of a floodplain development permit, the applicant must submit a hydrologic and hydraulic analysis, conducted by a registered professional engineer, demonstrating that this standard has been met; or,
 - ii. Development in riverine special flood hazard areas identified by FEMA where base flood elevation data are provided but no floodways have been designated causing more than one foot increase in the base flood elevation may be permitted provided all of the following are completed by the applicant:
 - 1) An evaluation of alternatives which would result in an increase of one foot or less of the base flood elevation and an explanation why these alternatives are not feasible;
 - 2) Subsection 9, a, 2 above, items a. and c. through e.
- c. Alterations of a watercourse. For the purpose of these regulations, a watercourse is altered when any change occurs within its banks. The extent of the banks shall be established by a field determination of the "bankfull stage." The field determination of "bankfull stage" shall be based on methods presented in Chapter 7 of the USDA Forest Service General Technical Report RM-245, Stream

Channel Reference Sites: An Illustrated Guide to Field Technique or other applicable publication available from a Federal, State, or other authoritative source. For all proposed developments that alter a watercourse, the following standards apply:

- i. The bankfull flood carrying capacity of the altered or relocated portion of the watercourse shall not be diminished. Prior to the issuance of a floodplain development permit, the applicant must submit a description of the extent to which any watercourse will be altered or relocated as a result of the proposed development, and certification by a registered professional engineer that the bankfull flood carrying capacity of the watercourse will not be diminished.
- ii. Adjacent communities, the U.S. Army Corps of Engineers, and the Ohio Department of Natural Resources, Division of Water, must be notified prior to any alteration or relocation of a watercourse. Evidence of such notification must be submitted to the Federal Emergency Management Agency.
- iii. The applicant shall be responsible for providing the necessary maintenance for the altered or relocated portion of said watercourse so that the flood carrying capacity will not be diminished. The Floodplain Administrator may require the permit holder to enter into an agreement with the City of Centerville specifying the maintenance responsibilities. If an agreement is required, it shall be made a condition of the floodplain development permit.
- iv. The applicant shall meet the requirements to submit technical data in Section 9.37, Q, 1, a, when an alteration of a watercourse results in the relocation or elimination of the special flood hazard area, including the placement of culverts.

U. Compliance Required

1. No structure or land shall hereafter be located, erected, constructed, reconstructed, repaired, extended, converted, enlarged or altered without full compliance with the terms of these regulations and all other applicable regulations which apply to uses within the jurisdiction of these regulations, unless specifically exempted from filing for a development permit as stated in Section 9.37, P.
2. Failure to obtain a floodplain development permit shall be a violation of these regulations and shall be punishable in accordance with Section 3.15 of this UDO.

3. Floodplain development permits issued on the basis of plans and applications approved by the Floodplain Administrator authorize only the use, and arrangement, set forth in such approved plans and applications or amendments thereto. Use, arrangement, or construction contrary to that authorized shall be deemed a violation of these regulations and punishable in accordance with Section 3.15 of this UDO.

V. Notice of Violation

Whenever the Floodplain Administrator determines that there has been a violation of any provision of these regulations, he or she shall give notice of such violation to the person responsible therefore and order compliance with these regulations as hereinafter provided. Such notice and order shall:

1. Be put in writing on an appropriate form;
2. Include a list of violations, referring to the section or sections of these regulations that have been violated, and order remedial action which, if taken, will effect compliance with the provisions of these regulations;
3. Specify a reasonable time for performance;
4. Advise the owner, operator, or occupant of the right to appeal;
5. Be served on the owner, occupant, or agent in person. However, this notice and order shall be deemed to be properly served upon the owner, occupant, or agent if a copy thereof is sent by registered or certified mail to the person's last known mailing address, residence, or place of business, and/or a copy is posted in a conspicuous place in or on the dwelling affected.

W. Variance Requirements

1. In addition to Section 5.17, Variance Procedure, the following factors shall be applied:
 - a. The danger that materials onto other lands to the injury of others.
 - b. The danger to life and property due to flooding or erosion damage.
 - c. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
 - d. The importance of the services provided by the proposed facility to the community.

- e. The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage.
 - f. The necessity to the facility of a waterfront location, where applicable.
 - g. The compatibility of the proposed use with existing and anticipated development.
 - h. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area.
 - i. The safety of access to the property in times of flood for ordinary and emergency vehicles.
 - j. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site.
 - k. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.
2. A determination that the granting of a variance will not result in increased flood heights beyond that which is allowed in these regulations; additional threats to public safety; extraordinary public expense, nuisances, fraud on or victimization of the public, or conflict with existing local laws.
 3. A determination that the structure or other development is protected by methods to minimize flood damages.

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PART 4: SUPPLEMENTAL STANDARDS

9.39 Accessory Buildings and Use Standards

A. Purpose

Accessory buildings or structures including a private garage may be erected upon a lot where a principal building already exists. The use of the accessory building must be secondary and incidental to the principal structure and use. An accessory building that is attached to the main building shall comply with all the requirements of these regulations that are applicable to the principal building.

B. Permit Required

A permit is required to be issued before an accessory building may be constructed or an accessory use may occur on a parcel or in a building (See Article 5, Development Procedures). A major accessory building or use shall be approved by Planning Commission and a minor accessory building or use shall be approved by the City Planner.

C. General Provisions (*Ord. 17-14, 17-16, 7-18*)

The following general provisions shall apply to all accessory buildings or structures:

1. No accessory building or structure having a permanent foundation shall be located in a recorded easement;
2. No accessory building shall be erected in any front yard or the required minimum side yard of a lot;
3. An accessory building or structure shall have a minimum rear yard setback of 5 feet from any lot line;
4. No accessory building or structure shall be erected or constructed prior to the erection or construction of the principal or main building, except in conjunction with the same;
5. The maximum building height of an accessory building or structure for a single-family, two-family or three-family residential use shall be 12 feet. However, the Planning Commission may approve an increase of building height not to exceed 16 feet in height or the height of the principal building whichever is less as part of a Major Accessory Building in accordance with Article 5.09 B of this UDO;
6. The maximum building height of an accessory building or structure for a multi-family or non-residential use shall not exceed 18 feet in height or the height of the principal building whichever is less;

7. The gross floor area of all accessory buildings and structures on a single-family or two-family residential premises shall be a maximum of 750 square feet or occupy no more than 20 percent of the rear yard, whichever is less;
8. Accessory buildings or structures located on all residential premises shall be consistent with the following:
 - a. For accessory buildings or structures of 200 square feet or less, the structure shall consist of a finished pitched roof surface of standing seam metal, seal-tab asphalt shingles, clay tile, slate or wood shingles and shall include other finish surfaces of wood, brick, stone, vinyl, or any combination thereof.
 - b. For accessory buildings or structures greater than 200 square feet, the structure shall be architecturally consistent with the character of the house on the premises including roof material, roof pitch, and façade material and color.
9. There shall be no more than 1 detached private garage per single-family, two-family or three-family dwelling unit;
10. Single-Family Residences: There shall be no more than 1 accessory building used for incidental storage by the property owner or occupant;
11. Two or Three-Family Residential Uses: there shall be no more than 1 accessory building used for incidental storage by the property owner or occupant per dwelling unit;
12. Multi-Family Residential Uses: See Article 5.09.
13. Non-Residential Uses: See Article 5.09.
14. An Accessory Building shall provide a minimum separation to any other building in accordance with applicable Building Code Regulations.
15. A driveway, in accordance with Section 9.29 of the UDO shall be required for any private garage;
16. An Open-Sided Structure including a Gazebo or a Trellis shall meet the minimum standards stated in Section 9.39 C. above and the gross floor area shall not exceed 4 percent of the rear yard, or 200 square feet whichever is less;
17. Portable Storage Units: A portable storage unit may be permitted on a premises subject to the following:
 - a. A maximum of 1 portable storage unit per dwelling unit.

- b. A portable storage unit is intended to be used only for temporary storage. It is not intended to be used for long-term on-site storage and any such use in any zoning district is expressly prohibited.
 - c. The outside dimensions shall not exceed 16 feet in length, 8 feet in width, and 9 feet in height.
 - d. The unit must be placed on a paved surface in accordance with the Section 9.29 of the UDO.
 - e. A portable storage unit may be placed in conjunction with a residential dwelling unit for a period of time not to exceed 14 consecutive days in duration from the time of delivery to the time of removal, up to a maximum of 2 times per calendar year.
 - f. A portable storage unit may be placed on a non-residential zoned premises provided:
 - 1) It is located for a period of time not to exceed 30 consecutive days in duration from the time of delivery to the time of removal, up to a maximum of 2 times per calendar year; and
 - 2) The unit is located in a manner which does not hinder pedestrian or vehicular access to the premises and does not obstruct intersection sight distance.
 - g. In emergency situations, the City Planner may extend the length of time a portable storage unit can be located on a site.
18. The City Planner is authorized to grant temporary exceptions to or modifications of this Section in special circumstances where a necessity exists for the use of a temporary building, structure or vehicle. Such special circumstances may include, but are not limited to, the location of a field office required for a construction project. Such permission shall be limited to the time during which the use of such temporary building, structure or vehicle is reasonably necessary for the project for which such exception was granted.

D. Private Swimming Pools and Hot Tubs

- 1. Location, Area and Height:
 - a. A swimming pool or a hot tub shall be located within a rear or side yard and completely covered when not in use. In the event a proposed hot tub has more than 150 square feet of area on the water surface when filled to capacity, all regulations for swimming pools shall apply; (*Ord. 17-16*)
 - b. Any swimming pool or part thereof shall be setback a minimum of 10 feet to a side or rear lot line and outside of any required easement.

- c. A swimming pool shall not be located underneath or in close proximity to an overhanging electric power line.
 - d. Swimming pool accessories are limited to diving boards, slides and lights designed to illuminate the pool and the immediate surrounding area. None of these accessories may exceed 10 feet in height, such height to include handrails, supports and other safety devices.
2. Fencing of Swimming Pools:
- a. A swimming pool having a depth that exceeds 24 inches shall be completely enclosed by a fence of sturdy construction not less than 60 inches in height, measured from the level of the ground where located and be of such design and construction as to effectually prevent a child from crawling or otherwise passing through or under such fence.
 - b. Any gate shall be self locking and secured when not in use.
 - c. Any fence shall comply with all other provisions of this UDO.
3. Lights: All lights used for illuminating a swimming pool, hot tub or surrounding area shall be so designed, located and installed as to confine the direct beams thereof to the lot or parcel on which the pool is located.
4. Application of Requirements: All provisions of this UDO shall apply to private or non-commercial swimming pools and hot tubs.
5. Permits: All permits shall be obtained for the construction or installation of any swimming pool in accordance with the provisions of this UDO.
- E. Fences, Walls, and Ornamental Features (*Ord. 17-13*)
1. General Requirements
- a. The height of a fence or wall shall be measured from the ground level of the outward face to the highest part of the fence or wall.
 - b. A fence or wall that is supported by posts on the side of the fence shall be erected so that exposed posts and supporting cross-elements face into the property where the fence or wall is constructed and the finished surface outward to adjoining parcels, lots or public right-of-way. This Section shall not apply if the fence is the same on both sides such as split rail fences or ornamental iron fences.

- c. **Intersection Clearance:** On a corner lot the intersection clearance zone is an area between the curb line or edge of pavement of the 2 intersecting streets and a diagonal line connecting the curb or edge of pavement of intersecting streets at a point 30 feet from their point of intersection. In this intersection clearance zone, no fence/wall, ornamental feature, snow fence, mound or hedge shall exceed 32 inches in height above the grade of the edges of the pavement or street gutter except as permitted below.
 - d. In an intersection clearance zone a plant or tree not exceeding two feet in diameter at a point 32 inches above the grade of the edges of the pavement or street gutter and whose foliage is kept trimmed to such diameter up to at least 7 feet above the grade, shall be permitted.
 - e. **Construction on Mound:** Where a fence, wall, or ornamental feature is constructed on a mound, the permissible height of the fence, wall, or ornamental feature shall be reduced by the height of such mound or raised surface.
 - f. **Safety:**
 - i. A fence or wall having wire or metal barbs, prongs, spikes, cutting points or edges of any kind or any fence that is charged with electric current, shall be prohibited. Picket fences shall have points blunted. Agricultural Uses shall be exempt from this provision.
 - ii. No person shall install or cause to be installed along or adjacent to the boundary line of the front yard of any lot or parcel of ground in this City, any barrier composed of one or more strands of wire, rope, cord, plastic or other type of line, stretched between stakes, poles, trees or other supports, located as above described. However, a temporary barrier of such type, so constructed or marked as to be readily visible, may be installed to prevent damage to a newly planted lawn, or other new planting or new driveway/sidewalk. The temporary barrier is to be maintained only for such length of time as is reasonable necessary.
2. **Types of Fences or Walls**
- a. A fence or wall shall be constructed using traditional or natural materials such as wood, brick, stone, wrought iron, chain link or other similar material unless specifically prohibited elsewhere in this Ordinance. Additionally, vinyl, PVC or other similar plastic may be used for any privacy, picket or post and rail fence and poured concrete may be used for any post and rail fence.
 - b. The use of poured concrete, concrete masonry unit, metal panel, corrugated metal, rebar, or other similar product where the surface of such material is exposed and visible from

any direction, shall be prohibited unless specifically permitted elsewhere in this Ordinance.

3. Location of Fences or Walls

- a. A fence having a height of 42 inches or less may be located in any yard. Fence posts may exceed this height of the fence by 6 inches.
- b. Chain link, open wire mesh, solid board privacy fence or any wall shall be prohibited in a front yard.
- c. A fence or wall having a maximum height of 7 feet may be located in any rear or side yard.
- d. A fence enclosing a tennis court may have a maximum height of 12 feet provided any part of a tennis court fence above 7 feet high must be constructed of an open material that minimally obstructs vision.
- e. A fence or wall shall not project into a public right-of-way.

4. Ornamental Features:

- a. Ornamental features including retaining walls or short sections of walls or fences that are primarily of a decorative rather than an enclosing nature may be located in any yard.
- b. Ornamental features placed in the front yard shall not exceed 42 inches or less in height and 20 feet in length and are subject to the intersection clearance requirements.

5. Mounds

- a. Mound: The grading and drainage of mounds shall follow the requirements of Section 9.35, Stormwater Drainage Standards.
- b. No mound exceeding 32 inches in height shall be erected in the intersection clearance zone on corner lots as defined in 9.31, C, 9.

6. Decks (*Ord. 7-18*)

- a. A deck is permitted in the side or rear yard of a premises.
- b. A deck shall be setback a minimum of 5 feet from the side and rear property lines and not occupy any part of a recorded easement.

F. Home Sales

1. Home Sale: Means a sale of personal property to the general public conducted in or on any property within a residential zoning district, to include, without limitation, garage sales, patio sales, yard sales, porch sales, driveway sales, motor vehicle sales, and the sale of boats, trailers, motorcycles, motor homes and the like.
2. Prohibitions: No person shall sell or offer for sale at such home sale any merchandise that has been purchased, consigned or otherwise acquired for purposes of resale. The offering of new merchandise for sale shall be evidence that such merchandise was acquired by the resident for purpose of resale. No person shall sell or offer at such sale any personal property except such as has been owned and maintained by such person or members of his family on or in connection with the premises on which such sale is held.
3. Frequency and Duration of Garage/Yard Sales: Only one such sale may be conducted on any parcel of once per quarter of a calendar year for a maximum of three consecutive days. No sale may commence before the hour of 8:00 a.m. or extend later than 8:00 p.m. This subsection shall not apply to the sale of motor vehicles, boats, trailers, motorcycles or motor homes.

G. Sale of Motor Vehicles, Boats, Trailers, Motorcycles and Motor Homes

The following provisions shall apply in the case of any motor vehicle, boat, trailer, motorcycle or motor home offered for sale:

1. Such vehicles may be displayed for sale only upon a private driveway provided that the vehicle is not parked in the City's right-of-way. Only one such item may be displayed at any time;
2. No person shall park or leave standing the above named vehicles upon any property not owned or controlled by such person for the principal purpose of advertising or displaying it for sale;

H. Parking of Motor Vehicles

Refer to Section 9.29, B, Off-Street Parking Standards of the UDO.

I. Beekeeping

The following provisions shall apply to the keeping of bees in the City:

1. Beekeeping is considered to be an Agricultural Use by this Ordinance.

2. All beekeepers shall register and maintain their hives as set forth in Chapter 909 “Apiaries” of the Ohio Revised Code.
3. A minimum lot size of 5 acres is required.
4. There shall be no more than 4 hives established on any lot used for beekeeping. A maximum of 2 additional temporary hives are permitted for the purpose of hive separation or new swarm establishment. Such temporary hives shall be removed from the property within 2 weeks.
5. Hives shall be located in the rear yard of a property, no closer than 30 feet from any abutting property line.
6. A fresh water source shall be maintained within 15 feet of the hive(s).
7. A flyway barrier 6 feet in height shall be established and maintained adjacent to the hives. The barrier shall consist of fencing, dense vegetation or combination thereof. Colonies situated 10 or more feet above the grade of the nearest property line would be exempt from this provision.
8. The owner of the hive(s) must be a resident in a dwelling located on the same lot on which the hive(s) are registered. Hives are only permitted on lots occupied with a single-family residential use.
9. The maintenance of each colony shall meet the following conditions:
 - Colonies shall be maintained in readily moveable hive frames.
 - Each hive must conspicuously display the Apiary Identification Number assigned pursuant to Chapter 909 of the Ohio Revised Code on no less than the base and the box. The identification number shall be on the side that is visible without moving or lifting said hive.
 - Adequate space shall be maintained in the hive to prevent overcrowding and swarming.
 - Colonies shall be re-queened following any swarming or aggressive behavior or seized and destroyed without remuneration.
10. Beekeeping privileges may be revoked from any property by written notification to the property owner by the City of Centerville. Revocation must be done with cause, however, the cause needs not to be the fault of the beekeeper, nor be a factor that is under control of the beekeeper. The City may revoke approval of the Zoning Certificate for any condition or combination of circumstances that jeopardize, endanger, or otherwise constitutes harm to the public health and safety. Any permit approval may be revoked by the City due to a failure to satisfy any of the requirements of this ordinance. A harm to public health may include, but is not limited to:

- a. Written documentation signed by a medical doctor certifying that a medical condition caused by beestings to a resident of an abutting property had occurred.
 - b. Abnormally aggressive behavior by bees defending their hive beyond the property lines.
 11. Any applicant may appeal a revocation of approval in accordance with Section 5.19, Appeal Procedure of the UDO.
- J. Flagpoles. (*Ord. 17-16*)
1. An Accessory Structure Permit from the Planning Department is required prior to construction. A flagpole may also be approved as part of a Major or Minor Site Plan review.
 2. Maximum Height: 30 feet.
 3. Permitted Materials: Steel, aluminum, or fiberglass.
 4. May be located within any yard.
 5. Shall be setback a distance equivalent to the height of the flagpole from all property lines.
 6. There shall be no more than one (1) flagpole per single-family or duplex residential use, and no more than three (3) flagpoles for all other uses.
 7. Refer to Article 9.51(D) for flag standards.
- K. Playhouses. (*Ord. 17-16*)
1. A zoning permit is not required.
 2. Shall be located within a side or rear yard.
 3. Shall not exceed 100 square feet in floor area or 12 feet in height. If constructed within a tree, the height shall be measured from ground level at the base of the tree.
 4. Shall be setback from all property lines a distance equivalent to the height of the playhouse.
 5. Shall be constructed of durable materials and kept in good condition in accordance with the Centerville Property Maintenance Code.
- L. Outdoor Display or Storage of Materials, Goods, Supplies, or Equipment. (*Ord. 7-18*)
1. Shall be limited to the following areas:
 - a. Immediately adjacent to the principal building if located in the front yard; or

- b. No closer to the property line than the minimum required setback for parking or paving if located in the side or rear yard.
2. Shall not reduce the available parking to a quantity below the minimum parking requirement.
3. Shall consist of materials, goods, supplies, or equipment customarily associated with the principal use on the subject property.
4. Shall be kept in a neat and orderly manner so as not to create a nuisance or hazard.

9.41 Antennae

A. Purpose

This Section is intended to comply with federal law, policies and guidelines. This Section is also intended to comply with federal policies and guidelines in that it does not differentiate among types of antennae. This Section is also intended to comply with the policies and guidelines and of state and federal laws including the Federal Telecommunications Act of 1996 in that it does not intend to impair the installation, maintenance, or use of antennae. However, this section is intended to preserve the city’s right to reasonably restrict placement of antennae in order to preserve historic districts, including without limitations the consideration of aesthetic issues other than historic considerations such as the relative height of structures and trees, views, preservation of residential areas, property value.

This section is also intended to comply with state and federal law to the degree permitted and intended to comply with the Secretary of the Interior’s Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings, which recommends against:

“Introducing new construction onto the building site that is visually incompatible in terms of size, scale, design, materials, color and texture or which destroys historic relationships on the site.” According to Federal Regulation 36 CFR 800.5 (a) (1), the installation of an antenna is considered to alter, either directly or indirectly, any of the characteristics of a historic property for inclusion in the National Register in a manner that would diminish the integrity of the property’s location, design, setting, materials, workmanship, feelings, or association, diminishing the integrity of the property’s historic features.

B. Public Health, Safety and Welfare Objectives

The City Council intends to protect the public health, safety and welfare of the citizens of the City from potential hazards and damage to property values and/or community character associated with the installation and maintenance of antennae within the City. Of particular concern is the preservation of the character of the Architectural Preservation District (APD) or a landmark property. The restrictions and standards herein are intended to assure that all antennae

installations are adequately constructed and located so as to minimize potential detrimental effects associated with such installations.

1. Antennae shall be permitted as follows subject to the other requirements herein, including the requirements for structures located in the APD or on a landmark property:
 - a. One (1) private non-commercial antenna, including satellite receiving dishes of one meter or less and antennae designed to receive television broadcast signals, shall be permitted for each dwelling unit in all Districts.
 - b. One private non-commercial antenna serving a specific structure type, whether reception or transmission, is permitted per multiple-family building.
 - c. Two private non-commercial antenna serving a specific structure type, whether reception or transmission, is permitted per commercial use, whether freestanding or part of a multi-use building.
 - d. Antennae for the purpose of receiving RF signals and for amateur or “ham radio” transmitting are permitted in all districts.
2. Any antenna which does not fit into the above antennae types shall require a Conditional Use Permit.

C. Size and Location Restrictions

1. All antennae shall be attached to the principle structure unless there is no practical placement location as determined by the City Planner.
2. Satellite dishes less than 1 meter in diameter and television broadcast antennae are exempt from a permit but have locational regulations:
 - a. Mounted to a principle structure: each antenna shall be located on that portion of a hip, gable, or gambrel roof which does not face a public street and shall be mounted behind the highest roof peak on the main structure. On flat roofs an antenna shall be located in a way so as to minimize its visibility from other properties. If affixed to the structure of buildings within the historic district, antennae and dishes must be installed to avoid damage, such that if the antenna is removed, it shall not have permanently altered the structure. When affixed to a masonry structure, antennae must be attached to the mortar joints, not to the face of the stone or brick.
 - b. Free-standing mounted in the ground: location is limited to the side or rear yard only and the maximum length or diameter of any television broadcast antenna, exclusive of structural supports, shall not exceed 10 feet.

3. Antennae Anchored to Principal Structure

- a. All antennae shall be attached to the principle structure unless there is no practical placement location as determined by the City Planner. The following regulations shall apply to all antennae which are affixed to the main structure except as provided above on any parcel, including but not limited to roof mounted antennae and towers which are mounted in the ground and affixed to the main structure for support. Antennae mounted on or affixed to detached garages and other accessory structures are not permitted in the City of Centerville.
- b. Dimension: The maximum length or diameter of any television broadcast antenna, exclusive of structural supports, shall not exceed 10 feet.
- c. Mounting: Each antenna shall be located on that portion of a hip, gable, or gambrel roof which does not face a public street and shall be mounted behind the highest roof peak on the main structure. On flat roofs an antenna shall be located in a way so as to minimize its visibility from other properties. If affixed to the structure of buildings within the historic district, antennae and dishes must be installed to avoid damage, such that if the antenna is removed, it shall not have permanently altered the structure. When affixed to a masonry structure, antennae must be attached to the mortar joints, not to the face of the stone or brick.
- d. No antennae including structural supports shall exceed 10 feet above a roof line.

4. Free Standing Antennae

- a. The City Planner shall determine whether a free-standing antenna is a suitable alternative to being mounted or anchored to the principle structure. The City Planner must consider other practical locations mounted or anchored to the principle structure before considering a free-standing location.
- b. The following regulations shall apply to all free standing antennae, which are those antennae mounted in the ground, with or without guy wires.
 - i. Freestanding antennae shall be constructed only in the rear yard between the side yard setbacks and no closer than 10 feet to any property line.
 - ii. Free standing antennae which are transmitting and/or receiving antennae shall not be higher than 10 feet above the roof line of the main structure.
 - iii. Free standing antennae, capable of receiving transmissions only shall not exceed 10 square feet in area.

D. Aesthetic and Screening Requirements

1. All free standing antennae shall be substantially screened by evergreen trees or shrubbery of at least the height of the unit, such screening may be open on 1 side to facilitate reception.
2. The applicant shall demonstrate that the proposed location is such that during all seasons, no part of any ground mounted antennae structure will be visible to the neighbors and the general public from a point that is between the ground level and 6 feet above ground level on surrounding property. This provision is satisfied by the installation of evergreen plantings, which shall screen the antennae at the time of installation.
3. Antennae shall be of a color compatible with the surrounding landscape and structures, provided such antennae above the roof line may be of the natural color of the antennae structure.

E. Structural Safety Requirements

The following structural safety requirements shall be applied to all antenna installations. The Building Department shall review antenna applications as required by the Building Code for conformance to these requirements.

1. If guy wires are used, they shall be sufficiently visible to prevent accident or injury to any person.
2. Every antenna shall be constructed in accordance with the Building Code of the City, as amended, including the electrical provisions thereof and shall also comply with specifications of the manufacturer.

F. Permit Required Application Requirements

All antennae, except for satellite receiving dishes of one meter or less and antennae designed to receive television broadcast and signals, shall be considered accessory structures and may only be installed upon obtaining a building permit from the Building Department, if necessary, and a code compliance check from the City Planner.

For all antennae other than a satellite receiving dish of one meter or less and antenna designed to receive television broadcast signals; the applicant must provide:

1. A plot plan showing proposed location and dish projection at extremes of the satellite band to be viewed.
2. Landscape plan showing existing and proposed vegetation for completely screening the installation from the neighboring and street view.

3. A description of the use and purpose of the antenna, including whether it is receive-only, transmitting-only, or both.

G. Impairment of Reception, Line of Sight and Technical Problems

1. The above regulations are not intended to impair the reception of an acceptable quality signal for satellite viewing dishes of one meter or less and an alternative location or landscape plan shall be permitted when it is shown that they would result in such impairment.
2. The City Planner may consider alternate locations for an antenna which does not comply with this UDO, provided that the applicant has proven that such antenna will be entirely inoperable otherwise for any useful purpose, for reasons of “line of sight” or other technical reasons, or for reasons set forth in federal law or regulations.

9.43 Home Occupations

A. Purpose

It is the purpose of these regulations to ensure that a home occupation is so located and conducted that the average neighbor would not be aware of its existence. The standards for a home occupation are intended to ensure its compatibility with the residential character of the neighborhood.

B. Home Occupation Standards

1. A home occupation is a business conducted by the residents living on the premises. At any 1 time there may be present on the premises no more than 1 nonresident of the premises who is an employee, partner or contract worker of the home occupation.
2. A home occupation shall be carried on wholly within the dwelling unit. No home occupation or any storage of goods, materials, or products connected with a home occupation shall be permitted in any accessory building, detached garage or any vehicle including a recreational vehicle.
3. A home occupation shall be incidental to the use of a dwelling unit for residential purposes.
 - a. No more than 25% of the total floor area or more than 500 square feet of the dwelling unit, whichever is less, may be used in connection with a home occupation.
 - b. A home occupation may only be established on that portion of a dwelling unit finished into habitable living area. The uninhabitable areas of a dwelling unit including unfinished basements, attics, and attached garages may only be used to store incidental items related to the home occupation not to exceed 50 square feet of the total floor area.

4. There shall be no entrance or exit way specifically provided in the dwelling unit or on the premises for the conduct of a home occupation.
5. A home occupation shall not change the outside appearance of the dwelling unit or be visible from the street.
6. No traffic shall be generated by a home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by a home occupation shall be met off the street.
7. Deliveries and shipping from a vehicle having a cargo area greater than 22 feet in length or having dual rear axles are prohibited.
8. In no case shall a home occupation be open to the general public at times earlier than 8:00 a.m. or later than 6:00 p.m. Beyond these hours during which the home occupation may be open to the general public, the operator of the home occupation may schedule appointments with clients or customers, but no more than 2 clients or customers per hour. An exception to this requirement is for Direct Sale of Consumer Products or Service where parties for the purpose of taking orders or selling merchandise shall not be held more often than 6 times per year.
9. A home occupation shall produce no heat, sound, vibration, light, glare, dust, odor, smoke, or fumes detectable to normal sensory perception by a person located off the premises or beyond the walls of the dwelling unit if the dwelling unit is a part of a multi-family building.
10. A home occupation shall not create a hazard to person or property, result in electrical interference to nearby neighborhood machinery or equipment, or become a nuisance. Storage of any hazardous or toxic materials in quantities that could have a potentially significant environmental impact on the property or on the surrounding community is prohibited.
11. A home occupation shall not cause an increase in the use of any 1 or more utilities (such as, but not limited to water, sewer, electricity, or waste collection) so that the total use does not exceed the average for a residence in the neighborhood.
12. No outdoor display or storage of materials, goods, supplies, or equipment shall be allowed.
13. The following uses are examples of permitted home occupations provided they do not violate any provisions of this Ordinance:
 - a. Artistic endeavors including painting, sculpting, writing or composing;
 - b. Computer programming, data processing, software design, web site design or word processing;

- c. Direct sale of consumer products or service;
 - d. Dressmaking, sewing, or tailoring;
 - e. Family Day Care, Type B;
 - f. Home cooking, baking, food preparation, exclusive of a catering service;
 - g. Home crafts such as rug weaving, lapidary work, or ceramics with kiln up to 6 cubic feet in size maximum;
 - h. Home office; and
 - i. Tutoring, including music instruction shall be limited to a maximum of 2 persons receiving instruction at any 1 time.
- C. Prohibited Home Occupations: Refer to Section 7.01, B, 2 of the UDO.

9.45 Landmarks

A. Purpose

The City of Centerville recognizes that certain houses, buildings, structures, areas and places throughout the community possess a character, interest or value as part of the development, heritage or cultural characteristics of the City, the State or the United States. The conservation and designation of such houses, buildings, structures, areas or places as landmarks will benefit all citizens of the City. Such landmarks will help preserve the historical, cultural and social environment that is reflective of the quality of life that citizens of the City have enjoyed since 1796.

B. Identification, review, and designation of individual landmarks.

1. The Board of Architectural Review (BAR) is empowered to nominate to the Council any area, place, building or structure within the City as a landmark.
2. In considering the designation of any area, place, building or structure in the City as a landmark, the BAR shall apply the following criteria with respect to such property:
 - a. Its character, interest or value as part of the development, heritage or cultural characteristics of the City, the State or the United States;
 - b. Its location as a site of significant historic interest;

- c. Its identification with a person who significantly contributed to the culture and development of the City;
 - d. Its exemplification of the cultural, economic, social or historic heritage of the City;
 - e. Its portrayal of the environment of a group of people in an era of history characterized by a distinctive architectural style;
 - f. Its embodiment of distinguishing characteristics of an architectural type or specimen;
 - g. Its identification as the work of an architect or builder whose individual work has influenced the development of the City;
 - h. Its embodiment of elements of architectural design, detail, materials or craftsmanship which represent a significant architectural innovation
 - i. Its unique location or singular physical characteristic representing an established and familiar visual feature of a neighborhood or the City.
 - j. If the landmark designation pertains to a large property, then the landmark designation shall be limited, to the extent possible, to the portion of the property of greatest landmark significance.
3. The BAR shall notify the local historic review agencies of a proposed designation.
 4. The BAR shall notify the Planning Commission of the proposed landmark designation. The Planning Commission shall provide a recommendation to the BAR based upon the following:
 - a. The relationship of the proposed designation to the Comprehensive Development Plan of the City;
 - b. The effect of the proposed designation upon the surrounding neighborhood; and
 - c. Any other planning consideration, which may be relevant to the proposed designation.
 - d. The Planning Commission may recommend approval, approval with modifications, or rejection, of the proposed designation.
 5. The BAR shall hold a public hearing on the proposed designation and shall give due consideration to the findings of fact and the recommendation of the Planning Commission. Upon its conclusion, the BAR may recommend to the Council approval, denial, or approval with modifications, of a proposed designation.

6. The Council shall give due consideration to the findings of fact of the BAR and the recommendation of the Planning Commission. The Council shall hold a public hearing and, upon its conclusion, the Council may designate by ordinance the area, place, building or structure as a landmark.
7. The City shall file a recorded affidavit with the County Recorder on the property title and add a designation on the City Zoning Map for each landmark property in an attempt to improve notice to a future purchaser of a landmark designated property. Failure of the City to file the above affidavit or to make a notation on the Zoning Map shall not invalidate any landmark designation by the City.

C. Procedure to designate or rescind landmark status.

1. Any person may apply to the City to designate a landmark in the City or to rescind any landmark status already designated under this chapter.
2. No such application shall become effective unless the application shall first be submitted to the Board of Architectural Review (BAR) in such manner and following the procedures prescribed by the BAR.
3. The BAR shall hold a public hearing in accordance with the public hearing provisions contained in this UDO.
4. The BAR shall, within 65 days after the public hearing, recommend the approval or denial of the application to the Council. The BAR shall submit its recommendation in ordinance form to the Council.
5. Regardless of the decision of the BAR on an application, the Council shall hold a public hearing on said application and render a decision.
6. The Council shall introduce the application in ordinance form at a regular or special Council meeting in accordance with the provisions of the City Charter.
7. During the thirty-day period preceding the public hearing of Council, a copy of the text of the proposed ordinance together with the maps, plans, or reports pertaining to or a part of the ordinance shall be on file for public examination in the office of the Clerk of Council.
8. Notwithstanding any provision of this chapter, the Council may rescind the designation of any area, place, building or structure as a landmark by ordinance in accordance with the procedures set forth in this section.

D. Renovation, Rehabilitation, Remodeling, Addition, Alteration, Development or Construction of Landmarks

1. An area, place, building or structure designated as a landmark property under the provisions of this chapter shall be subject to the regulations and procedures imposed by this chapter.
2. All regulations of the zoning district in which a designated landmark is located, as set forth in the UDO, shall remain in full effect unless specifically modified by this chapter.
3. The renovation, rehabilitation, remodeling, addition, alteration, development or construction of a building or structure designated as a landmark shall be in accordance with the requirements contained in Section 9.53, D, Architectural Preservation District, of this UDO. Specifically those requirements that pertain to the shape, design, dimensions, roof, walls, wall openings and exterior colors of a building or structure.
4. To the extent possible, all architectural features of a historic building or structure shall be preserved.
5. No architectural feature shall be masked, interrupted, covered or concealed in any way.
6. Any architectural feature of a building or structure that is broken, rotted, or otherwise worn-out, shall be repaired or replaced with a similar feature to preserve the architectural integrity of the building or structure.

E. Interior of buildings.

1. The interior of a building designated as a landmark shall not be regulated by any provisions of this chapter.

F. Demolition or moving of a designated landmark.

An application to demolish or move a designated landmark shall be in accordance to the requirements contained in the Architectural Preservation District Section 9.53, D, of the UDO.

1. The Board of Architectural Review shall hold a public hearing on any application to demolish or move a designated landmark.
2. Demolition or moving of a building that is a potential landmark.
 - a. An application to demolish or move any building in the City shall require a review by the City Planning Department to determine if the building has potential landmark designation status. The decision of the City Planning Department on the potential landmark status of a building is final and not subject to appeal.

- b. If the Planning Department determines that the building has potential landmark designation status, then the City shall have a maximum of 120 days from the date of the filing of the application to demolish or move the building to consider the designation of the building as a landmark in accordance with the procedures of this chapter. No permit shall be issued to demolish or move a potential landmark designated building until the City has determined if the building is a landmark or the maximum time period for consideration of landmark status has expired.

G. Donation of Significant Landmark Related Building Materials to City

A property owner may by choice donate and the City may by choice accept the donation of significant landmark related building materials. The City shall store, as long as it deems practical, any such donated materials at City cost.

1. A person may request for a specific use any landmark related materials donated to the City. If the City grants the request, then the materials will be made available at no cost to the person requesting the materials. In reviewing requests for donated materials, the City shall consider the potential of the request for advancing the purposes of this chapter. A person receiving donated material from the City must use that material as specified in his or her request to the City. If the person is unable to use any material donated by the City in the manner specified in his or her request, then the material must be returned at no cost to the City.

H. Maintenance of Landmark Structures

1. The owner of a designated landmark structure, whether occupied, vacant or uninhabited, shall provide sufficient maintenance and upkeep for such structure to ensure its perpetuation and to prevent its destruction by deterioration.
2. Any provision for maintenance contained in this chapter shall be in addition to all other applicable provisions of the Building and Housing Code and other pertinent codes or ordinances.
3. The Board of Architectural Review, on its own initiative, may file a petition with the Director of Development or his or her appointed designee requesting that the City proceed to take action against any property owner who, in the opinion of the BAR, is in violation of any maintenance requirement of this chapter.

I. Limit on Re-Hearing the Same Application

The Board of Architectural Review or the Council shall not be required to hear or act upon any application which has been the subject of an application within the previous 2 years, unless the application has been modified at the request of the approving authority.

9.47 Parklands

A. Findings and Statement of Policy

1. Findings

It is found and determined that the public health, safety, convenience, comfort, prosperity and general welfare require that at least seventeen acres of property for each 1,000 persons residing within the planning jurisdiction, as defined in this chapter, be devoted to parkland, and the same is hereby established as the parkland standard for all purposes of this chapter. The parkland standard utilized in this chapter was determined by computing the approximate existing ratio of parkland to population within the Centerville-Washington Park District (hereinafter referred to as "the Park District").

2. Statement of Policy

With respect to subdivisions and developments to which this chapter applies, at least eight and one-half acres of property for each 1,000 persons (.0085 acres per person) should be reserved for parkland by or at the expense of the subdivider or developer of the dwellings in which such persons shall reside, and the remainder of the seventeen-acre standard established in this chapter shall be acquired for such purposes by the Park District or the City. All parkland reserved or acquired under this chapter shall be developed and maintained by the Park District or the City.

B. Adoption of Park Plan

The Planning Commission shall adopt a plan for the parks and other public open grounds of the City, which may constitute a part of a Comprehensive Development Plan and which shall provide a guide for the orderly acquisition of parkland within the planning jurisdiction, in accordance with the parkland standard set forth in this chapter, the criteria set forth in this chapter and such other criteria as the Planning Commission may deem appropriate to accomplish the purposes of this chapter. In adopting the plan for the parks, the Planning Commission shall take into consideration the Master Plan of the Centerville-Washington Park District.

C. Provision of Parkland by Subdividers or Developers

Every subdivider or developer who files with the Planning Commission any proposal, plan or plat for the subdivision or development of land within the planning jurisdiction after a date which shall be the later of a date 30 days after the effective date of this chapter, or the date of the adoption of the plan for the parks referred to in this chapter, and who has not theretofore so filed any preliminary plat with respect to such subdivision or development or a development plan, shall either dedicate a portion of such land, pay a fee in lieu of land dedication, or dedicate land and pay a fee in lieu of land dedication, all as provided in this chapter, for the purpose of providing parkland to serve future residents of each such subdivision or development.

D. Determination of Total Population

1. Population Factor. For purposes of this chapter, a population factor for each dwelling unit planned for a subdivision or development shall be determined as follows:

Table 9.13

Residential Dwelling Type	Population Factor Per Dwelling Unit
Single-family	3.25
Two-family	2.50
Multifamily Unit (restricted to a maximum family size of one person)	1.00
All other units	1.75

2. Total population. Total population for any subdivision or development shall equal the sum of the population factors of all dwelling units to be included in the subdivision or development. For purposes of this chapter, the Planning Commission shall determine the number and types of dwellings to be included in any subdivision or development on the basis of such relevant information as it may have or be able to obtain tending to show the same, including, without limitation, any plans, estimates or statements of intention furnished by the subdivider or developer concerned relating to the proposed improvement of the subdivision or development, the nature and topography of the land involved and the nature and kind of improvements actually planned or probable thereon.

E. Determination of Land Dedication or Payment of Fee for Provision of Parkland

1. Determination by Planning Commission

The Planning Commission shall determine whether a subdivider shall dedicate land, pay a fee in lieu of land dedication or provide a combination of land dedication and fee payment.

2. Procedure

In making the determination referred to in subsection (a) hereof, the following procedure shall apply:

- a. Contents of filings: At the time of filing a preliminary plat, final plat or development plan for approval, each subdivider or developer shall, as a part of such filing, submit a calculation of the total population of the plat or development in accordance with Section 1204.05 and indicate whether he or she plans to dedicate land as parkland, to pay a fee in lieu of dedication or to meet the requirements of this chapter by a combination of parkland dedication and fee payment. If such subdivider or developer plans to dedicate

land, he or she shall indicate the area he or she desires to dedicate on the preliminary plat, final plat or development plan.

- b. Planning Commission determination: After the Planning Commission has reviewed such preliminary plat, final plat or development plan, and after review of the same with the Park District, it shall determine whether the plans of the subdivider or developer to dedicate land, pay a fee in lieu of dedication or provide a combination of dedication and fee payment, are acceptable, provided that the Planning Commission shall make the determination so required within 60 days of the submission, unless the developer or his or her representative agrees to an extended period for such determination. If the Planning Commission fails to make a determination within said time period, or within any agreed extension period, such submission shall be deemed to be approved. Insofar as practicable, the determination of the Planning Commission shall be compatible with the plan for the parks.
- c. Adverse effects of development; reclamation. If, in the opinion of the Planning Commission, any portion of land proposed for dedication has been, or will be, adversely affected by the operations of a subdivider or developer, and such land or portion thereof will require reclamation in order to render it suitable as parkland, the Planning Commission may require the subdivider or developer to furnish a plan for such reclamation. The Planning Commission shall seek the advice of the City Engineer and the Park District with respect to any such plan, and shall determine, on the basis of such advice, whether such plan is acceptable in view of the purposes of this chapter. In the event that such plan is acceptable, the subdivider or developer concerned shall implement such plan in accordance with a timetable approved by the Planning Commission. The City may, without prejudicing any rights the City may have at law or in equity, deny approval of a final plat for non-compliance with a previously approved reclamation plan or timetable involving that plat.
Commentary: A final plat shall not refer to the plat of the last section of an approved preliminary plat, but shall refer to any final map of all or a portion of a subdivision which is submitted to the City for final approval before recording at the office of the County Recorder.
- d. Criteria: In making its determination, the Planning Commission shall utilize the following criteria:
 - i. Unity. Dedicated land must form a single parcel of land of not less than five acres in area, except in the event that the Planning Commission determines that two or more parcels of not less than five acres each would be in the best public interest or in the event that a parcel of less than five acres adjoins an existing or proposed park to provide a facility of five acres or more.
 - ii. Shape and topography. The shape and topography of the dedicated parcel of land shall be suitable for active and/or passive recreation to serve the public properly as determined by the Planning Commission after review with the Park District.

- iii. Location. Dedicated land must be located in order to serve the recreation and open space needs of the subdivision or development for which the dedication was made.
- iv. Access. Public access and maintenance access to five acres of dedicated parkland shall be provided by adjoining frontage of 400 or more feet at one location on a public street with street improvements, sidewalks and utilities installed by and at the expense of the developer, and as determined by the Planning Commission, by public walkways installed by and at the expense of the developer. Frontage shall be increased by at least forty feet for each additional acre of parkland.
- v. Preservation of natural beauty. In all instances, natural features of scenic beauty, such as trees, plant life, brooks and other watercourses, topography, historic locations, views and similar conditions, which, if preserved, will add attractiveness and value to the dedicated land, shall be considered and preserved in the dedication of parkland.

F. Amount of Land to be Dedicated

- 1. The amount of land to be dedicated by a subdivider or developer pursuant to this chapter shall be determined in accordance with the following formula:

$$\begin{array}{l} \text{Acres of Land} \\ \text{for Dedication} \end{array} = \begin{array}{l} \text{Total Population as determined in} \\ \text{accordance with Section 9.47(D)} \end{array} \times 0.0085 \text{ Acres}$$

G. Determination of fee in lieu of dedication

- 1. Amount. In the event the Planning Commission determines that a subdivider or developer shall pay a fee in lieu of land dedication, the amount of such fee shall be determined by the following formula:

$$\begin{array}{l} \text{Fee-in-lieu of} \\ \text{Land Dedication} \end{array} = \begin{array}{l} \text{Land area otherwise required to be} \\ \text{dedicated pursuant to Section 9.47(F)} \end{array} \times \text{Market Value}$$

- 2. Determination of Market Value. Market value shall be determined in accordance with Section 9.47(I).

H. Park Development and Maintenance

Park development and maintenance shall be provided by the Park District or the City.

I. Determination of Market Value

1. Time for determination. Market value shall be determined as of the time of filing the final plat or the final plat of the first section of an approved preliminary plat, at the time of filing of a development plan, with the City.

Commentary: A final plat shall not refer to the plat of the last section of an approved preliminary plat, but shall refer to any final map of all or a portion of a subdivision which is submitted to the City for final approval before recording at the office of the County Recorder.

2. Method of determination. Market value shall equal the average value per acre of all land in each subdivision or development in its raw, undeveloped state, plus one-half the cost of installation of 400 feet of public street, sidewalk and utility improvements in the subdivision for the first five acres of park area plus forty feet of public street, sidewalk and utility improvements for each additional acre, determined by application of one of the following procedures:
 - a. By agreement between the subdivider or developer and the Planning Commission, which may include appraisal by a qualified independent appraiser approved by the Planning Commission; or
 - b. In the event that the subdivider or developer objects to the foregoing method or valuation, by a three-member board of appraisers, one of whom shall be appointed by the Planning Commission, one of whom shall be appointed by the subdivider or developer, and one of whom shall be selected by the two appraisers so appointed. The decision of a majority of such board shall be final. The Park District or the City shall pay the cost of the board's appraisal.

J. Credit for Private Open Space

1. Allowance of credit. In the event that a subdivider or developer provides private open space for park purposes and such space is to be privately owned and maintained by the future residents of the subdivision or development, or by the subdivider or developer, and in the event that the Planning Commission determines that such private open space adequately fulfills a portion of the park needs of the proposed subdivision or development, the market value of such areas, as determined in Section 9.47, I, shall be credited against the land dedication or fee in lieu of dedication of land requirements of this chapter.
2. Maximum credit. Such credit, however, shall be allowed only up to a maximum of one-half of the total required land dedication or fee in lieu of dedication requirement. The remaining one-half shall be provided in accordance with the requirements of this chapter.
3. Standards and limitations. Notwithstanding subsections 1 and 2 hereof, the credit for private open space shall be allowed only if all of the following standards are met:

- a. Yards, court areas, setbacks and other such open areas required to be maintained by the UDO shall not be included in the computation of such private open space.
- b. Private ownership, development and maintenance of the private open space shall be assured by valid and enforceable undertakings on the part of the subdivider or developer, or otherwise.
- c. The use of the private open space is restricted for park purposes by recorded covenants that run with the land in favor of the future owners of property within the subdivision or development, and which cannot by their terms be defeated or eliminated without the consent of the Planning Commission.
- d. The proposed private open space is reasonably adaptable for park uses, taking into consideration such factors as size, shape, topography, geology, access and location of the private open space land.
- e. Facilities proposed for the private open space can be reasonably expected to meet the needs of the future residents.

K. Treatment of Land to be Dedicated; Procedure for Dedication of Land and Payment of Fees

1. Following approval of a preliminary plat, final plat or development plan which designates land for dedication, the existing vegetation (except growing commercial crops other than growing timber), topography, features of historic value, stream courses, soil, rock strata and other natural features of such dedicated land, shall not be altered or their condition adversely affected in any way without the consent of the Planning Commission.
2. Dedication of land to the Park District or the City shall be by a general warranty deed conveying to the Park District or the City, and their successors and assigns, good and marketable title to the real estate described in such deed, free and clear of all liens and encumbrances.
 - a. This deed shall be executed and delivered to the Park District or the City for recording prior to the signing by the City of the final plat, prior to the signing of a final plat of the first section of an approved preliminary plat, or prior to the issuance by the City of any permit allowing implementation of an approved development plan.
 - b. In the case where the final plat is the first section of an approved preliminary plat, the City may permit the developer to place the deed to the parkland in escrow for later delivery to the Park District or the City at the time of approval of the final plat of the last section of an approved preliminary plat. However, if any final plat is submitted for approval that includes or has a boundary contiguous with the proposed park, the deed (whether in escrow or not) transferring the parkland to the Park District or the City shall be recorded prior to the signing by the City of that final plat.

- c. Open space covenants for private parks shall be submitted to the City Council prior to approval of the final plat or development plan and shall be recorded at the same time as the final plat or prior to the issuance of any City permit allowing implementation of an approved development plan.
3. If a fee in lieu of dedication is required, the amount thereof shall be deposited with the City prior to the signing by the City of the final plat or prior to the issuance by the City of any permit allowing implementation of an approved development plan.
 - a. In the case where the final plat is a section of an approved preliminary plat, only a proportionate amount of the total fee in lieu of dedication for the approved preliminary plat shall be paid prior to the signing of each approved final plat which is a section of that preliminary plat.
 - b. In the case of a permit allowing implementation of a portion of an approved development plan, only a proportionate amount of the total fee in lieu of dedication for that approved development plan shall be paid.

Commentary: A final plat shall not refer to the plat of the last section of an approved preliminary plat, but shall refer to any final map of all or a portion of a subdivision which is submitted to the City for final approval before recording at the office of the County Recorder.

L. Amendments of Approved Plats or Development Plans

1. Any amendment of an approved plat or development plan which, under the provisions of this chapter, increases the requirement for parkland dedication or payment of a fee in lieu of parkland dedication by a developer, shall require that such increased parkland be dedicated or that such fee in lieu of such increased parkland be paid by the developer in compliance with the requirements of this chapter.
2. Any amendment of an approved plat or development plan which, under the provisions of this chapter, decreases the requirement for parkland dedication or payment of a fee in lieu of parkland dedication by a developer, shall not require the deeding by the Park District or the City of any previously dedicated parkland back to the developer, the alteration of any deed placed in escrow or any escrow agreement that was a requirement of this chapter, or the repayment to the developer of any fee in lieu of parkland dedication already paid by the developer to the Park District or the City.

M. Limitation on Use of Land and Fees

Any land or fees received by the Park District or the City pursuant to this chapter shall be used only for the purpose of providing parkland to properly serve the future residents of the subdivision or development concerned. Fees paid pursuant to this chapter shall be deposited in a Park District or City

fund to be used only for the acquisition of parkland within the City or adjacent to the City. No part of such fees shall be used for the purpose of development or for paying salaries, wages or other general operating expenditures. No deed or fee shall be deposited with the Park District or the City until such time as the Park District or the City certifies that it shall develop and permanently maintain any parkland acquired under the terms of this chapter and shall use fees only for the acquisition of land under the terms of this chapter.

N. Reduction of minimum lot area and minimum lot frontage requirements.

Reduction of minimum lot area and minimum lot frontage requirements by the dedication of additional parkland or the payment of an additional fee in lieu of dedication shall be as provided in the supplemental zoning district requirements of the UDO.

O. Variances

See Section 5.17, Variance Procedure.

P. Violations; Remedies; Penalty

See Section 3.15, Ordinance Enforcement and Penalties.

9.49 Sexually Oriented Business Standards

A. Purpose and Findings

1. Purpose. It is the purpose of this Section to regulate sexually oriented businesses in order to promote the health, safety, and general welfare of the citizens of the City, and to establish reasonable and uniform regulations to prevent the deleterious location and concentration of sexually oriented businesses within the City. The provisions of this Section have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Similarly, it is not the intent or effect of this Section to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent nor effect of this Section to condone or legitimize the distribution of obscene material.
2. Findings. Based on evidence concerning the adverse secondary effects of adult uses on communities presented in hearings and in reports made available to the legislature and on findings incorporated in the cases of *City of Erie v. Pap's A.M.* (2000), 529 U.S. 277; *Barnes V. Glen Theatre, Inc.* (1991), 501 U.S. 560; *City of Renton v. Playtime Theatres, Inc.* (1986), 475 U. S. 41; *Young v. American Mini Theatres* (1976), 426 U. S. 50; *California v. LaRue* (1972), 409 U.S. 109; *DLS, Inc. v. City of Chattanooga* (6th Cir. 1997) 107 F.3d 403; *East Brooks Books, Inc. v. City of Memphis*, (6th Cir. 1995), 48 F.3d 220; *Harris v. Fitchville*

Township Trustees (N.D. Ohio 2000), 99 F. Supp.2d 837; *Bamon Corp. v. City of Dayton* (S.D. Ohio 1990), 730 F. Supp. 90, aff'd (6th Cir. 1991), 923 F.2d 470; *Broadway Books v. Roberts* (E.D. Tenn. 1986), 642 F. Supp. 486; *Bright Lights, Inc. v. City of Newport* (E.D. Ky. 1993), 830 F. Supp. 378; *Richland Bookmart v. Nichols* (6th Cir. 1998), 137 F.3d 435; *Deja Vu v. Metro Government* (6th Cir. 1999), 1999 U.S. App. LEXIS 535; *Threesome Entertainment v. Strittmather* (N.D. Ohio 1998), 4 F.Supp.2d 710; *J.L. Spoons, Inc. v. City of Brunswick* (N.D. Ohio 1999), 49 F. Supp.2d 1032; *Triplett Grille, Inc. v. City of Akron* (6th Cir. 1994) 40 F.3d 129; *Nightclubs, Inc. V. City of Paducah* (6th Cir. 2000), 202 F.3d 884; *O'Connor v. City and County of Denver* (10th Cir. 1990), 894 F.2d 1210; *Deja Vu of Nashville, Inc., et al. v. Metropolitan Government of Nashville and Davidson County* (6th Cir. 2001), 2001 U.S. App. LEXIS 26007; *State of Ohio ex rel. Rothal v. Smith* (Ohio C.P. 2002), Summit C.P. No. CV 01094594; *Z.J. Gifts D-2, L.L.C. v. City of Aurora* (10th Cir. 1998), 136 F.3d 683; *Connection Distrib. Co. v. Reno* (6th Cir. 1998), 154 F.3d 281; *Sundance Assocs. v. Reno* (10th Cir. 1998), 139 F.3d 804; *American Library Association v. Reno* (D.C. Cir. 1994), 33 F.3d 78; *American Target Advertising, Inc. v. Giani* (10th Cir. 2000), 199 F.3d 1241; and other cases and on reports of secondary effects occurring in and around adult entertainment establishments in Phoenix, Arizona (1984); Minneapolis, Minnesota (1980); Houston, Texas (1983); Indianapolis, Indiana (1984); Amarillo, Texas (1977); Garden Grove, California (1991); Los Angeles, California (1977); Whittier, California (1978); Austin, Texas (1986); Seattle, Washington (1989); Oklahoma City, Oklahoma (1986); Cleveland, Ohio (1977); Dallas, Texas (1997); St. Croix County, Wisconsin (1993); Bellevue, Washington (1998); Newport News, Virginia (1996); Tucson, Arizona (1990); St. Paul, Minnesota (1988); Oklahoma City, Oklahoma (1986 and 1992); Beaumont, Texas (1982); New York, New York (1994); Ellicottville, New York (1998); Des Moines, Iowa (1984); Islip, New York (1980); Adams County, Colorado (1987); Manatee County, Florida (1987); New Hanover County, North Carolina (1989); Las Vegas, Nevada (1978); Cattaraugus County, New York (1998); Cleburne, Texas (1997); Dallas, Texas (1997); El Paso, Texas (1986); New York Times Square study (1994); Report to ACLJ on the Secondary Impacts of Sex Oriented Businesses (1996); the findings from the Report of the Attorney General's Working Group On The Regulation Of Sexually Oriented Businesses (June 6, 1989, State of Minnesota); and on testimony to Congress in 136 Cong. Rec. S. 8987; 135 Cong. Rec. S. 14519; 135 Cong. Rec. S. 5636, 134 Cong. Rec. E. 3750; and also on findings from the paper entitled "Stripclubs According to Strippers: Exposing Workplace Sexual Violence," by Kelly Holsopple, Program Adult Entertainment Director, Freedom and Justice Center for Prostitution Resources, Minneapolis, Minnesota; and from "Sexually Oriented Businesses: An Insider's View," by David Sherman, presented to the Michigan House Committee on Ethics and Constitutional Law, Jan. 12, 2000; and from various other police reports, testimony, newspaper reports, and other documentary evidence, the City Council finds:

- a. Adult entertainment establishments lend themselves to ancillary unlawful and unhealthy activities that are presently uncontrolled by the operators of the establishments. Further,

there is presently no statewide mechanism to make the owners of these establishments responsible for the activities that occur on their premises.

- b. Certain employees of adult entertainment establishments, as defined in Ohio R.C. 3768.01 as adult theaters and cabarets, engage in a higher incidence of certain types of illicit sexual behavior than employees of other establishments.
- c. Sexual acts, including masturbation and oral and anal sex, occur at adult entertainment establishments, especially those that provide private or semiprivate booths or cubicles for viewing films, videos, or live sex shows. The "couch dances" or "lap dances" that frequently occur in adult entertainment establishments featuring live nude or seminude dancers constitute or may constitute the offense of "engaging in prostitution" under Ohio R.C. 2907.25.
- d. Offering and providing such space encourages such activities, which creates unhealthy conditions.
- e. Persons frequent certain adult theaters, adult arcades, and other adult entertainment establishments for the purpose of engaging in sexual activity within the premises of those adult entertainment establishments.
- f. Numerous communicable diseases may be spread by activities occurring in sexually oriented businesses, including, but not limited to, syphilis, gonorrhea, human immunodeficiency virus infection (HIV-AIDS), genital herpes, hepatitis salmonella, campylobacter and shigella infections, chlamydial, myoplasmal and ureoplasmal infections, trichomoniasis, and chancroid.
- g. Since 1981 and to the present, there have been an increasing cumulative number of reported cases of AIDS caused by the human immunodeficiency virus (HIV) in the United States: 600 in 1982, 2,200 in 1983, 4,600 in 1984, 8,555 in 1985, and 253,448 through December 31, 1992.
- h. A total of 10,255 AIDS cases had been reported in Ohio as of January 1999. Ohio has required HIV case reporting since 1990, and the reported information shows 7,969 people living with (HIV) (4,213) and (AIDS) (3,756) in the state.
- i. Since 1981 and to the present, there have been an increasing cumulative number of persons testing positive for the HIV antibody test in Ohio.
- j. The number of cases of early (less than one year) syphilis in the United States reported annually has risen. 33,613 cases were reported in 1982, and 45,200 cases were reported through November 1990.

- k. The number of cases of gonorrhea in the United States reported annually remains at a high level, with over one-half million cases being reported in 1990.
- l. The Surgeon General of the United States in his report of October 22, 1986, has advised the American public that AIDS and HIV infection may be transmitted through sexual contact, intravenous drug abuse, and exposure to infected blood and blood components, and from an infected mother to her newborn.
- m. According to the best scientific evidence, AIDS and HIV infection, as well as syphilis and gonorrhea, are principally transmitted by sexual acts.
- n. Sanitary conditions in some adult entertainment establishments are unhealthy, in part, because the activities conducted there are unhealthy, and, in part, because of the unregulated nature of the activities and the failure of the owners and the operators of the facilities to self-regulate those activities and maintain those facilities.
- o. The findings noted in divisions 2. a) to n) of this section raise substantial governmental concerns.
- p. Adult entertainment establishments have operational characteristics that should be reasonably regulated in order to protect those substantial governmental concerns

B. Classification

Sexually oriented businesses are classified as follows:

- 1. Adult arcades;
- 2. Adult bookstores, adult novelty stores, or adult video stores;
- 3. Adult cabarets;
- 4. Adult motels;
- 5. Adult motion picture theaters;
- 6. Adult theaters;
- 7. Escort agencies;
- 8. Semi-nude model studios; and
- 9. Sexual encounter centers.

C. License Required

1. It is unlawful:
 - a. For any person to operate a sexually oriented business without a valid sexually oriented business license issued by the City pursuant to this chapter;
 - b. For any person who operates a sexually oriented business to employ a person to work for the sexually oriented business who is not licensed as a sexually oriented business employee by the City pursuant to this chapter.
 - c. For any person to obtain employment with a sexually oriented business without having secured a sexually oriented business employee license pursuant to this chapter.
2. An application for a license must be made on a form provided by the City. All applicants must be qualified according to the provisions of this chapter.
3. An applicant for a sexually oriented business license or a sexually oriented business employee license shall file with the Enforcement Officer a completed application made on a form prescribed and provided by the City Director of Finance. An application shall be considered complete if it includes the information required in this Section. The applicant shall be qualified according to the provisions of this Ordinance. The application shall be notarized. The application shall include the information called for in Divisions a) through f) and where applicable, Division g), of this Subsection as follows:
 - a. The full true name and any other names used in the preceding 5 years.
 - b. The current business address.
 - c. Either a set of fingerprints suitable for conducting necessary background checks pursuant to this chapter, or the applicant's Social Security Number, to be used for the same purpose.
 - d. If the application is for a sexually oriented business license, the name, business location, legal description, business mailing address and phone number of the proposed sexually oriented business.
 - e. Written proof of age, in the form of either:
 - i. A copy of a birth certificate and current photo,
 - ii. A current drivers license with picture, or

- iii. Other picture identification document issued by a governmental agency
- f. The issuing jurisdiction and the effective dates of any license or permit held by the applicant relating to a sexually oriented business, and whether any such license or permit has been denied, revoked, or suspended, and if so, the reason or reasons therefore.
- g. If the application is for a sexually oriented business license, the name and address of the statutory agent or other agent authorized to receive service of process.

The information provided pursuant to Subsections a) through g) shall be supplemented in writing by certified mail, return receipt requested, to the Enforcement Officer within ten working days of a change of circumstances which would render the information originally submitted false or incomplete.

- 4. The application for a sexually oriented business license shall be accompanied by a sketch or diagram showing the configuration of the premises, including a statement of total floor space occupied by the business. The sketch or diagram need not be professionally prepared, but shall be drawn to a designated scale or drawn with marked dimensions of the interior of the premises to an accuracy of plus or minus 6 inches.
- 5. If the person who wishes to operate a sexually oriented business is an individual, he or she shall sign the application for a license as applicant. If the person that wishes to operate a sexually oriented business is other than an individual (such as a corporation), each officer, director, general partner, or other person who will participate directly in decisions relating to management of the business shall sign the application for a license as the applicant. Each applicant must be qualified under Section 9.49, D, and each applicant shall be considered as a licensee if a license is granted.
- 6. A person who possesses a valid business license is not exempt from the requirement of obtaining any required sexually oriented business license. A person who operates a sexually oriented business and possesses a business license shall comply with the requirements and provisions of this Ordinance, where applicable.
- 7. The information provided by an applicant in connection with the application for a license under this chapter shall be maintained by the Enforcement Officer on a confidential basis, and may be disclosed only:
 - a. To other governmental agencies in connection with a law enforcement or public safety function, or
 - b. As may otherwise be required by law or a court order.

D. Issuance of License

1. Upon the filing of a completed application for a sexually oriented business license or a sexually oriented business employee license, the Enforcement Officer shall issue a temporary license to the applicant, which temporary license shall expire upon the final decision of the Enforcement Officer to deny or grant the license. Within twenty days after the receipt of a completed application, the Enforcement Officer shall either issue a license, or issue a written notice of intent to deny a license, to the applicant. The Enforcement Officer shall approve the issuance of a license unless one or more of the following is found to be true:
 - a. An applicant is less than 18 years of age.
 - b. An applicant is delinquent in the payment to the City of taxes, fees, fines, or penalties assessed against or imposed upon the applicant in relation to a sexually oriented business.
 - c. An applicant has failed to provide all information and documents required for issuance of the license as requested on the application form, or has provided information or documents as requested on the application that are insufficient on their face; provided, however, that no license shall be denied solely on the ground that an applicant has refused to disclose his/her social security number in accordance with the provisions of the Privacy Act of 1974, Pub. L. No. 93-579, § 7(a)(1).
 - d. An applicant has been convicted of a specified criminal activity. The fact that a conviction is being appealed shall have no effect under this Subsection. For the purpose of this Subsection, "conviction:"
 - i. Means a conviction or a guilty plea; and
 - ii. Includes a conviction of any business entity for which the applicant had, at the time of the offense leading to the conviction for a specified criminal activity, a management responsibility or a controlling interest.
 - e. The license application fee required by this chapter has not been paid.
 - f. The proposed sexually oriented business is located in a zoning district other than a district in which sexually oriented businesses are allowed to operate under the Unified Development Ordinance, or is not in compliance with the location restrictions established for sexually oriented businesses in the appropriate zoning district(s).
2. An applicant that is ineligible for a license due to Subsection D. 1. d) of this Section may qualify for a sexually oriented business license only when the time period required by the applicable subsection in Article 11, Specified Criminal Activity, has elapsed.

3. The license, if granted, shall state on its face the name of the person or persons to whom it is granted, the number of the license issued to that applicant, the expiration date, and, if the license is for a sexually oriented business, the address of the sexually oriented business. A sexually oriented business employee license shall contain a photograph of the licensee. The sexually oriented business license shall be posted in a conspicuous place at or near the entrance to the sexually oriented business so that it may be easily read at any time. A sexually oriented business employee shall keep the employee's license on his or her person or on the premises where the licensee is then working or performing, and shall produce such license for inspection upon request by a law enforcement officer or other authorized city official.

E. Fees

1. The non-refundable initial license fee and annual renewal fee for a sexually oriented business license or a sexually oriented business employee license shall be set by the City Council at an amount determined to be sufficient to pay the cost of administering this program, subject to Subsection 2. herein.
2. In no event shall the fees exceed two hundred fifty dollars (\$250.00) for the initial license and one hundred twenty five dollars (\$125.00) for the renewal fee for a sexually oriented business license. In no event shall the fees exceed one hundred dollars (\$100.00) for the initial license, and fifty dollars (\$50.00) for the renewal fee, for a sexually oriented business employee license.

F. Inspection

1. For the purpose of ensuring compliance with this chapter, an applicant, operator or licensee shall, from time to time, but no more than four times a year in total, permit city law enforcement officers and official personnel of any other city department or agency with responsibility for enforcement of this chapter, to inspect, during a licensee's regular business hours, that portion of the premises of a sexually oriented business that is open to the public.
2. No inspections other than those described in Division 1. of this Subsection above are permitted to enforce this chapter unless consented to by the applicant, operator or licensee or authorized through issuance of a valid search warrant.

G. Expiration of License

1. Each license shall expire one year front the date of issuance and may be renewed only by making application as provided in Section 9.49 C. An application for renewal shall be made at least thirty days before the expiration date, and when made less than thirty days before the expiration date, the expiration of the license will not be affected.

2. When the City denies renewal of a license, the applicant shall not be issued a license for one year from the date of denial. If, subsequent to the denial, the City finds that the basis for denial of the renewal license has been corrected or abated, the applicant shall be granted a license if at least ninety days have elapsed since the date that the denial became final.

H. Suspension: The City shall issue a written intent to suspend a license for a period not to exceed thirty days if it determines that a licensee or an employee of a licensee has:

1. Violated or is not in compliance with any section of this chapter; or
2. Refused to allow an inspection of the sexually oriented business premises as authorized by this chapter.

I. Revocation

1. The Enforcement Officer shall issue a written statement of intent to revoke a sexually oriented business license if a cause of suspension in Section 9.49 H. occurs and the license has been suspended within the preceding twelve months.
2. The Enforcement Officer shall issue a written statement of intent to revoke a sexually oriented business license if the Officer determines that:
 - a. A licensee gave false or misleading information in the material submitted during the application process;
 - b. A licensee has knowingly allowed possession, use, or sale of controlled substances on the premises;
 - c. A licensee has knowingly allowed prostitution on the premises;
 - d. A licensee has knowingly operated the sexually oriented business during a period of time when the licensee's license was suspended;
 - e. A licensee has knowingly allowed any act of sexual intercourse, sodomy, oral copulation, masturbation, or other sex act to occur in or on the licensed premises. This Subsection will not apply to an adult motel, unless the licensee knowingly allowed sexual activities to occur either:
 - i. In exchange for money, or
 - ii. In a public place or within public view.

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3. The fact that a conviction is being appealed shall have no effect on the revocation of the license.
 4. When, after the police and hearing procedure described in Section 9.49 J., the Enforcement Officer revokes a license, the revocation shall continue for one year and the licensee shall not be issued a sexually oriented business license for one year from the date revocation becomes effective, provided that, if the conditions of Section 9.49 J. 2. are met, a Provisional License will be granted pursuant to that Section. If, subsequent to revocation, the Enforcement Officer finds that the basis for the revocation found in Divisions 2. a) and 2. d) of this Subsection has been corrected or abated, the applicant shall be granted a license if at least ninety days have elapsed since the date the revocation became effective.

J. Hearing; License Denial, Suspension, Revocation; Appeal.

1. If the Enforcement Officer determines that facts exist for denial, suspension, or revocation of a license under this chapter, the Enforcement Officer shall notify the applicant or licensee (respondent) in writing of the intent to deny, suspend, or revoke the license, including the grounds therefore, by personal delivery, or by certified mail. The notification shall be directed to the most current business address on file with the Enforcement Officer. Within 5 working days of receipt of such notice, the respondent may provide to the Manager, in writing, a response that shall include a statement of reasons why the license or permit should not be denied, suspended, or revoked. Within three days of the receipt of respondent's written response, the Manager shall notify respondent in writing of the hearing date on respondent's denial, suspension, or revocation proceeding.
 - a. Within 10 working days of the receipt of respondent's written response, the Manager shall conduct a hearing at which respondent shall have the opportunity to be represented by counsel and present evidence and witnesses on his or her behalf. If a response is not received by the Manager in the time stated or, if after the hearing, the Manager finds that grounds as specified in this chapter exist for denial, suspension, or revocation, then such denial, suspension, or revocation shall become final 5 days after the Manager sends, by certified mail, written notice that the license has been denied, suspended, or revoked. Such notice shall include a statement advising the applicant or licensee of the right to appeal such decision to a court of competent jurisdiction.
 - b. If the Manager finds that no grounds exist for denial, suspension, or revocation of a license, then within five days after the hearing, the Manager shall withdraw the intent to deny, suspend, or revoke the license, and shall so notify the respondent in writing by certified mail of such action and shall contemporaneously issue the license.
2. When a decision to deny, suspend, or revoke a license becomes final, the applicant or licensee (aggrieved party) whose application for a license has been denied, or whose license has been suspended or revoked, shall have the right to appeal such action to a court of

competent jurisdiction. Upon the filing of any court action to appeal, challenge, restrain, or otherwise enjoin the City's enforcement of the denial, suspension, or revocation, the City shall immediately issue the aggrieved party a provisional license. The provisional license shall allow the aggrieved party to continue operation of the sexually oriented business or to continue employment as a sexually oriented business employee, as the case may be, and will expire upon the court's entry of a judgment on the aggrieved party's action to appeal, challenge, restrain, or otherwise enjoin the City's enforcement.

K. Transfer or License

A licensee shall not transfer his or her license to another, nor shall a licensee operate a sexually oriented business under the authority of a license at any place other than the address designated in the application.

L. Location of Sexually Oriented Business

1. A person commits a misdemeanor if that person operates or causes to be operated a sexually oriented business in any zoning district other than B-PD, Business Planned Development, as defined and described in the Centerville UDO.
2. A person commits an offense if the person operates or causes to be operated a sexually oriented business within 500 feet of the property line of:
 - a. A church, synagogue, mosque, temple, or building which is used primarily for religious worship or related religious activities;
 - b. A public or private educational facility including, but not limited to, child day care facilities, nursery schools, preschools, kindergartens, elementary schools, private schools, intermediate schools, junior high schools, middle schools, high schools, vocational schools, secondary schools, continuation schools, special education schools, junior colleges, and universities. "School" includes the school grounds, but does not include facilities used primarily for another purpose and only incidentally as a school;
 - c. A boundary of a residential district as defined in the UDO;
 - d. A public park or recreational area which has been designated for park or recreational activities including, but not limited to, a park, playground, nature trails, swimming pool, reservoir, athletic field, basketball or tennis courts, pedestrian bicycle paths, wilderness areas, or other similar public land within the City which is under the control, operation, or management of the City park and recreation authorities;
 - e. The property line of a lot devoted to a residential use as defined in the UDO;

- f. An entertainment business which is oriented primarily towards children or family entertainment; or
 - g. Any premises licensed pursuant to the alcoholic beverage control regulations of the State.
 - 3. A person commits a misdemeanor if that person causes or permits the operation, establishment, substantial enlargement, or transfer of ownership or control of a sexually oriented business within 1000 feet of another sexually oriented business.
 - 4. A person commits a misdemeanor if that person causes or permits the operation, establishment, or maintenance of more than one sexually oriented business in the same building, structure, or portion thereof, or the increase of floor area of any sexually oriented business in any building, structure, or portion thereof containing another sexually oriented business.
 - 5. For the purpose of Division L. 2. of this Section, measurement shall be made in a straight line, without regard to the intervening structures or objects, from the nearest portion of the building or structure used as the part of the premises where a sexually oriented business is conducted, to the nearest property line of the premises of a use listed in Subsection L. 2. . The presence of a city, county or other political subdivision boundary shall be irrelevant for purposes of calculating and applying the distance requirements of this Section.
 - 6. For purposes of Subsection L. 3. of this Section, the distance between any two sexually oriented businesses shall be measured in a straight line, without regard to the intervening structures or objects or political boundaries, from the closest exterior wall of the structure in which each business is located.
- M. Regulations Pertaining to Exhibition of Sexually Explicit Films, Videos, or Live Entertainment in Viewing Rooms
- 1. A person who operates or causes to be operated a sexually oriented business (other than an adult motel) which exhibits on the premises, in a viewing room of less than 150 square feet of floor space, a film, video cassette, live entertainment, or other electronic reproduction which depicts specified sexual activities or specified anatomical areas, shall comply with the following requirements:
 - a. Upon application for a sexually oriented license, the application shall be accompanied by a diagram of the premises showing a plan thereof specifying the location of one or more manager's stations and the location of all overhead lighting fixtures and designating any portion of the premises in which patrons will not be permitted. A manager's station may not exceed thirty-two square feet of floor area. The diagram shall also designate the place at which the permit, if granted, will be conspicuously posted. A professionally prepared diagram in the nature of an engineer's or architect's blueprint shall not be required;

however, each diagram should be oriented to the north or to some designated street or object and should be drawn to a designated scale or with marked dimensions sufficient to show the various internal dimensions of all areas of the interior of the premises to an accuracy of plus or minus six inches. The City may waive the foregoing diagram for renewal applications if the applicant adopts a diagram that was previously submitted and certifies that the configuration of the premises has not been altered since it was prepared.

- b. The application shall be sworn to be true and correct by the applicant.
- c. No alteration in the configuration or location of a manager's station may be made without the prior approval of the City.
- d. It is the duty of the licensee of the premises to ensure that at least one licensed employee is on duty and situated in each manager's station at all times that any patron is present inside the premises.
- e. The interior of the premises shall be configured in such a manner that there is an unobstructed view from a manager's station of every area of the premises to which any patron is permitted access for any purpose, excluding restrooms. Restrooms may not contain video reproduction equipment. If the premises has two or more managers stations designated, then the interior of the premises shall be configured in such a manner that there is an unobstructed view of each area of the premises to which any patron is permitted access for any purpose from at least one of the manager's stations. The view required in this Subsection must be by direct line of sight from the manager's station.
- f. It shall be the duty of the licensee to ensure that the view area specified in Division e) of this Subsection remains unobstructed by any doors, curtains, partitions, walls, merchandise, display racks, or other materials and, at all times, to ensure that no patron is permitted access to any area of the premises which has been designated as an area in which patrons will not be permitted in the application filed pursuant to Division k) of this Subsection.
- g. No viewing room may be occupied by more than one person at any time.
- h. The premises shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access at an illumination of not less than five foot-candles as measured at the floor level.
- i. It shall be the duty of the licensee to ensure that the illumination described above is maintained at all times that any patron is present in the premises.
- j. No licensee shall allow openings of any kind to exist between viewing rooms or booths.

- k. No person shall make or attempt to make an opening of any kind between viewing booths or rooms.
 - l. The licensee shall, during each business day, regularly inspect the walls between the viewing booths to determine if any openings or holes exist.
 - m. The licensee shall cause all floor coverings in viewing booths to be nonporous, easily cleanable surfaces, with no rugs or carpeting.
 - n. The licensee shall cause all wall surfaces and ceiling surfaces in viewing booths to be consisted of, or permanently covered by, nonporous, easily cleanable material. No wood, plywood, composition board, or other porous material shall be used within forty-eight inches of the floor.
2. A person having a duty under Division a) through n) of Subsection 1. herein commits a misdemeanor if he or she knowingly fails to fulfill that duty.

N. Additional Regulations for Escort Agencies

- 1. An escort agency shall not employ any person under the age of 18 years.
- 2. A person commits an offense if the person acts as an escort, or agrees to act as an escort, for any person under the age of 18 years.

O. Additional Regulations Concerning Public Nudity

- 1. It shall be a misdemeanor for a person to knowingly and intentionally in a sexually oriented business, appear in a state of nudity or engage in specified sexual activities.
- 2. It shall be a misdemeanor for a person to knowingly or intentionally, in a sexually oriented business, appear in a semi-nude condition, unless the person is an employee who, while semi-nude, is at least six feet from any patron or customer and on a stage at least two feet from the floor.
- 3. It shall be a misdemeanor for an employee, while semi-nude in a sexually oriented business, to receive directly any pay or gratuity from any patron or customer, or for any patron or customer to pay or give any gratuity directly to any employee, while that employee is semi-nude in a sexually oriented business.
- 4. It shall be a misdemeanor for an employee, while semi-nude, to knowingly and intentionally touch a customer or the clothing of a customer.

P. Prohibition Against Children in a Sexually Oriented Business

A person commits a misdemeanor if the person knowingly allows a person under the age of eighteen years on the premises of a sexually oriented business.

Q. Hours of Operation

No sexually oriented business, except for an adult motel, may remain open at any time between the hours of 1:00 A.M. and 8:00 A.M. on weekdays and Saturdays, and 1:00 A.M. and 12:00 P.M. on Sundays.

R. Exemptions

It is a defense to prosecution under Subsection O. that a person appearing in a state of nudity did so in a modeling class operated:

1. By a proprietary school, licensed by the State of Ohio, a college, junior college, or university supported entirely or partly by taxation;
2. By a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation; or
3. In a structure:
 - a. Which has no sign visible from the exterior of the structure and no other advertising that indicates a nude person is available for viewing; and
 - b. Where, in order to participate in a class, a student must enroll at least three days in advance of the class; and
 - c. Where no more than one nude model is on the premises at any one time.

S. Violations; Remedies; Penalty

See Section 3.15, Ordinance Enforcement and Penalties.

9.51 Sign Standards

A. Purpose

The purpose of this sign section of the Ordinance is to:

1. Protect each person's Constitutional right to freedom of speech;
2. Protect the public health, safety, convenience, comfort, prosperity, and general welfare.
3. Show respect for citizens' need for self expression;
4. Promote the use of signs that are aesthetically pleasing, of appropriate scale, and integrated with surrounding buildings and landscape, in order to meet the City's expressed desire for quality development;
5. Protect the public from a traffic safety concern by addressing driver fatigue, impairment, judgment, error, risk taking, and traffic violations that could occur from the distraction of electronic and changeable copy signs.

B. Objectives

This section regulates the time, place, and manner in which signs are displayed to achieve the following:

1. Primary Objectives:
 - a. Permit non-commercial signs on any property within the City;
 - b. Permit signs without unconstitutionally regulating the information conveyed by each sign;
 - c. Permit signs which do not create a potential hazard to the public safety;
 - d. Permit commercial signs appropriate to the land use and/or zoning classification of each property within the City.
2. Secondary Objectives:
 - a. To create a more aesthetically-pleasing City;
 - b. To eliminate visual clutter within the City.

C. Prohibited Signs and Sign Characteristics

1. Any sign or part thereof which is erected within or above a public right-of-way shall be prohibited. This provision shall specifically apply to any sign conveying a commercial or a non-commercial message including a political sign.
2. Any sign erected at or near any intersection of any streets in such a manner as to obstruct free and clear vision, or at any location where by reason of position, shape, or color, it may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal or device, or which makes use of the word "stop", "look", "danger", or other word phrase or symbol in such a manner as to interfere with, mislead, or confuse traffic shall be prohibited.
3. Any sign mounted onto, above, or incorporated into, the roof of any building shall be prohibited unless otherwise specifically permitted by this ordinance.
4. Any lighter-than-air or inflatable sign situated on, attached or tethered to a premises, structure or vehicle shall be prohibited. A balloon measuring up to, but not exceeding 24 inches in any dimension and is situated on, tethered or attached to the premises of a single-family, two-family, or 3-4 family dwelling unit shall be exempt provided said balloon is not displayed in conjunction with any other sign as defined by this UDO.
5. Any sign with visible moving, revolving, rotating parts, visible mechanical movement or conveys at any time the visual sensation or appearance of motion, or presents a non-constant visual image to the eye of an observer shall be prohibited.
6. Any sign utilizing an artificial illumination device which radiates intensity, beam spread, glare, or color which interferes with the vision of persons not located on the premises shall be prohibited.
7. Any sign utilizing a fixed or mobile beacon, strobe light, searchlight, signaling light, spotlight or similar apparatus, equipment or device, which is directed above or outside of a premises in such a manner so as to attract an unusual amount of visual attention of persons not located on the premises shall be prohibited.
8. Any sign or part thereof which utilizes flame as a source of light shall be prohibited.
9. Any sign utilizing an energized lamp bulb where the surface of the bulb is directly visible to persons not located on the premises shall be prohibited.
10. Any sign conveying misleading or unlawful commercial information shall be prohibited.

11. Any sign which conveys visual information that is obscene, indecent, or immoral shall be prohibited.
12. A vehicle mounted sign shall be prohibited.

D. General Provisions

A sign shall be designed, erected, altered, reconstructed, moved and maintained in accordance with the provisions of Section 9.51 of this Ordinance unless specifically modified by another Section of this Ordinance.

1. **Permits Required:** A Zoning Permit shall be obtained for erection, construction, relocation, or alteration of any sign unless exempted by the City Department of Development. A sign shall comply with all City zoning, building, electrical, and fire codes.
2. **Nonconforming Signs:** See: Non-Conforming Lots, Non-Conforming Uses of Land, Non-Conforming Structures, Non-Conforming Uses of Structures and Premises, and Non-Conforming Characteristics of Use Section of this Ordinance.
3. **Maintenance of Signs:** Every sign, whether requiring a sign permit or not, shall be maintained in a safe, presentable, and good structural condition at all times, including the replacement of a defective part, painting, cleaning, and other acts required for the maintenance of said sign.
4. **Dangerous or Defective Signs Not Permitted:** A sign in dangerous or defective condition shall not be permitted on any premises. Any such sign shall be removed or repaired.
5. **Removal of Dangerous or Defective Signs:** The City Manager or designee may immediately remove or cause to be removed any dangerous or defective sign which, in the opinion of the City Planner or designee, creates an immediate or potential danger to persons or property due to structural deficiencies, inadequate maintenance, or because of the location of the sign.
6. **Removal of Unlawful Sign in the Public Right-of-Way:** The City Manager or designee may remove or cause to be removed any unlawful sign in the public right-of-way. The sign will be destroyed or disposed of within 10 days of removal unless claimed by owner.
7. **Duration of a Permitted Sign:** Any sign permitted in this Ordinance shall be considered to be a permanent sign unless otherwise stated in this Ordinance.
8. **Sign Face Materials for a Permanent Sign:** The sign face of a permanent sign may be constructed using rigid and opaque materials. The use of non-durable materials such as vinyl, PVC, corrugated plastic or paper, cardboard, plywood, particle board, or foam shall be prohibited. Other materials that are rigid and opaque that are not specifically prohibited by

- this ordinance may be approved by the City Planner on a case by case basis. See Article 9.51(H) for permitted sign face materials in the Architectural Preservation District. (*Ord. 17-13*)
9. Sign Location with Respect to Frontages: Sign area permitted by virtue of a premises having lot frontage or building frontage shall be located only along that frontage which generated the permitted sign area, unless otherwise noted in Article 9.51 of the UDO. (*Ord. 18-16*)
 10. Non-Commercial Flags. A flag conveying non-commercial information provided the number of flags does not exceed 3 on any premises, and provided the sign face area of any flag shall not exceed 60 square feet.
 11. Installation of Flagpole in Sidewalk. A property owner may install an American Flag in the public right-of-way adjacent to his property in accordance with the provisions of Ohio Revised Code 723.012 titled "Installation of flagpole in sidewalk".
 12. Window Sign. Any sign located inside or behind a window shall not be subject to any provisions of this Ordinance, except the Prohibited Signs and Sign Characteristics contained in this Ordinance, provided that the window sign is located in a building where a commercial or an industrial use is permitted as a principal use, and provided that not more than 25 percent of the area of any window is devoted to window signage.
 13. Non-Commercial Messages: Non-commercial information may be conveyed by any sign permitted under this Ordinance.
 14. Commercial Messages: All commercial information conveyed by any sign permitted under this Ordinance must pertain to the premises on which the sign is located.
 15. Static, fixed message. A sign must convey a static, fixed message. A static, fixed message under the provisions of this ordinance means a sign message must remain as a constant visual image for at least 10 minutes.
 16. Electronic Message Center (EMC), Night-Time Illumination (*Ord. 7-18*)
 - a. Illuminance shall be measured with the EMC off, and again with the EMC displaying a white image for a full color-capable EMC or a solid message for a single-color EMC. All measurements shall be taken as close as practical to a perpendicular plane with the sign at a distance in accordance with the following formula:
 Measurement Distance = $\sqrt{EMCSignArea(sq.ft.)x100}$. The difference between the off and solid-measurements shall not exceed 0.3 Footcandles at night.
 - b. An Electronic Message Center shall have automatic illumination dimming technology to comply with the 0.3 Footcandle measurement requirement.

17. Directional Signs: In addition to any other permanent or temporary sign permitted elsewhere in this Ordinance, permanent or temporary sign(s) which convey information which pertains to the direction of traffic movement onto or within a premises shall be permitted provided that:

- a. The sign face area shall not exceed two square feet and the sign area shall not exceed four square feet.
- b. Sign height shall not exceed three feet if located within 25 feet of a public right-of-way or eight feet in height in any other location.
- c. The sign shall be located outside any public right-of-way, but shall not be subject to the general ground sign setback provision.
- d. The sign shall pertain to the premises on which it is located.
- e. When located in the Architectural Preservation District, the sign shall comply with all the general design standards and general provisions applicable to signs located within the Architectural Preservation District.
- f. A wall mounted directional sign may be placed at the entrance to any drive-thru window.

18. Ground Signs

- a. Setback. Any permanent or temporary ground sign or any part thereof shall be located outside the public right-of-way.
- b. Lot Frontage. Ground signs shall generate sign area based upon lot frontage on a public right-of-way of at least 50 feet in width. Corner lots and through lots shall have only one lot frontage for the calculation of permitted sign area. (*Ord. 18-16*)
- c. Landscaping Requirements. A permanent ground sign shall require a single continuous landscaped area to be maintained beneath the sign in accordance with the following standards:
 - i. The minimum landscaped area shall be equal to the area of the sign face.
 - ii. The landscaped area shall include all points where sign structural supports attach to the ground.

- iii. Where the required landscaped area is adjacent to a paved surface accessible to vehicular traffic, a raised non-mountable curb suitable to prevent the encroachment of vehicles shall be required. The minimum distance between the face of any required curb and any part of the sign shall be 30 inches.
- iv. The landscaping shall frame or accent the sign in an aesthetically pleasing manner with a mixture of shrubs and ground cover plants. The use of concrete, asphalt or any other paved surface inside the required landscaped area beneath the sign shall be prohibited. (*Ord. 18-16*)

19. Projecting Signs

- a. Shall not be less than eight feet in height above a sidewalk and 15 feet in height above a driveway.
- b. Shall be attached to the building wall at an angle of 90 degrees and no part of the sign shall project more than four feet from the wall.
- c. Shall not mask or interrupt a major architectural feature (such as, but not limited to, doors, windows, or trim).
- d. Shall not extend higher on the wall than the bottom height of any second story window.

20. Wall Signs

- a. Shall not extend more than 12 inches from the wall of the building upon which it is mounted.
- b. Shall be inclined from the vertical only to the extent necessary for conformity to the general contour of the wall to which the sign is mounted.
- c. Shall not extend above the top of the wall and shall not extend beyond the limits of any wall to which they are attached.
- d. Shall not mask or interrupt a major architectural feature (such as, but not limited to, doors, windows, or trim).
- e. Shall have hidden structural supports.

21. Temporary Signs

- a. The illumination of a temporary sign shall be prohibited.

- b. Temporary Real Estate Signs. In addition to any other temporary sign permitted elsewhere in this Ordinance on a premises, one additional temporary sign per lot frontage shall be permitted which complies with the following requirements:
 - i. Conveys information which pertains only to the “for sale”, “for lease”, or “for rent” status of the premises on which the sign is located. Information such as but not limited to, "Sold", "leased", or "rented” shall not be permitted on a sign under this provision. (*Ord. 17-13*)
 - ii. Single-family, Two-family Residential Uses and Multi-Family Residential Units (*Ord. 17-13*)
 - 1) The sign area shall not exceed 12 square feet and the sign face area shall not exceed six square feet.
 - 2) Sign height shall not exceed 4 feet.
 - 3) The sign shall be either a ground or a wall sign.
 - 4) A sign permit shall not be required.
 - iii. Non-residential and Undeveloped Land Uses (*Ord. 17-13*)
 - 1) The sign area shall not exceed 12 square feet and the sign face area shall not exceed six square feet for properties with a frontage of 100 linear feet or less.
 - 2) The sign area shall not exceed 32 square feet and the sign face area shall not exceed 16 square feet for properties with a frontage greater than 100 linear feet.
 - 3) The sign area shall not exceed 64 square feet and the sign face area shall not exceed 32 square feet for properties with a frontage of 200 linear feet or greater.
 - 4) A sign shall not exceed 6 feet in height.
 - 5) A sign permit shall not be required.
- c. Temporary Signs Advertising Non-Commercial Events Not Occurring on the Property on Which the Sign Is Located
 - i. Any sign which advertises or is related to a non-commercial event which said event is not to occur on the property on which the sign is situated shall not be displayed

more than 30 days prior to the date to which it relates and shall be removed by midnight of the third day following the event to which it relates.

ii. Any temporary sign under this provision shall display noncommercial information only.

d. A sign having an electronic message center shall be prohibited.

22. Signs at Unoccupied Building or Tenant Spaces. Any sign face identifying a business no longer in operation at a subject location shall be removed no later than 45 days from the date the business vacates the building or tenant space, or by a scheduled a date approved by the City Planner. (*Ord. 18-16*)

E. Signs Permitted for Undeveloped or Agricultural Land

1. Residential Zoned Land (Excluding the Architectural Preservation District)

a. Permanent Signs

i. Permanent sign(s) shall be prohibited.

b. Temporary Signs

i. Only one temporary sign shall be permitted on each premises.

ii. Shall not exceed 12 square feet in sign area plus one additional square foot of sign area for everyone-half acre of land above 6 acres not to exceed 64 square feet in sign area. The sign face area shall not exceed one-half the sign area.

iii. Shall be a maximum of 6 feet in height.

iv. May be displayed a maximum of 90 days out of each calendar year.

2. Non-Residential or Agriculturally Zoned Land (Excluding the Architectural Preservation District)

a. Permanent Signs

i. Permanent sign(s) shall be prohibited.

b. Temporary Signs

i. Shall be limited to the same requirements for temporary signs for business, industrial, and other non-residential uses.

3. Architectural Preservation District (APD)

a. Permanent Signs

i. Permanent sign(s) shall be prohibited.

b. Temporary Signs

i. Shall be limited to the same requirements that apply to temporary signs in the APD permitted for business and other non-residential uses.

F. Signs Permitted for Residential Uses

1. Single or Two-Family Residential Use

a. General

i. A sign permit for a temporary sign shall not be required.

ii. No sign may be illuminated.

iii. Projecting signs shall be prohibited.

iv. A sign having an Electronic Message Center shall be prohibited.

b. Ground Signs

i. Permanent ground signs shall be prohibited on any individual lot as defined by this ordinance.

ii. A permanent ground sign may be permitted on a reserve parcel or other lands owned in common by residents living with a specific neighborhood, a neighborhood group or association for the purpose of identifying their neighborhood.

1) A neighborhood identification sign must be located at the entrance to a neighborhood and fronting on a thoroughfare street as defined on the official Thoroughfare Plan.

2) A maximum of one, single-face sign shall be permitted at each neighborhood entrance.

3) A sign shall have a maximum area of 15 square feet.

4) A sign shall have a maximum height of 6 feet.

- 5) A sign shall be mounted onto a brick, stone, or keystone wall, wood, or wrought iron fence, or earthen mound and the entire area shall be landscaped.
- 6) A Zoning Certificate shall be required before a ground sign may be constructed. Plans for all signs including location, fences, walls or earth mounds and landscaping shall be submitted for approval.

Figure 9.11

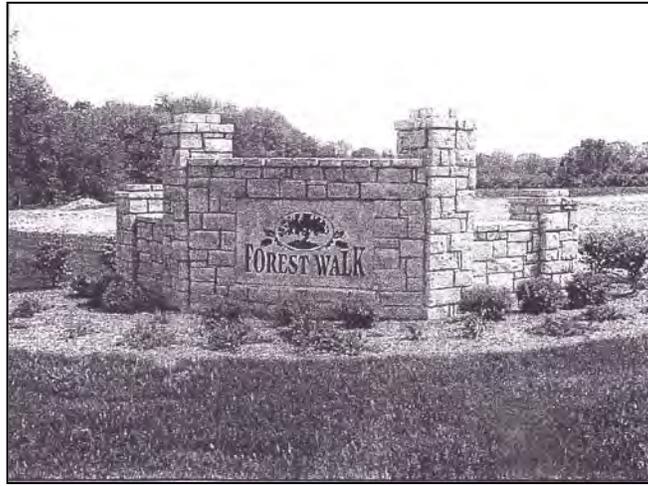
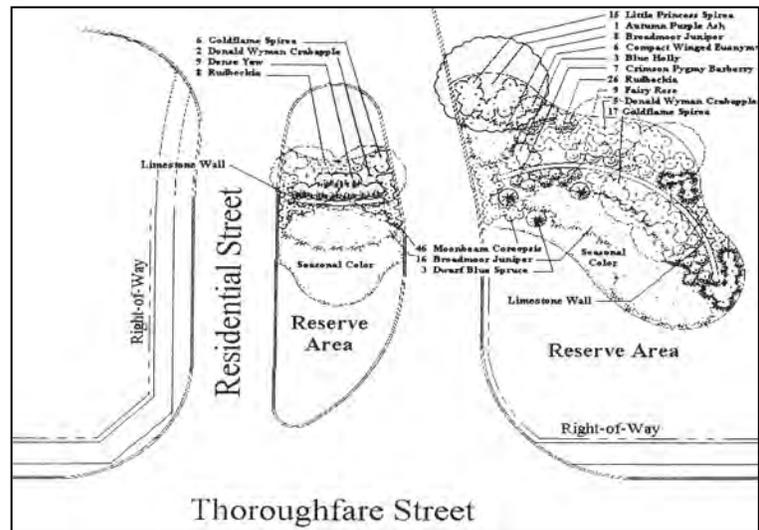


Figure 9.12



- c. Wall Signs: Only 1 wall sign shall be permitted on each dwelling unit and each sign shall not exceed two square feet in sign area.

- d. Temporary Signs
 - i. Only temporary ground signs shall be permitted.
 - ii. A temporary ground sign advertising a garage sale to be held on the premises shall be displayed for a period of time not to exceed three days maximum in any one evenly divided quarter of a calendar year for that premises.
 - iii. The sign face shall not exceed six square feet in area and the sign area shall not exceed 12 square feet.
 - iv. The sign height shall not exceed 4 feet.
 - v. The sign shall be located outside any public right-of-way, but shall not be subject to the general ground sign setback provision.

- 2. Multi-Family Residential Use
 - a. General
 - i. No sign shall be internally illuminated. Only external artificial light sources directing light to the sign face shall be permitted.
 - 1) The color of any energized lamp used shall be white or yellow.
 - 2) Light fixtures shall be positioned in a manner that focuses light onto a sign face to prevent glare to persons off-premises and the fixture lens or bulb shielded from public view.
 - ii. A sign having an electronic message center shall be prohibited.
 - iii. Projecting signs or wall signs with a sign area larger than two square feet shall be prohibited.

 - b. Ground Signs
 - i. Only 1 sign shall be permitted on each premises. However, the 2 sign faces of a ground sign may be split into 2 signs and situated on both sides of the main entrance to a multi-family development providing:
 - 1) Each sign shall have only 1 sign face.

- 2) The sign face area shall not exceed the maximum sign face area permitted by this ordinance.
- 3) Each sign shall be incorporated into a fence, wall, or earth mound and the entire area shall be landscaped.
- 4) A Zoning Certificate shall be required before a ground sign may be split. Plans for all signs including all fences, walls or earth mounds and landscaping shall submitted for approval.

- ii. The sign height shall not exceed 6 feet.
- iii. The permitted sign area shall not exceed 1 square foot of sign area per 10 linear feet of lot frontage and shall not exceed 32 square feet in sign face area or 64 square feet in sign area.

c. Temporary Signs

- i. Temporary projecting and wall signs shall be prohibited.
- ii. Only one temporary ground sign shall be permitted for a period of time not to exceed 30 days maximum in any evenly divided one-half of a calendar year.
- iii. The sign height shall not exceed 6 feet.
- iv. The sign area shall not exceed one-half square foot of sign area per 10 linear feet of lot frontage and the area of the sign face shall not exceed 12 square feet and the sign area shall not exceed 24 square feet.

G. Signs Permitted for Business, Industrial, or Other Non-Residential Uses (Excluding the Architectural Preservation District)

1. General Provisions

- a. No sign shall be located in such a manner as to be primarily viewed from residential property.
- b. Sign Illumination

No sign shall incorporate movement or the illusion of movement. Any illuminated sign or lighting device shall employ only light emitting a light of constant intensity, and no sign shall be illuminated by or contain flashing, intermittent, rotating or moving lights, or incorporate reflective materials which imitate or create the illusion of flashing or moving lights. In no

event shall an illuminated sign or lighting device be placed or directed so as to permit the beams and illumination therefrom to be directed or beamed upon a public thoroughfare, highway, sidewalk or adjacent premises so as to cause glare or reflection that may constitute a traffic hazard or other nuisance. Signs shall not be lighted in a manner which obstructs traffic control or any other public informational signs. Signs visible from sight lines along streets shall not contain symbols or words, or red and green lights that resemble highway traffic signs for devices. These regulations shall not apply to holiday display lighting.

- i. A permanent sign may be illuminated.
 - ii. A permanent sign for a business, industrial, or non-residential use where such use is located in a residential zoning district and the parcel where the use is situated does not have frontage to a thoroughfare street as defined by the Centerville Thoroughfare Plan shall not be internally illuminated.
 - iii. A temporary sign shall not be illuminated.
- c. A sign may include an electronic message center subject to the following requirements: *(Ord. 7-18)*
- i. The sign must be located in a non-residential zoning district.
 - ii. The electronic message center shall be limited to a maximum of 25% of the sign face area not to exceed 12 square feet in area.
 - iii. The surface area of the remaining portion of the sign face shall be a solid and opaque surface.
 - iv. A sign having an electronic message center shall only be placed along the frontage of a thoroughfare street as defined by the Centerville Thoroughfare Plan.

2. Ground or Projecting Signs

- a. Only one ground or projecting sign shall be permitted on a premises.
- b. The ground or projecting sign shall not exceed one-half square foot of sign area per one linear foot of lot frontage not to exceed 32 square feet in sign face area or 64 square feet in sign area.
- c. Ground signs shall be a maximum height of 6 feet at the minimum sign setback line and for every additional 5 feet of sign setback, 1 foot may be added to the sign height not to exceed a total sign height of 16 feet.

- d. A property owner may exchange the permitted ground sign for a wall sign(s) provided:
 - i. The sign area for this wall sign shall not exceed the sign face area of the ground sign that is permitted to the property by this ordinance.
 - ii. The wall sign that is exchanged for a ground sign shall be located on a building wall that is not used to generate permitted wall signage for this property.
 - iii. The building wall used to locate this wall sign shall not primarily face towards an abutting residential use nor toward a residential use across a street having a right-of-way width less than 82 feet as defined in the Thoroughfare Plan for the City of Centerville.
 - iv. No other ground sign shall be permitted on the premises unless otherwise permitted by this ordinance. Other ground signs permitted by this ordinance include but are not limited to temporary and directional signs.
 - v. A sign permit shall be required before a ground sign may be exchanged for a wall sign. (*Ord. 18-16*)

3. Wall Signs

- a. The total sign area of all wall signs shall not exceed one and one-half square feet of sign area per one linear foot of building frontage. (*Ord. 18-13*)
- b. In the case of a building with a pitched roof that overhangs a wall at the ground floor level in a manner that precludes the practical placement of a wall sign on any part of the wall of the building, that portion of the roof surface that overhangs the wall shall be considered part of the wall and a wall sign may be located on that overhanging roof surface provided that no part of the sign extends more than 3 feet from the roof surface and that the sign height does not exceed 2 feet. Before a sign permit may be issued for any sign under this provision, a site plan for zoning must be approved by the City.
- c. No more than three signs may be displayed on a building frontage. The total sign area of all signs displayed shall not exceed the maximum sign area permitted by this ordinance. (For multi-tenant buildings, a building frontage is the individual tenant space as defined by this ordinance).
- d. In cases where a building has more than one public street frontage, the permitted wall sign area may be distributed across multiple public street frontages. However, no more than 50% of the total permitted wall sign area may be located on one or more secondary frontage(s). (*Ord. 18-13, 18-16*)

4. Temporary Signs

a. Ground or Projecting Signs (Temporary)

- i. Only one temporary ground or projecting sign, for a period of time not to exceed 30 days maximum in any one calendar year, shall be permitted for on each premises.
- ii. For a premises having two (2) or more non-residential uses, only one temporary ground or projecting sign, for a period of time not to exceed 30 days maximum in any one calendar year, shall be permitted by any one non-residential use provided only one temporary ground or projecting sign is displayed on a premises at any one (1) time.
- iii. The Planning Commission may approve a request for a temporary ground or projecting sign exceeding the above stated period of time.
- iv. The sign area shall not exceed one-quarter square foot of sign area per one linear foot of lot frontage not to exceed 16 square feet in sign face area or 32 square feet in sign area.
- v. The sign height shall not exceed 6 feet.
- vi. Temporary projecting signs shall be prohibited.

b. Wall Signs (Temporary)

- i. Only one temporary wall sign, for a period of time not to exceed 30 days maximum in any one evenly divided quarter of a calendar year, shall be permitted for anyone building frontage of a premises.
- ii. The sign area shall not exceed 12 square feet.

c. Temporary Signs during Construction (*Ord. 7-18*)

- i. One (1) temporary ground, projecting, or wall sign meeting the requisite criteria in parts (a) or (b) above may be displayed on the premises during construction. The sign shall be removed upon the commencement of business on the premises. A permit shall not be required.

H. Signs Permitted for the Architectural Preservation District (APD) (*Ord. 7-18*)

1. Approvals Required (APD): Refer to Section 5.09 of the UDO.
2. General Design Standards (APD)

The type, size, height, number, placement, materials, and illumination of a sign shall complement the architecture of the buildings(s) located on the premises.

3. General Provisions (APD)
 - a. The sign face may be constructed using rigid and opaque materials such as wood, composition wood, metal, MDO board, or an equivalent material acceptable to the City Planner. The use of translucent materials such as certain types of plastics, vinyl, glass, fiberglass, or the corrugated plastic or paper, cardboard, or foam shall be prohibited. (*Ord. 7-18*)
 - b. No sign shall be internally illuminated. Only external artificial light sources directing light to the sign face shall be permitted.
 - i. The color of any artificial lights used shall be white or yellow.
 - ii. Light fixtures shall be positioned in a manner that focuses light onto the sign face to prevent glare to persons off-premises and to shield the fixture lens or bulb from public view.
 - c. Changeable copy signs shall be prohibited.
 - d. A sign having an electronic message center shall be prohibited.
4. Signs for Residential Uses (APD)
 - a. All signs are subject to the standards and requirements contained in the sub-section entitled "Signs for Residential Uses" of this Sign Ordinance; however, the procedures contained in this sub-section shall apply.
5. Signs for Business, Other Non-Residential, or Mixed Business and Residential Uses (APD)
 - a. Ground Signs (APD) (*Ord. 7-18*)
 - i. One ground sign shall be permitted on each premises.

- ii. Ground sign area shall not exceed one-quarter of a square foot in sign area per linear foot of lot frontage, nor 16 square feet in sign face area.
 - iii. A ground sign shall be a maximum of 6 feet in height.
 - iv. A ground sign may be exchanged for a wall sign provided:
 - 1) The sign area for this wall sign shall not exceed the sign face area of the ground sign that is permitted to the property by this ordinance.
 - 2) The wall sign that is exchanged for a ground sign shall be located on a building wall that is not used to generate permitted wall signage for this property.
 - 3) The building wall used to locate this wall sign shall not primarily face towards an abutting residential use nor toward a residential use across a street having a right-of-way width less than 82 feet as defined in the Thoroughfare Plan for the City of Centerville.
 - 4) No other ground sign shall be permitted on the premises unless otherwise permitted by this ordinance. Other ground signs permitted by this ordinance include but are not limited to temporary and directional signs.
- b. Wall or Projecting Signs (APD) (*Ord. 7-18*)
- i. One wall sign per business or one projecting sign per premises shall be permitted.
 - ii. Total wall or projecting sign area shall not exceed three-tenths of a square foot of sign area per linear foot of building frontage, nor 24 square feet in sign area for any one sign.
 - iii. The overall width of a wall sign shall not exceed more than 60 percent of the width of the wall on which it is located.
 - iv. A wall or projecting sign shall not extend higher on the wall than the bottom height of any second story window.
- c. Temporary Signs and Daily Display Signs (APD) (*Ord. 18-16*)
- i. A daily display sign shall be a ground sign.
 - ii. A daily display sign shall not exceed 6 square feet in sign face area.
 - iii. A daily display sign shall be a maximum of 4 feet in height.

- iv. A daily display sign shall be located near the front porch or stoop on a level surface outside of the public right-of-way in a manner that does not conflict with existing pedestrian and vehicular paths of travel.
- v. A daily display sign shall be displayed only during the normal hours of operation of a business.
- vi. The sign type, design, materials, and color shall be in general accordance with the Temporary Signs standards established in the Design Review Criteria.
- vii. A Sign Permit shall not be required.
- viii. In-lieu of a daily display sign, the City Planner may approve a temporary ground or wall sign subject to the following requirements:
 - 1) Only one temporary sign may be displayed a maximum of 30 days in each evenly divided half of a calendar year for a business on a premises.
 - 2) A temporary ground signs shall have a maximum height of six feet.
 - 3) A temporary wall sign shall not mask, cover or conceal any window or significant architectural feature of a building.
 - 4) A temporary sign shall not exceed 12 square feet in sign face area
 - 5) The sign material shall be composed of an opaque, durable material and properly secured so as to prevent detachment from the sign posts or building wall.
- ix. Illumination of a temporary or daily display sign shall be prohibited.

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9.53 Supplemental Standards for Zoning Districts

A. Requirements Applicable to All Zoning Districts

1. Environmental Requirements

No land or building in any district shall be used or occupied in any manner creating dangerous, injurious, noxious, or otherwise objectionable conditions which could adversely affect the surrounding areas or adjoining premises, except that any use permitted by this ordinance may be undertaken and maintained if acceptable measures and safeguards are taken to reduce dangerous and objectionable conditions to acceptable limits as established by the following requirements:

a. Air Pollution

Air pollution shall be subject to the requirements and regulations established by the Ohio Environmental Protection Agency and the Regional Air Pollution Control Agency of the Montgomery County, Ohio Combined General Health District.

b. Electrical Disturbance

No activities shall be permitted which emit electrical disturbance affecting the operation of any equipment other than that of the creator of such disturbances. Any generated electrical disturbance shall comply with all applicable regulations of the Federal Communications Commission.

c. Erosion

No erosion, by either wind or water, shall be permitted which will carry objectionable substances onto neighboring properties.

d. Fire and Explosion Hazards

Adequate safety devices shall be provided where there are activities involving burning or storage of flammable or explosive materials, adequate safety devices shall be provided at any point. Adequate safety devices against the hazards of fire and explosion and adequate fire fighting and fire suppression equipment and devices, standard in the industry shall be provided. Burning of waste materials in open fire is prohibited.

e. Glare and Heat

- i. Any operation producing intense light or heat, such as high temperature processes like combustion or welding, shall be performed within an enclosed building and shall not be visible beyond any lot line bounding the premises.**

- ii. Welding that is required for exterior construction of a structure shall be exempt from these regulations.

f. Liquid or Solid Wastes

- i. No discharge at any point into any public sewer, private sewerage disposal system, stream, or into the ground, of any materials of such nature or temperature as can contaminate any water supply, interfere with bacterial processes in sewage treatment, or otherwise cause the emission of dangerous or offensive elements, shall be permitted, except in accordance with minimum standards approved by the Montgomery County Health Department, the Ohio Department of Health, the Ohio Environmental Protection Agency, or such other governmental agency as shall have jurisdiction over such activities.
- ii. The use of dumpsters or other types of reasonably accessible waste containers for the disposal of potentially dangerous liquid or solid waste materials shall not be permitted.
- iii. The storage of large quantities of toxic material shall be prohibited.

g. Odors (*Ord. 7-18*)

No objectionable odor shall be emitted by any use permitted in any district in such quantities as to be readily detectable on a persistent basis by a person not located on the premises. Temporary or intermittent odors shall be exempt.

h. Radioactive Materials

No activities shall be permitted which utilize fissionable or radioactive materials if their use results at any time in the release or emission of any fissionable or radioactive material into the atmosphere, the ground, or sewerage systems.

i. Sound

- i. No premises shall emit, beyond any lot line bounding the premises, sound in excess of the maximum sound levels permitted by this ordinance, except that when the existing ambient sound level is at or above the maximum permitted sound level. A premises may not add more than 3 dBA to the existing ambient sound level.
- ii. Sound level (dBA) - shall mean the "A" weighted measurement of a sound pressure level in decibels (referenced to 0.0002 dynes per square centimeter) in accordance with the American National Standard Specification for Sound Level Meters, ANSI-S1.4-1971.

- iii. Construction Noise. Temporary construction noise during the daytime shall be exempt from these sound level requirements.

Maximum Permitted Sound Levels (dBA)

Source of Sound and Time	<u>Premises Receiving Sound</u>		
	Residential	Commercial	Industrial
Residential			
Daytime	55	60	60
Night-time	50	50	50
Commercial			
Daytime	55	60	65
Night-time	50	50	55
Industrial			
Daytime	55	60	70
Night-time	50	50	60

Night-time shall mean the hours between 10:00 P.M. and 7:00 A.M.

j. Standards and Measurement Procedures

Standards and measurement methods and procedures for the determination of the existence of any dangerous and objectionable elements shall conform to applicable standards and measurement procedures published by the American Standards Association, Inc., New York, the Manufacturing Chemists' Association, Inc., Washington, D.C., the United States Bureau of Mines, the Ohio Environmental Protection Agency, Montgomery County Environmental Health District, and other similarly recognized organizations.

k. Trash Collection Facility

- i. A trash collection facility shall include a large container such as a dumpster or a small container such as a garbage can, bag or other similar container. No trash collection facility shall be located or stored in the front yard of a premises.
- ii. A small trash container(s) may be placed at the public right-of-way during the normal trash collection day.

- iii. A large trash collection facility shall be situated in a permanent location and placed on a concrete pad (3000 psi minimum). A dumpster pad shall be of a dimension that will allow a dumpster to sit entirely on the pad and to permit the front wheels of a trash disposal truck to rest on the pad while emptying said dumpster. A large trash collection facility shall also be screened so as to not be visible from a public right-of-way or an adjacent property by using an opaque fence or wall composed of wood, brick, or stone not to exceed seven (7) feet in height. (*Ord. 17-14*)

1. Vibration

Every use shall be so operated that ground vibration inherently and recurrently generated is not perceptible, without instruments, beyond any lot line bounding the premises. No vibration at any time shall produce an acceleration of more than 0.1G or shall result in any combination of amplitudes and frequencies beyond the "safe" range of the most recent edition of Table 7, U.S. Bureau of Mines Bulletin No. 442. The equation of said bulletin shall be used to determine the values for enforcement.

- B. Standards for Residential Land Uses

1. Average Depth of Front Yard

In the Agricultural or Residential Zoning Districts, where the average depth of at least 2 existing front yards on lots within 100 feet of a lot in question and within the same block front is less or greater than the least front yard depth prescribed elsewhere in this Ordinance, the required depth of the front yard on such lot shall be modified. In such a case, the depth of the front yard shall not be less than the average depth of existing front yards, or the average depth of existing front yards of the 2 lots immediately adjoining, or, in the case of a corner lot, the depth of the front yard immediately adjoining. The depth of a front yard on any lot shall be at least 10 feet but not required to be more than 60 feet.

2. Erection of 1 Principal Building on a lot

In no case shall more than 1 principal building, and its accessory buildings, be located on 1 lot unless granted by approval, Section 5.09.

3. Yard Projections in Residential Districts. Certain architectural features may project into required yards as follows:

- a. A cornice, canopy, eaves, or other architectural feature of a principal building may project into a required yard a distance not exceeding 4 feet.
- b. A bay window, balcony, or chimney may project into a required yard a maximum distance of 4 feet, provided such features do not occupy, in the aggregate, more than 1/3 of the length of the building wall on which they are located. (*Ord. 17-13*)
- c. Architectural features shall not project into the public right-of-way.

C. Architectural Standards for Non-Residential Land Uses

1. Purpose

The goal of these regulations is to encourage development that contributes to the City of Centerville as a unique place, reflecting the community's physical character and adding to it in appropriate ways. The architectural design of non-residential developments, particularly large-scale developments, determines much of the character and attractiveness along the thoroughfares of the City, the windows to our Community. These standards require a basic level of architectural variety, detail siding and roof materials that are considered traditional in Centerville, provide compatible scale and mass to surrounding development, and to mitigate negative impacts. These regulations serve as a basis to promote creative architectural design that is in context with its surroundings.

2. General Architectural Design Requirements

- a. These general architectural design requirements of exterior building elevations shall apply to all non-residential uses within any base zoning district:
 - i. Architectural elevations for all buildings shall be that the design, massing, materials, shape, and scale, of all new or modified principal buildings, and accessory buildings shall create a unified design on the premises and shall be visually compatible with the surrounding buildings.
 - ii. The Planning Commission must review and approve the architectural design of all new non-residential buildings and additions to existing buildings in accordance to the requirements of this ordinance.
 - iii. The Planning Commission shall adopt and maintain a Design Guideline to provide additional information and clarification of the standards contained in this Ordinance.
- b. Building Design and Mass
 - i. All architectural elevations of principal buildings shall consist of a base, a body, and a cap.
 - 1) The base shall occupy the lowest portion of the elevation, and shall have a height no less than 8% of the average wall height.
 - 2) The body shall occupy the middle portion of the elevation, and shall have a height no less than 60% of the average wall height.
 - 3) The cap shall occupy the highest portion of the elevation, excluding the roof, and shall have a height no less than 8% of the average wall height, not to exceed the height of the base.

- 4) The cap shall consist of at least one of the following architectural features: a cornice, parapet, awning, canopy, or eaves.
 - 5) The base and cap shall be clearly distinguishable from the body through changes in color, material, pattern, profile, or texture. A cap and base shall incorporate at least three of these design elements.
- ii. Buildings that are characterized by a flat roof and a continuous wall elevation of uniform height shall contain three-dimensional architectural elements which serve to break up the horizontal emphasis of the elevation. Building entrances, corners and other similar features are examples that may be characterized by a separate mass.
- 1) These architectural elements shall present a balanced design for the entire building.
 - 2) For a single story building, required architectural elements shall have a height that exceeds the wall height of the dominant portion of the building by at least 10% but no greater than the maximum building height required by the zoning district.
 - 3) Architectural elements shall be distributed in a manner that limits the length of a continuous wall section of uniform height to 100 feet.
- c. Building Wall Materials
- i. Building Base: Brick, stone, or textured concrete block shall be permitted as base siding materials.
 - ii. Building Cap: Brick, stone, textured concrete block, wood, or applied materials such as exterior insulation finish system (E.I.F.S.), or other synthetic materials are examples of materials permitted for the building cap. Materials not specifically mentioned may also be permitted with the specific approval of the Planning Commission.
 - iii. Building Body: Wood, brick, and stone shall be permitted as siding materials for the body of the building. The following body materials are considered inappropriate, however, may be permitted with the specific approval by the Planning Commission on a case-by-case basis:
 - 1) Siding that imitates wood lap siding such as aluminum or vinyl siding or siding that imitates brick or stone,
 - 2) Ceramic tile or ceramic block,
 - 3) Sheet metal, corrugated metal, or other similar metal panels,
 - 4) Poured concrete, concrete block, textured concrete block, concrete panels, panels with an aggregate surface, or other similar concrete siding, or
 - 5) Applied materials such as stucco or E.I.F.S.

d. Roof Styles and Materials

- i. Permitted roof styles shall include gable and hip roofs. Other roof styles shall require specific approval by the Planning Commission on a case-by-case basis.
- ii. The height of any pitched roof shall not exceed 1/2 of the overall building height.
- iii. Permitted materials for pitched roofs include wood, slate, fiberglass reinforced asphalt roof shingles and standing seam or terne metal. Except when used on flat roofs that are not generally visible, roll roofing, built-up tar and gravel, metal panel or corrugated metal, plastic, or fiberglass roofing materials, other than fiberglass reinforced asphalt roof shingles shall be prohibited. Other roof materials shall require specific approval by the Planning Commission on a case-by-case basis.

e. Roof Mounted Mechanical Equipment

Building walls, parapets, and/or roof systems shall be designed to conceal all roof-mounted mechanical equipment from view to adjacent properties and public rights-of-way.

f. Building Colors

- i. Building Body: The body shall read as a single, subdued, earth-tone color. A maximum of three accent colors are also permitted that are compatible with the body color.
- ii. Building Base: The base shall read as a single, subdued, earth-tone color.
- iii. Building Cap: The cap shall consist of colors that are compatible with the building body color, any accent color and to each other.
- iv. Roof: The roof color shall read as a single color that is compatible with all building wall colors.
- v. Any building color or color combinations whose major function is to convey visual information or to attract visual attention is considered a sign and subject to the requirements of the sign section of this ordinance.

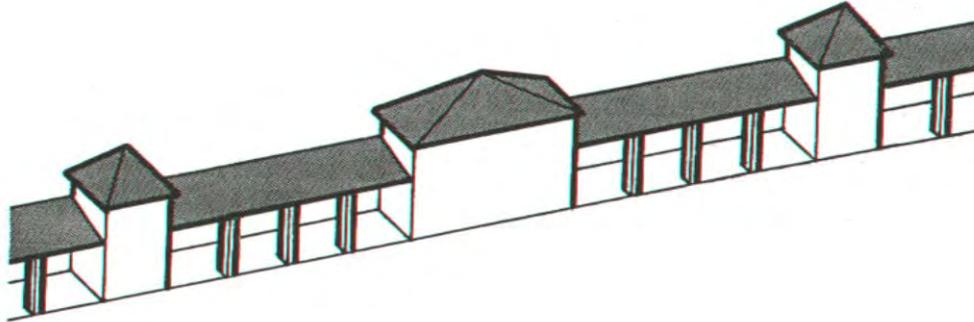
g. Additional Design Requirements

- i. These requirements apply to all non-residential uses EXCEPT those industrial uses that are EXCLUSIVELY and SOLELY stated as permitted or conditional use within Table 9.1, Permitted Land Uses in Base Zoning Districts for I-1, Light Industrial District and, I-PD, Industrial Planned Development in the UDO. Permitted or conditional uses in these zoning districts that are either permitted or conditional uses in other zoning districts shall be subject to these regulations.
- ii. These requirements are in addition to the General Architectural Design Requirements contained in this ordinance.

iii. Massing of Buildings

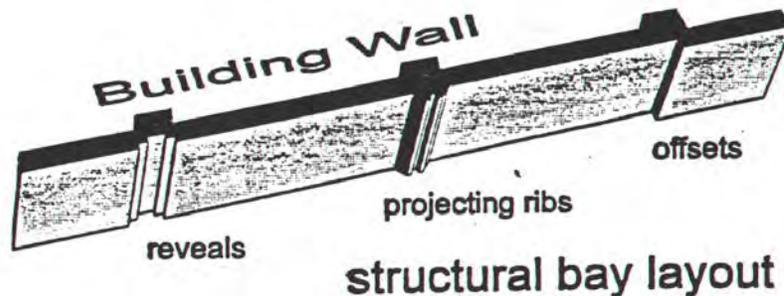
- 1) Buildings shall be designed in a manner which disrupts and/or disperses the massing of the building through the use of projections and recesses. Building elevations shall reflect spaces that are either carved out of a mass or multiple masses of varying sizes grouped together. Examples include recesses, arcades, courtyards, vertical offsets, and horizontal offsets. See Figure 9.12.

Figure 9.13: Articulation of Building Mass and Bulk by the Use of Offsets and Recesses



- 2) Spaces that are carved out of a mass, and/or multiple masses grouped together, shall appear as proportional to one another and shall establish a pattern or rhythm to the building facade.
- 3) Building elevations greater than 100 feet in length, measured horizontally, shall incorporate projections or recesses in the wall plane. A projected or recessed area should comprise at least 20% of the overall length of the elevations and have a minimum depth or projection equal to 3% of the total elevation length. The length and depth of any projection or recess that is less than this minimum requirement may be approved by the Planning Commission on a case-by-case basis.
- 4) The maximum length of an uninterrupted wall plane shall be 100 feet.
- 5) Walls greater than 50 feet in length shall be uniformly divided into bays through the use of columns, projecting ribs, offsets or reveals. See Figure 9.13.

Figure 9.14: Treatment of Wall Greater than 50 Feet in Length



iv. Wall Openings (Doors and Windows)

- 1) Building elevations that directly front a public street should contain windows which occupy at least 25% of the total wall surface area. The percent of the wall surface area used for windows that is less than this minimum requirement may be approved by the Planning Commission on a case-by-case basis.
- 2) Doors and windows shall be positioned in an orderly manner. Where appropriate, these elements shall form a pattern or visual rhythm along the building elevation.
- 3) All doors and windows shall be articulated through the use of lintels, sills, and thresholds. Windows larger than 20 square feet that are not used for display purposes shall be divided into panes through the use of mullions and/or sashes. Doors and windows shall be rectangular in shape. Other types may be permitted with the specific approval of the Planning Commission on a case-by-case basis.
- 4) All buildings with frontage to a public street shall contain at least one entrance on any facade fronting on a public street. All entrances designated for public or employee use shall be characterized by a separate mass and providing at least one of the following features: an overhang, awning, canopy, portico, or projection.
- 5) Emergency exits, when located on the side or rear building elevation shall be exempt from this provision.

D. Supplemental Standards for the Architectural Preservation District, APD

1. Purpose

The City of Centerville, recognizing the unique panorama of architectural history that has developed along the major cross-roads of our community, hereby declares as a matter of public policy that the preservation, protection, perpetuation, and use of areas, places, structures, works of art or similar objects having a special historical, cultural, or aesthetic interest or value is a public necessity, and is required in the interest of the health, safety, convenience, comfort, prosperity, or general welfare of the citizens of Centerville. The purpose of this section of the UDO is to:

- a. Protect the historic and architecturally significant buildings within the APD.
- b. Insure architectural harmony between buildings of widely varying architectural periods and styles.
- c. Protect the existing residential uses within the APD.
- d. Stabilize, improve, and protect the property values of businesses within the APD.

- e. Strengthen the economy of the City of Centerville.
 - f. Protect and enhance the visual and aesthetic character, diversity, and interest in the City of Centerville.
 - g. Promote the use and preservation of historic sites and structures for the education and general welfare of the citizens of the City of Centerville.
 - h. Establish standards and criteria for the APD.
2. Development Standards
- a. Demolition or Moving of Buildings
 - i. The demolition or moving of buildings within the APD shall require the approval of the Board of Architectural Review (BAR); however, staff may approve a demolition application where an extreme safety hazard exists. In order to grant such approval, the BAR must be satisfied that the building meets at least 1 of the following criteria.
 - 1) Health and Safety Hazard. The building has been deemed to be a hazard to public health or safety and repairs are deemed to be unfeasible as determined by the Building Inspector or his designee.
 - 2) Deterrent to Major Community Improvement. The building is a deterrent to a major community improvement which the applicant must demonstrate will be of substantial benefit to the community. This improvement must be shown to have great potential for increasing surrounding property values.
 - 3) Rehabilitation Not Economically Feasible. Rehabilitation of the building is not economically feasible. It shall be the responsibility of the applicant to prove that rehabilitation of the building would not allow a reasonable economic return on the owner's investment.
 - 4) Detriment to Community. The retention of the building would not be in the interest of the community as a whole as is determined by the BAR.
 - ii. Demolition Delay Period. In cases where approval for demolition is granted, for reasons other than public health or safety, such approval shall not become effective until 3 months after the date of the approval decision by the BAR in order to provide a period of time within which it may be possible to relieve a hardship or to cause the property to be transferred to another owner who will retain the building.

This in no way implies approval by the Building Department whose approval must also be secured in addition to the approval of the BAR. The BAR may waive any portion of the 3 month demolition delay period.

b. Off-Street Parking and Loading

- i. All parking and loading areas shall be located in the rear yard of all non-residential, multi-family, or mixed residential and non-residential uses. Front yard or side yard parking for these uses shall be prohibited; however, side yard parking for a corner lot shall be permitted.
- ii. Side or front yard parking shall be permitted for single-family and two-family residential uses.
- iii. Refer to the Off-Street Parking and Loading, Section 9.29 of this Ordinance for additional requirements.

c. Sidewalks

- i. All sidewalks located within dedicated public right-of-way or public roadway easements in the APD shall be of red brick type surface. This requirement shall be achieved in time through the installation of new brick sidewalks and the replacement of existing non-brick sidewalks.

d. Location of Building(s) on the Lot

- i. Parallel or Perpendicular to the Street. All building fronts shall be located on the lot parallel or perpendicular to the front lot line.
- ii. Front Yard Building Setback. The dimension of the required front yard of a lot shall be determined by computing the average building setbacks for existing structures along the same block front. The setback line may be modified by the BAR to reflect historic patterns. The BAR shall take into consideration the setback of adjacent buildings, existing and proposed easements, lot configuration, public right-of-way, thoroughfare improvements, or applicable goals from Create the Vision.
- iii. Additional building setback standards in Section 9.05, Table 9.00.

e. General Design Requirement for Exterior Building Architectural Elevations

The general design requirement for exterior building architectural elevations shall be that the size, shape, location, materials, and architecture of all new or modified principal

buildings, accessory buildings, and garages shall be visually compatible with the surrounding buildings. The more detailed standards of this section of the UDO shall be used to determine the visual compatibility of a building with the surrounding buildings. The Design Review Criteria shall be used to reference architectural styles that may be prevalent in different areas of the Architectural Preservation District. The BAR may vary the architectural standards of Section 9.53, D. of the UDO to assure architectural and historic compatibility in accordance with the Design Review Criteria.

f. Shape of Buildings

- i. General Shape. Buildings shall be of a simple solid, rectangular shape with corners that are clear and defined with walls that extend perpendicularly to the ground.
- ii. Roof Shape. Buildings shall employ a sloped, pitched roof design with eaves.
- iii. Large Building and New Addition Shape. Very large new buildings and large additions to existing buildings shall be composed of smaller rectangular building units of varied sizes grouped and attached together.

g. Number of Stories

- i. For purposes of this Section, all buildings shall be classified as either a 1 story, 1 ½ story, or a 2 story building. Existing buildings that exceed 2 stories in height shall be considered to be two stories in height.
- ii. No new principal building or an addition to an existing principal building shall exceed 2 stories in height.
- iii. A new principal building shall not exceed the maximum number of stories of the nearest existing principal building if such building is located within 100 feet of the new building.
- iv. An addition to an existing principal building shall not exceed the number of stories of the existing building. The maximum height of both new buildings and additions to existing buildings shall conform to the height of adjacent buildings within the building envelope of a street as outlined in the Design Review Criteria.

h. Width to Height Proportion

The width and height of the front elevation of the building shall appear as a rectangle with the longest side of the rectangle being the width of the front elevation of the building.

i. Roofs

i. Design and Styles

- 1) Pitched Roof. All buildings shall have a pitched roof with eaves.
- 2) Proportion of Building Height as Roof. No more than 1/2 of the building height may appear as a roof.
- 3) Cornices. Roofs and walls shall be joined by a cornice.
- 4) Roof Styles
 - a. Permitted. Gable, gambrel, or hip roof styles shall be permitted.
 - b. Prohibited. Flat, Mansard, false fronts, shed, and other style roofs not specifically permitted shall be prohibited.
- 5) Roof Additions. If it is necessary to add a roof, the original roof form shall be maintained by constructing the additions as gables, dormer windows, shed dormers, or cupolas.
- 6) Removal of Architectural Features Prohibited. The stripping of roof architectural features such as dormer windows, cupolas, risers, and gables from existing roofs is prohibited.

ii. Materials and Texture

- 1) Roof Material. Roof material shall be in harmony with the style and features of the building.
- 2) Consistent Roof Materials. Roof materials shall be consistent over the entire roof.
- 3) Roof Texture. Roof textures shall be subtle and unobtrusive.

j. Chimneys and Flues

- i. Construction Materials. Chimneys and flues shall be constructed of brick, stone or metal. Metal flues or chimneys shall be sized and located so as to be a subtle and unobtrusive element of the roof design.

- ii. **Materials Prohibited.** Imitation stone or brick or metal formed to look like stone or brick is prohibited.

- k. **Walls**

- i. **Design and Styles**

- 1) **Ground Mounted.** Walls shall extend from the ground up to the roof and have clearly defined corners.
 - 2) **Rectangular Building Block Construction.** The walls shall fit together to form simple rectangular building blocks.
 - 3) **Flat Walls with Square Corners.** Flat walls with square corners shall be required when additions are attached to the basic building.
 - 4) **Styles Prohibited.** Fin walls, open arcades, walls constructed in suspended cantilevered forms, and exposed frames with infill panel walls are prohibited.

- ii. **Materials, Pattern, Texture, Features, and Cleaning**

- 1) **Permitted Siding Materials.**

- a. Siding used on any building must be architecturally appropriate to the period which the building was built or designed.
 - b. Wood, brick, or stone shall be permitted as siding materials.
 - c. Fiber cement siding may be used as an alternative to wood siding subject to approval by the BAR.

- 2) **Wood Siding**

- a. **Siding Width.** Siding width shall be architecturally appropriate to the building. In no case shall wood siding exceed 8 inches in overall board width.
 - b. **Construction Pattern.** Wood siding shall be situated horizontally. Board and batten siding may be placed on any accessory building.
 - c. Siding used for additions or alterations to an existing building shall match the old siding in size and texture.

- d. Where fiber cement siding is substituted for wood siding, final usage and finish shall be subject to approval by the BAR. Fiber Cement siding is prohibited for use on any portion of a building deemed historically significant in accordance with Section 9.45, Landmarks.

3) Brick Siding

- a. New Bricks. New bricks, that replace old bricks on an existing building or used as a siding material for an addition to an existing building, shall match the old bricks in size, color, and texture. Bricks, used in new construction, shall be situated horizontally.
- b. Construction Patterns for Restorations or Alterations. Bricks shall be laid in the same pattern as was used in the original structure.
- c. Mortar Used for Restorations or Alterations. Mortar shall duplicate the composition, color, texture, joint size, and joint profile of the original structure.

4) Stone Siding

- a. New Stone. New stone, used for the restoration of an existing building or as a siding material for an addition or alteration to an existing building, shall match the old stone in size, color, and texture.
- b. Construction Patterns, for Restorations or Alterations. Stone shall be laid in the same pattern as was used in the original structure.
- c. Mortar Used for Restorations and Alterations. Mortar shall duplicate the composition, color, texture, joint size, and joint profile of the original structure.

5) Types of Siding Prohibited

- a. Aluminum, Metal or Vinyl Siding Prohibited. The use of aluminum, metal, vinyl or other materials that are stamped, molded, cast, rolled, or pressed, as an exterior siding material shall be prohibited.
- b. Stone or Concrete Panels or Concrete Block Prohibited. The use of marble, granite, exposed aggregate, or other similar stone or concrete panels or the use of concrete block as a siding material shall be prohibited.

c. Stucco Prohibited. The use of stucco for exterior building walls shall be prohibited.

6) Trim, Sill, and Corner Boards

a. The design and size of trim including fascia, sill, and corner boards shall be appropriate for the architectural style of the building.

b. Natural materials such as wood, brick, or stone shall be permitted as trim materials.

c. Alternative materials may be used for trim elements subject to approval by the BAR.

7) Special Architectural Features

Special architectural features such as brackets, scrollwork, railings and pediments shall be retained.

8) Methods of Cleaning Prohibited

Sandblasting or waterblasting of wood, brick, or stone or the use of chemical cleaners on limestone is prohibited.

1. Wall Openings (Doors and Windows)

i. Architectural Compatibility

The architectural design of all wall openings (windows and doors) including the number, location, size, shape, style, trim, casing, lintel, sill, shutters, awnings, screening, storm protection, materials, and color shall be architecturally compatible with the proposed or existing building and the surrounding buildings.

ii. Pattern of Wall Openings

Patterns and rhythms in window and door spacing that occur in surrounding buildings shall be incorporated into the proposed building wall planes.

iii. Floor Levels

Floor levels shall be clearly indicated by the door and window arrangement and by the porch and roof design.

iv. Portion of the Building Front Wall Plane Area Devoted to Wall Openings

Approximately 1/3 of the building front wall plane area shall be devoted to wall openings. Building walls containing large areas of glass shall be prohibited. Display windows located on the ground floor of commercial storefronts shall be permitted.

v. Projecting and Deeply Recessed Wall Openings Prohibited

Wall which appear to be projecting or deeply recessed from the plane of the wall shall be prohibited.

vi. Rectangular Shaped Wall Openings

All wall openings shall appear rectangular in shape with the width of the wall opening being the shortest side of the rectangle. Picture windows and display windows located on the ground floor shall be permitted exceptions to this requirement, if they are compatible with the surrounding building window designs.

vii. Arches

Only flat or flattened (segmented) arch construction at the top of wall openings shall be permitted. Italianate, High Roman, and Gothic arches are prohibited.

m. Exterior Color Chart

- i. BAR Color Chart. Any color scheme selected from the BAR color chart shall be permitted. The BAR color chart shall be available for review by the public at the City of Centerville Offices.
- ii. Color Harmony on the Property. The color(s) used on each property shall harmonize.
- iii. Color Compatibility with Surrounding Properties. The color(s) used on each property shall be visually compatible with those colors used on adjacent properties.
- iv. Number of Colors. A maximum of 3 different colors; 1 base color with 2 complimentary colors, shall be used on the exterior of each building.
- v. Natural Color and Painting of Brick or Stone. Brick or stone natural color shall be reddish, beige, or white. Yellow, gray, and salt and pepper (black and white) colored brick are prohibited. The painting or repainting of brick or stone shall be permitted, but the color shall be in accordance with the BAR color chart.

- vi. **Siding or Wall Color.** Siding or wall color above the foundation line of the building shall be of a single muted, earth tone color. Bright, flashy wall colors shall be prohibited.
 - vii. **Trim Color.** Trim color shall be the same color as the wall or of another single color which harmonizes and contrasts with the wall color. Bright colors may be used for the trim; however, the trim color shall not clash with the wall color. Shutters or another major trim feature may be painted a third harmonizing color.
 - viii. **Roof Color.** Roof color shall be of a muted, subdued color that harmonizes with the other colors of the building. Bright, clashing roof colors that attract attention to the roof shall be prohibited.
- n. **Fences**
- i. **Permitted.** Wooden fences of solid plain vertical boards, picket fences, or split rail fences shall be permitted with all building styles. Wrought iron or cast iron fences shall be permitted with brick or wood buildings.
 - ii. **Prohibited.** The following fence types are prohibited:
 - 1) Brick fences used with a stone building are prohibited.
 - 2) Wooden fences with diagonal or basket weave board structure, or uneven tops are prohibited.
 - 3) Cinder block, plaster, chain link, cyclone, and all other wire fences are prohibited.
- o. **Works of Art.** Works of art that meet all of the following standards shall be permitted:
- i. **Quantity.** The quantity of works of art per property shall be limited to the number that results in an uncluttered appearance to the property.
 - ii. **Architectural Compatibility on Property.** The size, scale, proportion, and design of the works of art shall be architecturally compatible with the other buildings, structures, and other works of art located on the property.
 - iii. **Architectural Compatibility with Surrounding Properties.** The work(s) of art shall be architecturally compatible with the surrounding properties.

9.55 Wireless Communication Facility Standards (*Ord. 04-14*)

A. Purpose: These regulations are established to provide for the construction and use of Wireless Telecommunication Facilities in the City of Centerville. The regulations allow Wireless Telecommunication Facilities as a conditional use, or permitted accessory use depending upon the specific land areas of the City in which, and circumstances under which, they are proposed to be located. The purpose of these regulations is to balance the competing interests created by the federal Telecommunications Act of 1996 (Public Law 104-104, codified at 47 U.S.C. §§ 151 et seq.), the Secretary of the Interior’s Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings, and the interests of the City in regulating Wireless Telecommunication Facilities for the following reasons:

1. To protect property values and provide for orderly development within the City;
2. To insure that adequate telecommunication services are available within the City;
3. To protect the visual character for residents and wireless users of the City, including, but not limited to, its residential character, unobstructed open spaces, attractive commercial/office areas, and trees and other vegetation;
4. To maintain the historic character of certain portions of the historic central portion of the City from the potential for visual blight caused by Towers and related facilities;
5. To protect residential properties, parks, open spaces and non-intensive, mainly low-rise commercial zoning districts from the potential adverse effects of Towers and related Facilities;
6. To promote Co-location of Wireless Telecommunications Facilities in order to minimize the potential adverse effects of additional single-provider Towers in the City;
7. To provide for and protect the health, safety and general welfare of the residents and visitors of the City; and
8. To maintain, where possible, the integrity of the existing zoning regulations contained in the UDO.

B. Applicability: No person shall construct, erect, maintain, extend or remove a Wireless Telecommunication Facility in the City unless it is in compliance with the purposes and provisions of Article 9.55, notwithstanding applicable state or Federal regulations specific to wireless telecommunications facilities which may supersede local regulations. (*Ord. 17-16*)

C. Designation of Wireless Telecommunication Facilities Overlay District, (WTFO)

1. Where applicable, the regulations governing the Wireless Telecommunications Facilities Overlay District shall control and supersede wherever they are inconsistent with other provisions of the UDO. If no inconsistency exists between the provisions of this WTFO District and the provisions of the underlying zoning district, other provisions of this UDO shall remain in full force and effect and shall regulate all land use and development.
2. Relationship to Base Districts: The Wireless Telecommunication Facilities Overlay District (WTFO) is an overlay zone which may be applied in the manner described to existing zoning districts in the locations listed in Article 9.55(C)(3), Location of District.
3. Location of District: The WTFO is limited to land within the following existing zoning districts, as illustrated on the zoning map: A, Agriculture; I-1, Light Industrial; I-PD, Industrial Planned Development; B-2, General Business District; B-PD, Business Planned Development; O-PD, Office Planned Development and R-PD, Residential Planned Development. (*Ord. 17-16*)

D. Use Regulations

1. Permitted use.
 - a. The erection or construction of a Wireless Telecommunication Antenna(e) on an existing Wireless Telecommunication Tower within the WTFO district may be permitted as an accessory use as a co-location on such a Tower provided that all electronic and relay equipment for the Wireless Telecommunication Antenna shall be housed, if available, within the existing Equipment Shelter or as such Shelter may be expanded. Such use may be approved upon submission of an application to the City Planner which meets all applicable regulations of Article 9.55 related to the placement, construction and operation of the Wireless Telecommunication Equipment and related Facilities associated with such Antenna(e).
2. Permitted accessory use.
 - a. The installation of a Wireless Telecommunications Antenna(e) where the construction or erection of a Wireless Telecommunications Tower is not proposed, shall be permitted as an accessory use on existing buildings or structures in the WTFO overlay district under the following circumstances:
 - i. All Wireless Telecommunication Facilities shall not be located greater than 10 feet above the roofline of an existing building or structure to which it is attached. All electronic and relay equipment for the Wireless Telecommunication Antenna shall be housed within the existing building or structure, if possible.

- ii. Any Equipment Shelter shall be designed as an integral part of the principal building or concealed with similar architectural treatment and materials as the exterior of the building.
 - iii. To the extent the remaining standards of Article 9.55 are applicable to the situation involving the installation of a Wireless Telecommunication Antenna(e) on an existing building or structure, such standards shall govern the installation.
3. Conditionally permitted use.
- a. Wireless Telecommunication Antenna(e): The installation of a Wireless Telecommunication Antenna (e) where the construction or erection of a Wireless Communication Tower is not proposed, shall be permitted as a conditional use per Article 5.09 on existing buildings or structures outside the WTFO overlay district under the following circumstances:
 - i. All Wireless Telecommunication Facilities shall not be located greater than 10 feet above the roofline of an existing building or structure to which it is attached. All electronic and relay equipment for the Wireless Telecommunication Antenna shall be housed within the existing building or structure, if possible.
 - ii. Any Equipment Shelter shall be designed as an integral part of the principal building or concealed with similar architectural treatment and materials as the exterior of the building.
 - iii. To the extent the remaining standards of Article 9.55 are applicable to the situation involving the installation of a Wireless Telecommunication Antenna(e) on an existing building or structure, such standards shall govern the installation.
 - b. Wireless Telecommunication Towers: A Wireless Telecommunication Tower may be permitted as a conditional use per Article 5.09 in the WTFO overlay district. Such use may be approved under the conditional use process provided the applicant demonstrates compliance with each of the following co-location requirements, as well as all other applicable standards set forth in the UDO:
 - i. An applicant for a permit to erect a Wireless Telecommunication Tower must demonstrate that there is no technically suitable space for the applicant's Antenna(e) and related Facilities reasonably available on an existing Tower, building or structure within the geographic area to be served. With the application, the applicant shall list the location of every Tower, building or structure within 5 miles of the proposed site that could support the proposed Antenna(e) or area where it would be Technically Suitable to locate so as to allow it to serve its intended function. The applicant must demonstrate that a Technically Suitable

location is not reasonably available or cannot reasonably be modified on an existing Tower, building or structure. If another existing Tower, building or structure is Technically Suitable, the applicant must demonstrate that it has requested to Co-locate on the existing Tower, building or structure and the Co-location request was rejected by the owner of the Tower, building or structure. In all circumstances, owners of existing Towers shall promptly respond in writing to requests for Co-location, but in no event shall they respond more than 30 days from the date of receipt of a written request for Co-location. If another Tower, building or structure is Technically Suitable, the applicant must further show that it has offered to allow the owner of that other Tower, building or structure to Co-locate an Antenna(e) on another Tower, building or structure which is owned or controlled by the applicant, if any, on reasonably reciprocal terms and the offer was not accepted.

- ii. All applicants for construction or erection of Wireless Telecommunication Towers shall be required to construct on a base Tower structure and structure foundation that is designed to have sufficient structural loading capacity to accommodate at least 3 Antenna platforms or Antenna arrays of equal loading capacity for 3 separate providers of service to be located on the structure when constructed to the maximum allowable height.
- iii. The Wireless Telecommunication Facility shall also be designed to show that the applicant has enough space on its site plan for an Equipment Shelter large enough to accommodate at least 3 separate users of the Facility. If an Equipment Shelter is initially constructed to accommodate only 1 user, space shall be reserved on site for Equipment Shelter expansions to accommodate up to at least 3 separate users.
- iv. Agreement to the provisions of this subsection must be included in the applicant's lease with the landowner, if different from the owner/user of the Tower. Written documentation must be presented to the City Planner evidencing that the landowner of the property on which the Tower is to be located has agreed to the terms of this subsection. As an additional condition of issuing a conditional use permit, the owner/user shall respond in writing to any inquiries regarding Co-location of another user of the Facility within 30 days after receipt of a written inquiry. Copies of all written requests to Collocate and all written responses shall be sent to the City Planner.

E. Submittal Requirements: Applicants for conditionally permitted Wireless Telecommunication Facilities shall submit the following information:

1. Survey of Existing Conditions: A survey for the entire property shall be prepared by a surveyor licensed to practice in the State of Ohio. This survey shall indicate all observable physical features on the site and on property abutting the site, ownership of the property and

of all property abutting the site, underground and overhead utilities, easements, deed restrictions, property line bearings and distances. Topography at two foot intervals shall be shown for the entire property or within at least a 150 foot radius of the tower, whichever is less. Spot elevations may be used when contour intervals are impractical.

2. Legal Description: Legal description of the parent tract and leased parcel if applicable.
3. Site Development Proposal: A scaled site plan and specifications clearly indicating the location of all new and existing underground and overhead facilities. This shall include, but not be limited to, the proposed tower, antenna and associated buildings, uses and structures on the same and adjacent properties, underground and overhead utilities, and exterior lighting. Adjacent roadways, proposed means of access, parking and other information deemed necessary by the City Planner for a review of the application shall also be shown.
4. Setback Dimensions: Setback dimensions shall show the distance between each property line and the closest point on the perimeter of the tower structure.
5. Grading and Landscaping Plan: A proposed site grading and landscape plan showing specific landscape materials, sizes and species proposed. Land contours shall be shown at 2 foot intervals and the surface drainage concept shall be indicated for the entire property, or within at least a 150 foot radius of the tower, whichever is less. Spot elevations may be substituted where contour elevations are impractical.
6. Antenna and Towers: Plans, elevation drawings and material specifications for all proposed antenna towers and antennae.
7. Buildings: Building plans, elevation drawings and material specifications for all proposed buildings, structures, fences, walls and gates.
8. Fences: Shall include a plan and elevations drawn to scale together with a material specification for all security enclosures.
9. Certification of Compliance: A written certification from a registered professional engineer of compliance with all applicable federal, state, county or local laws including all provisions with this Section. Additionally, prior to final inspection by the Building Department documented certification shall be submitted to the FCC, with a copy to the City certifying that the wireless communication facility complies with all current FCC regulations for non-ionizing electromagnetic radiation (NIER).
10. Co-Location Statement: A notarized statement by a registered professional engineer, hired by the applicant, that verifies that construction of the tower will accommodate co-location of additional antennas for future use and also states the ultimate height needed for the co-location capacity required.

11. Lease Agreement: A copy of the proposed antenna tower site lease agreement including all easements and access rights.
 12. Inventory:
 - a. List of Applicant Locations: Each applicant for an antenna and/or tower shall provide to the City Planner an inventory of its existing towers, antennas, or sites approved for towers or
 - b. Antennas, that are either within the jurisdiction of the City or within one mile of the border thereof, including specific information about the location, height, and design of each tower.
 - c. Specification of Backhaul Providers: Identification of the entities providing the backhaul network for the tower(s) or antenna(s) described in the application and other cellular sites owned or operated by the applicant in the City.
 13. Justification: A description of the suitability of the use of existing towers, other structures or technology not requiring the use of the proposed new tower.
 - a. Existing facilities not available. A demonstration that a technically suitable location is not reasonably available on an existing tower, building or structure.
 - b. Co-location rejected. If another tower is technically suitable the applicant must show that the applicant has requested to co-locate and that the request was rejected by the owner of the tower, building or structure.
 14. Master Plan of Provider: A description of the feasible locations of future towers or antennas within the City based upon existing physical, engineering, technological or geographical limitations in the event the proposed tower or antenna is erected
 15. Radio Frequency (RF) Engineer Testimony: Testimony shall be made by a radio frequency engineer at all required public hearings and he/she shall attest to the engineering need for the tower height requested.
- F. Minimum Standards for Construction, Erection, Maintenance and Removal: Except as otherwise provided in this Section, all Wireless Telecommunication Facilities shall comply with the following standards:
1. Spacing: There shall be a separation of a minimum of 1/4 mile between Wireless Telecommunication Towers, including a separation of at least 1/4 mile from any such Tower located outside the City's corporate limits.

2. Height: All free-standing Wireless Telecommunication Towers, including Antennae and all appurtenances, shall be designed at the minimum functional height.
 - a. Wireless Telecommunications Tower: The maximum height shall be 160 feet above grade. This maximum height standard may be modified upon a finding by the City Planning Commission that additional height is necessary to provide service to the geographical service area of the applicant.
 - b. Antenna Attached to Existing Building: The maximum height of any Wireless Telecommunication Antenna installed on an existing building or structure pursuant to Section 9.49, 1, c, 2 thereof, shall be no greater in height than 10 feet above the roof-line of the existing building or structure to which it is attached.
 - c. Equipment Shelters: The height of any Equipment Shelter shall not exceed 10 feet from the approved grade or above the roof-line of an existing building or structure if so attached.
3. Setbacks: All Wireless Telecommunication Towers shall be set back from any rear or side property lines abutting a residentially-zoned or used lot a distance of at least 100 feet, 50 feet from any rear or side property lines abutting a non-residentially-zoned or used lot. In no event shall a Wireless Telecommunication Tower or Facility be located in front of the principal building on the lot, if any, or in front of the front yard setback line as shown on the zoning map when no principal building is present on the lot.
4. Design
 - a. All Wireless Telecommunication Towers shall be of a Monopole design, as opposed to a Lattice design. No guy wired Towers shall be permitted. All wires and conduit servicing Antennas shall be located inside the Tower.
 - b. All Wireless Telecommunication Facilities shall be subject to review by the City Planning Commission for the purpose of enhancing the compatibility of the Facilities with their surroundings. The color of a Wireless Telecommunication Tower and/or Antennas shall be as determined by the Commission for the purpose of minimizing its visibility, unless otherwise required by the FCC or the Federal Aviation Administration (FAA).
 - c. The Wireless Telecommunication Antennas shall be of a panel design and mounted flush to the Tower, building or structure which elevates the Antennas, unless the applicant can demonstrate that it is not feasible from an engineering standpoint to use such Antennas or to mount them in such a fashion.

5. **Landscaping:** A landscape buffer area of not less than 15 feet in depth shall be placed between the Wireless Telecommunication Facilities and the public rights-of-way and any adjacent properties from which there is a direct view of the Facilities, other than the Tower itself. Where the Facility abuts a residentially-zoned or used lot, a landscape buffer area of not less than 20 feet in depth shall be placed between the Facility and the residential lot. The landscape buffer area shall have a tight screen fence of hardy evergreen shrubbery not less than 6 feet in height. In addition, a minimum of 1 shade tree, 3" in trunk width when planted, shall be planted a minimum of every 50 feet within the landscape buffer area to screen the Facilities from the public rights-of-way and adjacent properties. The landscaping shall be continuously maintained and promptly restored, if necessary.
6. **Engineering Report:** A report shall be prepared and submitted by a qualified and licensed professional engineers and shall provide proof of compliance with all applicable federal, state, county, and City regulations. The report shall include a detailed description of the Wireless Telecommunication Tower, Antenna (e), Equipment Shelter, and appurtenances, and shall certify that radio frequency emissions are in compliance with the regulations of the FCC.
7. **Prospective Plans:** All applicants for construction or erection of Wireless Telecommunication Towers shall be required to submit a 5 year written plan for use of the proposed telecommunications facility, including plans for additional development of the site and signal coverage within the geographic area.
8. **Maintenance**
 - a. The applicant shall submit a plan documenting how the Wireless Telecommunication Facility will be maintained on the site in an ongoing manner that meets industry standards.
 - b. On each biennial anniversary of the issuance of the building permit for a Wireless Telecommunication Facility, or not more than 90 days prior thereto, the owner/user shall submit to the City a report prepared by a licensed professional engineer(s) which shall verify continued compliance of the Facility with all governmental requirements including, but not limited to, the structural integrity and stability of any Towers or Antennas, electrical safety standards, and auxiliary power source safety standards.
9. **Lighting Prohibited:** Except as required by law, a Wireless Telecommunication Antenna or Tower shall not be illuminated and lighting fixtures or signs shall not be attached to the Antenna or Tower. If lighting is required by FAA regulations, the most visually nonobtrusive “state-of-the-art” lighting available shall be used, unless otherwise required by the FAA.

10. Security

- a. Climbing rungs or other apparatus designed to assist a person to climb a Wireless Telecommunication Tower shall be located on the Tower no lower than 20 feet above grade.
- b. Other security measures for the Facility shall be determined by the City Planning Commission as is appropriate under the circumstances of the particular application.

11. Advertising Prohibited: No advertising sign(s) or devices shall be permitted anywhere on a Wireless Telecommunication Facility site.

12. Outdoor Storage: There shall be no outdoor storage of equipment or other items on the Wireless Telecommunication Facility site except during the Facility construction period and to supply temporary emergency power to the Facility only during a power outage.

13. Access to Facility: The access driveway to the Wireless Telecommunication Facility shall, whenever feasible, be provided along with circulation driveways of the existing use on the lot, if any. Where use of an existing driveway is not feasible, the driveway to the Facility shall be a minimum of 12 feet in width with a minimum overhead clearance of 14 feet and shall be setback a minimum of 20 feet from the nearest side or rear lot line. This driveway shall meet the load limitations for fire equipment. There shall be a maximum of 1 off-street parking space on the Facility site.

14. Accessory Equipment Shelter: Where it is technically feasible and reasonably practical, an existing building or structure on a lot shall be used to shelter the equipment associated with a Wireless Telecommunication Facility.

15. Undergrounding of Utilities: All utility lines from the utility source to the Wireless Telecommunication Facility shall be underground.

16. Abandonment and Removal of Facilities:

- a. The owner/user of the Wireless Telecommunication Facility shall, on no less than an annual basis from the date of issuance of the building permit, file a declaration with the City Planner as to the continuing operation of each of its Facilities within the City.
- b. If at any time the use of the Wireless Telecommunication Facility is discontinued for one hundred 180 consecutive days, the Facility shall be deemed abandoned. The City Planner shall notify the owner/user in writing and advise that the Facility must be reactivated within 90 days or it must be dismantled and removed from the site and the site restored to a landscaped condition within that same 90 day period, all at the cost of the owner/user. The owner/user shall have the right to appeal the City Planner's decision to require

removal of an abandoned Facility to the Planning Commission pursuant to Section 5.19 of the UDO.

- G. **Costs:** The applicant for a Wireless Telecommunication Tower and/or Antenna Facility shall be responsible for all expenses incurred by the City for any technical and/or engineering services deemed necessary by the City Planner, the Buildings Department, the City Planning Commission, to perform any reviews required by the Codified Ordinances which are not covered by the fees set forth in this Section.
- H. **Exemption of Certain City Property:** Regardless of the provisions of this Section, a Wireless Telecommunication Facility used for city services may be permitted on any property owned or controlled by the City and shall be constructed, erected, maintained, extended and removed under such conditions, standards and regulations as required by the City Council.
- I. **Variances:** Refer to Section 5.17 for all requirements and procedures for variances.

9.57 Alternative Energy Systems

A. Purpose and Intent

In order to balance the need for clean, renewable energy resources and the necessity to protect the public health, safety and welfare of the community, the following regulations are necessary to ensure that alternative energy systems are appropriately designed and safely sited and installed. This chapter establishes the regulations and criteria which allow compatible alternative energy systems to be located within the various zoning districts in association with a principal use or structure. In the event of a conflict between the development standards in this chapter and development standards contained in the UDO applicable to the use and zoning district, the standards of this section are to be used.

B. Permitting and Application

1. Prior to the installation of an alternative energy system, a Zoning Certificate shall be issued by the City Planner as an accessory structure in accordance with Article 5 of this Ordinance for all properties in the City except those in the Architectural Preservation District (APD) and the appropriate building, electrical and/or plumbing permits have been issued by the Chief Building Official.
2. The Board of Architectural Review (BAR) shall review and decide on any alternative energy system proposed for a property in the APD before a Zoning Certificate is issued by the City Planner.
3. In addition to the submittal requirements for an accessory structure, the application shall also include:

- a. A site plan of the property showing the exact location of the proposed alternative energy system, all existing utility lines including overhead lines, setback lines, easements and all other structures on the premises;
- b. A description of the alternative energy system, including information regarding its construction, method of assembly, installation and intended use as a primary;
- c. ancillary or a back-up/emergency power source;
- d. Plans showing the specifications and elevations of the proposed system; and
- e. Proposed screening, where required.

C. Permitted Solar Energy Systems

1. Solar Energy System Mounted on a Flat Roof

a. Zoning District

- i. A solar energy system for a flat roof shall be permitted in all base zoning districts except a solar energy system shall not be placed on any buildings designated as Landmarks in accordance with Article 9.45 of this Ordinance.
- ii. A solar energy system for a flat roof may be approved as a part of a Site Plan, Planned Development Master Plan or as part of an Overlay District proposal.

b. Placement on Roof

- i. For any building where either axis of the building is two hundred fifty (250) feet or less, there shall be a minimum four (4) foot wide clear perimeter around the edges of the roof and six (6) foot wide clear perimeter for buildings having an axis greater than two hundred fifty (250) feet.
- ii. A centerline pathway, having a minimum width of four (4) feet shall be established in a straight line along both axis of a building.
- iii. All solar panels shall be setback a minimum of three (3) feet from all vents, chimneys, roof accesses, and other appurtenances.

c. Height above roof surface

The lowest portion of the panels shall not be greater than two (2) feet above the roof surface to which it is mounted and the uppermost portion of each solar panel shall not exceed the maximum height required to optimize the system performance.

d. Screening

A solar energy system shall be screened from view to the public right-of-way in accordance with Table 9.6: Bufferyard, Landscape and Screening Requirements of this UDO.

2. Solar Energy System Mounted on a Pitched Roof

a. Zoning District

- i. A solar energy system for a pitched roof shall be permitted in all base zoning districts except a solar energy system shall not be placed on any buildings designated as Landmarks in accordance with Article 9.45 of this Ordinance or any building determined to be historically significant in the APD.
- ii. A solar energy system for a pitched roof may be approved as a part of a Site Plan, Planned Development Master Plan, Major Site Plan or as part of an Overlay District proposal.

b. Placement on Roof

- i. Panels shall be located in a manner that provides a three (3) foot wide clear access pathway from the eave to the ridge for each roof where panels are located.
- ii. Panels shall be located in a manner on a hip roof or a roof having valleys shall be located no closer than eighteen (18) inches from the hip, ridge, eave and valley.
- iii. Panels located on a roof with a single ridge shall be setback a minimum of three (3) feet from the edge of the roof and eighteen (18) inches from the ridge and eave providing an access pathways from the eave to the ridge.
- iv. A solar energy system shall not exceed the height of the roof peak to which it or the panels are affixed.
- v. All solar panels shall be setback a minimum of eighteen (18) inches from all vents, chimneys and other appurtenances.
- vi. Solar panels shall be configured as a simple rectangle and aligned with the roof eaves for a roof facing a public right-of-way.

- vii. All solar panels shall follow the roof plane not to exceed a maximum of three (3) inches above roof surface.
 - viii. The exposed surfaces of all solar panel framing, mounting equipment, conduit, piping and other related hardware or equipment shall match the roof color.
 - ix. All solar panels shall have a non-reflective coating to minimize glare.
 - x. For single-family, two-family and three family residences having more than one front roof, solar panels shall be located on only one (1) front roof and shall be placed in a single location.
- c. Solar Shingles are encouraged to be installed on a premises in-lieu of photovoltaic solar panels. Solar shingles may be placed on any roof of a principal or accessory building in the following manner.
- i. Solar Shingles shall be located in a manner that provides a three (3) foot wide clear access pathway from the eave to the ridge for each roof where panels are located.
 - ii. Solar Shingles shall be located in a manner on a hip roof or a roof having valleys shall be located no closer than eighteen (18) inches from the hip, ridge, eave and valley.
 - iii. Solar Shingles located on a roof with a single ridge shall be setback a minimum of three (3) feet from the edge of the roof and eighteen (18) inches from the ridge and eave providing an access pathways from the eave to the ridge.
 - iv. All solar shingles shall be setback a minimum of eighteen (18) inches from all vents, chimneys and other appurtenances.
 - v. The exposed surfaces of all equipment, conduit, and other related hardware shall match the roof color.
 - vi. All solar shingles shall have a non-reflective coating to minimize glare.

D. Conditional Solar Energy Systems

Applications for a conditional Solar Energy System shall be subject to the review and approval process established in Article 5.09, Development Approvals: Categories and Criteria of this Ordinance.

1. Purpose and Intent

This section establishes supplementary standards for Solar Energy Systems that may affect adjacent properties, the neighborhood, a development plan or the community even if all of the general standards of this Chapter are met. The intent of this section is to establish appropriate standards for the location, design, and operation of these conditional Solar Energy Systems to ensure they will be installed and operated in a manner that is consistent with the underlying zoning district and will not compromise adjacent uses.

2. Freestanding Solar Energy System

- a. Location - A solar energy system may be placed in the required side or rear yard of a premises in accordance with the location requirements for an accessory building in Article 9.39, Accessory Buildings and Use Standards of this Ordinance.
- b. Setback - A solar energy system shall be subject to the setback standards for an accessory building in accordance with Article 9.39, Accessory Buildings and Use Standards of this Ordinance.
- c. Height - The lowest portion of the solar panels shall not be greater than five (5) feet above the grade or surface to which it is mounted and the uppermost portion of each solar panel shall not exceed the maximum height required to optimize the system performance.
- d. Area - A solar energy system shall be subject to the maximum area requirements for an accessory building in accordance with Article 9.39, Accessory Buildings and Use Standards of this Ordinance.
- e. Screening of a solar energy system shall be in accordance with Table 9.6, Bufferyard, Landscaping and Screening Requirements.
- f. Exemption: A single photovoltaic solar panel having a surface area of one (1) square foot or less in area that is attached to a light fixture or similar appurtenance to provide electrical power to said appurtenance shall be exempt from these requirements.

E. Wind energy conversion systems

1. Purpose. To regulate the placement, construction, and modification of wind energy conversion systems and their support structures in order to protect the public health, safety and welfare, while at the same time not unreasonably interfering with the development of these systems.

2. Standards.

- a. Construction Standards. All Wind Energy Systems and support structures shall be certified by an Engineer licensed in the State of Ohio to be structurally sound and, at a minimum, in conformance with Ohio Basic Building Code.
- b. Color and Appearance Standards. All Wind Energy Systems shall be painted a non-contrasting gray or similar color minimizing its visibility, unless otherwise required by the Federal Aviation Administration.
- c. Artificial Lighting Restricted. No Wind Energy System shall be artificially lit except as required by the Federal Aviation Administration.
- d. Access Control. The base of any tower ladders or other climbing apparatus shall be a minimum of twelve (12) feet above the ground.
- e. Noise. All alternative energy systems shall comply with the requirements for sound levels established in Article 9.53 A 1, Environmental Requirements of this ordinance.

3. Wind Energy Conversion Systems

- a. Small wind energy device
 - i. A Small Wind Energy Device is a permitted use in all zoning districts excepting the Architectural Preservation District for an Agricultural use.
 - ii. A Small Wind Energy Device is a conditional use in all zoning districts excepting the Architectural Preservation District for all uses except an agricultural uses.
 - iii. A Small Wind Energy Device is a prohibited use in the Architectural Preservation District.
 - iv. No more than one (1) Small Wind Energy Device shall be permitted per premises and shall only generate energy for use for or in support of a main building and/or accessory buildings located on the same lot.
 - v. Minimum Lot Size: 5 Acres.
 - vi. Maximum Height: 52 feet to the top of the wind turbine blade at its highest point of travel.

- vii. **Minimum Setback from Property Lines:** All elements of a Small Wind Energy Conversion System shall be set back a distance equal to the height of the system with a wind turbine blade at its highest point of travel.
- viii. **Design:** The small wind energy device shall be placed on a monopole tower without guide wire support. Lattice towers are prohibited.
- ix. **Uncontrolled Rotation:** Both a manual and automatic braking, governing or feathering system shall be required to prevent uncontrolled rotation.

F. Maintenance, Abandonment and Removal

All alternative energy systems and related components shall be properly maintained and kept in operation. Any alternative energy system that is unused or is non-functional for a continuous period of six (6) months shall be deemed abandoned. This shall not include functioning systems used for backup power for emergency situations. The owner shall be notified of the violation and shall be responsible for the removal of the abandoned system within three (3) months. Removal of the alternative energy system shall require approval of the Chief Building Official.

G. Appeals and Variances

- 1. Appeals shall be in accordance with Article 5.19 of this Ordinance.
- 2. Variances shall be in accordance with Article 5.17 of this Ordinance.

Article 11. Definitions

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11.01 Interpretation

For the purposes of this Unified Development Ordinance (UDO), certain terms or words used herein shall be interpreted as follows:

- A. The word “person” includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.
- B. The present tense includes the future tense, the singular number includes the plural, the plural number includes the singular, and the masculine pronoun includes the feminine pronoun.
- C. The word “shall”, “must” or “will” is a mandatory requirement, the word “may” is a permissive requirement, and the word “should” is a preferred requirement.
- D. The words “used” or “occupied” include the words intended, designed or arranged to be used or occupied.”
- E. The word “lot” includes the words “plot” or “parcel.”
- F. Any reference to days shall mean calendar days unless otherwise specified.
- G. Any reference to an Article or Section shall mean an Article or Section of this Ordinance, unless otherwise specified.
- H. The words “Director of Development” shall also mean his/her designated representative.
- I. “TRC” shall mean Technical Review Committee.

11.02 Definitions

A

Access - Permission or ability to enter, approach or pass to and from public and private property.

Access Management - The control of street (or highway) access for the purpose for improving the efficiency, safety and/or operation of the roadway for vehicles; may include prohibiting, closing, or limiting direct vehicle access to a roadway from abutting properties, either with physical barriers (curbs, medians, etc.) or by land dedication or easement.

Accessibility - Approachability and usability by people with disabilities including the degree of compliance with the federal Americans with Disabilities Act.

Accessory Building or Structure- Any building or structure situated on the same lot with, and of a nature customarily incidental and subordinate to, the principle building, or structure.

Accessory Use, Major - Means an accessory use that, because of its size, location, or intensity of activity, may have impact on adjacent property and is listed in Table 9.1. Accessory uses and buildings may be erected upon a lot on which a principal structure already exists. The use of the accessory building must be secondary and incidental to the principal use. The City Planner shall determine if the accessory use is a Major or Minor Accessory Use. A Major Accessory Use and Accessory Building are considered for approval by Planning Commission.

Accessory Use, Minor - means an accessory use that will not have significant impact on adjacent property and is listed as a Minor Accessory Use in Table 9.1. Accessory uses and buildings may be erected upon a lot on which a principal structure already exists. The use of the accessory building must be secondary and incidental to the principal use. Minor accessory uses and buildings are considered for approval by the City Planner.

Administrative Officer - Employee(s) of the City of Centerville, Ohio, empowered by the City Manager, to administer, enforce, or interpret the provisions, requirements, and procedures of this ordinance.

Adult Arcade - Any place to which the public is permitted or invited, wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are regularly maintained to show images to 5 or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by their emphasis upon matters exhibiting "specified sexual activities" or "specified anatomical areas."

Adult Bookstore, Adult Novelty Store or Adult Video Store - A commercial establishment which has as a significant or substantial portion of its stock-in-trade, or derives a significant or substantial portion of its revenues or devotes a significant or substantial portion of its interior business or advertising, or maintains a substantial section of its sales or display space for the sale or rental, for any form of consideration, of any one or more of the following:

1. Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, compact discs, slides or other visual representations, which are characterized by their emphasis upon the exhibition or display of "specified sexual activities" or "specified anatomical areas;"
2. Instruments, devices, or paraphernalia which are designed for use or marketed primarily for stimulation of human genital organs or for sadomasochistic use or abuse of the user or others.

Adult Cabaret - A nightclub, bar, restaurant, or similar commercial establishment which regularly features:

1. Persons who appear semi-nude; or
2. Live performances which are characterized by the exhibition or display of "specified anatomical areas" or by "specified sexual activities;" or
3. Films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the exhibition or display of "specified sexual activities" or "specified anatomical areas;"

Adult Motel - A hotel, motel, or similar commercial establishment that offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmissions, films, motion pictures, video DVD or cassettes, slides, or other photographic reproductions which are characterized by the exhibition or display of "specified sexual activities" or "specified anatomical areas;" and has a sign visible from the public right-of-way which advertises the availability of this adult type of photographic reproductions; and either

1. Offers a sleeping room for rent for a period of time that is less than 10 hours, or
2. Allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than 10 hours.

Adult Motion Picture Theater - A commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, electronic media including CD's and DVD's or similar photographic reproductions are regularly shown which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."

Adult Theater - A theater, concert hall, auditorium, or similar commercial establishment which regularly features persons who appear nude or semi-nude, or live performances which are characterized by the exhibition or display of "specified anatomical areas" or by "specified sexual activities."

Agriculture - The production, keeping or maintenance, for sale, lease, or personal use of plants and animals useful to man, including but not limited to: forages and sod crops; grains and seed crops; dairy animals and dairy products, poultry and poultry products; livestock, including beef cattle, sheep, swine, horses, ponies, mules, or goats, or any mutations or hybrids thereof, including the breeding and grazing of any or all such animals; bees and apiary products; fur animals; trees and forest products; fruits of all kinds, including grapes, nuts and berries; vegetables; nursery, floral, ornamental and greenhouse products; or lands devoted to a soil conservation or forestry management program. Small gardens and fruit bearing trees or shrubbery that are associated with residential uses where the harvests are consumed or used exclusively by persons residing on the premises, shall not be considered as part of the definition of agriculture.

Alley - A public thoroughfare having a right of way of not less than 16 feet and serving the rear of a property.

Alteration of a Landmark - Any material change in the external architectural features of a building or structure designated as a landmark. An alteration does not include demolition, building additions, new construction, site development or landscaping.

Amenities, Pedestrian - Pedestrian amenities serve as informal gathering places for socializing, resting, and enjoyment of a particular area and contribute to a walkable district. Typical amenities include extra wide sidewalks, street trees, sitting spaces, weather protection (awnings or canopies), pedestrian scale lighting, bus stop seating, etc.

Amusement Arcade - An establishment offering for public use 5 or more of any form of game machine, instrument or apparatus operated by coin or similar medium.

Animal Hospital - An establishment for the care, observation, and/or treatment of domestic animals.

Apiary - Assembly of one or more colonies of bees at a single location.

Architectural Elevation - A scale drawing of the front, side, or rear of a building or structure.

Architectural Feature - Doors, windows, siding, chimneys, dormers, moldings, trim, sills, casing, paneling, pediments, bracketing, quoins, vergeboards or other similar features that typify a specific architectural period or periods, or project a distinctive appearance that is unique to a building or structure.

Articulate - The giving of emphasis to architectural elements (such as entryways, windows, canopies, or balconies) that create a complementary pattern or rhythm; The dividing of a large building into smaller, identifiable pieces by modulating the facade and roof to reduce the apparent bulk of the building; The use of off-sets, projections, recessed walls, windows, doors, etc. that provide variation to a building façade.

Artisan Workshop - An establishment for the preparation, display, and sale of individually crafted artwork, jewelry, furniture, sculpture, pottery, leathercraft, hand-woven articles, and related items.

Automobile Dependent Uses or Activities - Land uses that contain automobiles and/or motor vehicles as integral parts of the uses.

Automobile or Truck Repair - A building or portion thereof used for the repair or replacement of engines, transmissions, differentials, drive trains, or any parts thereof, in addition to the replacement of parts, service, and incidental repairs to motor vehicles, but excluding dismantling and salvage.

Automobile Salvage Yard - Any lot or parcel that is exposed to the elements and upon which motor vehicles of any kind incapable of being operated and not currently licensed are placed, located, or found.

B

Back-up Power or Emergency Power System – An electricity generator or a bank of batteries that can provide a secondary source of mechanical or electrical power to operate critically important systems or equipment when the primary source is disrupted or discontinued during a period of emergency due to a situation beyond the control of a property owner or the owner/operator of a facility. A power source that serves as an energy or power source in circumstances other than for back-up or emergency power situations or for standard testing such as load shedding or peak shaving, shall not be considered as back-up power or emergency power.

Bakery - An establishment primarily engaged in the retail sale of baked products for consumption off site. The products may be prepared on or off site, but are generally prepared on site.

Bank - A financial institution that is open to the public and engaged in deposit banking, and that performs closely related functions such as making loans, investments, and fiduciary activities.

Banquet Hall - A facility or hall available for rent or lease by private parties.

Bar/Tavern - An area primarily devoted to the serving of alcoholic beverages and in which the sale of food and packaged alcoholic beverages is only incidental to the consumption of such beverages.

Barber Shop/Beauty Parlor - An establishment where the practice of barbering or cosmetology is engaged by one or more barbers or stylists.

Base Flood - A flood having a 1 percent chance of being equaled or exceeded in any given year. The base flood may also be referred to as the one percent chance annual flood or 100 year flood.

Base (100-Year) Flood Elevation (BFE) - The water surface elevation of the base flood in relation to a specified datum, usually the National Geodetic Vertical Datum of 1929 or the North American Vertical Datum of 1988, and usually expressed in Feet Mean Sea Level (MSL). In Zone AO areas, the base flood elevation is the natural grade elevation plus the depth number (from 1 to 3 feet).

Basement - A space having one-half) or more of its floor-to-ceiling height above the average level of the adjoining ground and with a floor-to-ceiling height of not less than 6 ½ feet.

Basin - An area, which, by virtue of a dam, berm or excavation, is capable of temporarily and/or permanently holding storm water and/or sediment carried by storm water runoff.

Bed and Breakfast - A private residence that offers temporary sleeping accommodations in the owner or operator's principal residence. Meals may also be provided to lodgers at a bed and breakfast.

Bee - Any stage of any species of the genus *Apis*.

Bee Colony - Any hive and its equipment, including bees, combs, and brood.

Beekeeper - A person who is licensed through the Ohio Department of Agriculture to maintain one or more honey bee colonies.

Big Box Retail - A large format retail store with a size of 35,000 square feet or larger.

Block – A rectangular or other geometric area of land surrounded by streets and usually containing several lots and/or buildings.

Block Front – The frontage of a block along a street.

Board of Architectural Review (BAR) - The Board of Architectural Review of the City of Centerville, Ohio.

Board of Architectural Review (BAR) Color Chart - A color chart of exterior paint color schemes approved for use within the Architectural Preservation District by the Board of Architectural Review.

Boarding, Lodging, or Tourist Home - A dwelling or part thereof, in which lodging is provided by the owner or operator to more than 3 boarders.

Bollard - A post of metal, wood, or masonry that is used to separate or direct traffic (vehicles, pedestrians and/or bicycles). Bollards are usually decorative and may contain sidewalk or pathway lighting.

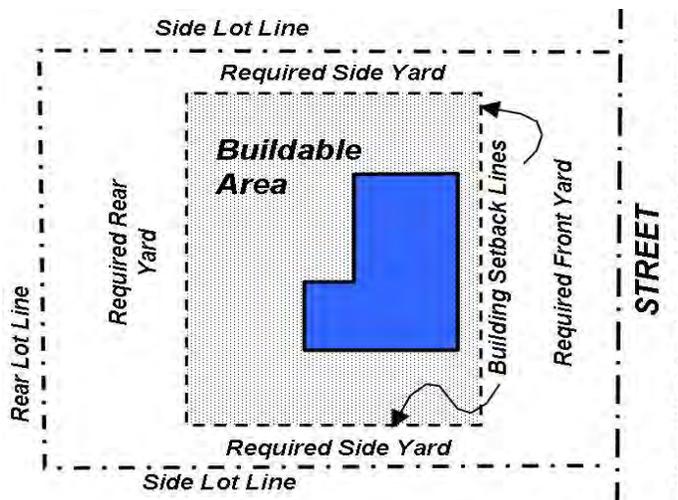
Bookstore - A retail establishment that, as its primary business, engages in the sale rental, or other charge-for-use of books, magazines, newspapers, greeting cards, postcards, videotapes, computer software, and any other printed or electronically conveyed information or media, excluding adult bookstores.

Bowling Alley - An establishment for bowling containing bowling lanes, equipment, and playing areas.

Bufferyard - A yard, a building setback, or a parking or paving setback required by this ordinance to separate land uses by distance through the use of the width of the required yard or setback and visually through the use of landscaping, fencing, walls, earthen berm or any combination thereof that is installed within the bufferyard.

Buildable Area - The portion of a lot remaining after required yards have been provided. See Figure 11.0.

Figure 11.0 Buildable Area



Building - A structure designed for the support, enclosure, shelter, or protection of persons, animals, chattel, or property.

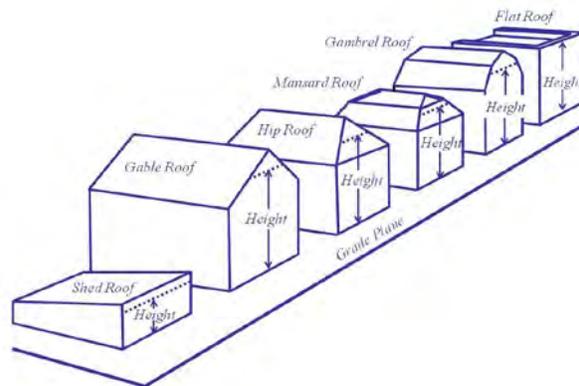
Building or Structure, Attached – Any building or structure which shares a common wall of at least five (5) feet in length with an adjoining building, or is connected to an adjoining building by an enclosed, finished living space with an interior dimension of at least five (5) feet in width. (*Ord. 15-16*)

Building, Principal - A building in which is conducted the main or principal use of the lot where the building is situated and including areas such as garages, carports, and storage areas that are attached to the principal building.

Building Frontage – The maximum horizontal width of the ground floor of a building that approximately parallels and faces an adjacent public right of way of at least 50 feet in width. In the case of a building where an individual occupant would have no building frontage, the maximum horizontal width of the portion of the building where that occupant's main entrance is located shall be considered that occupant's separate and distinct building frontage. In the case where the ground floor of a building is occupied by 2 or more different tenants, the portion of the building frontage occupied by each tenant shall be considered a separate and distinct building frontage. Corner lots and through lots shall be considered to have only 1 distinct and separate building frontage for signage calculation purposes. (*Ord. 18-13*)

Building Height – The vertical distance measured from the grade plane to the average height of the highest roof surface.

Figure 11.1 Building Height



Building Mass – The aggregate size of a building measured by calculating the height, width, and depth of all its parts.

Building Setback Line - The line indicating the minimum horizontal distance between the street right-of-way line and the front building setback line.

Bus Stop - A small, roofed structure, usually having 3 walls, located near a street and designed primarily for the protection and convenience of bus passengers.

C

Candela - A candela is a lumen per steradian. It is used for "point" sources to calculate how much light is cast on a surface no matter where the surface is.

Caretaker's Residence - A single-family dwelling unit that is accessory to the premises of a nonresidential use, and occupied by a caretaker or guard.

Car Wash - The use of a site for washing and cleaning of passenger vehicles, recreational vehicles, or other light duty equipment.

Carport - A roofed shelter, open on at least two sides, designed as a shelter for automobiles or other vehicles. A carport may be freestanding or may be formed by extension of a roof from the side of a building. A carport shall not be considered a private garage.

Cemetery - Land used or dedicated to the burial of the deceased, including crematoriums, mausoleums, necessary sales, and maintenance facilities. Mortuaries shall be included when operated within the boundary of such cemetery.

Certificate of Zoning Compliance: - A document issued by the City certifying that plans for a proposed use, re-use, development, building, or structure meet all applicable Codes and regulations.

Channel - A natural stream that conveys water or a ditch or channel excavated for the flow of water.

Church - A building, together with its accessory buildings and uses, where persons regularly assemble for religious worship, and which, together with its accessory buildings and uses, is maintained and controlled by a religious body organized to sustain public worship. Nursery, kindergarten, day care, and compulsory (grades 1-12) schools shall be permitted accessory use(s) to a church.

City - The City of Centerville, Ohio.

City Council - The City Council of the City of Centerville, Ohio.

Clearing - The clearing, grubbing, scalping and removal of trees and stumps and the removing and disposing of all vegetation and debris within a site, and shall include the conditions resulting there from.

Clinic - A place for the care, diagnosis, or treatment of persons who are ailing, sick, injured, or are in need of medical attention, but are not provided room, board or kept overnight on the premises.

Clothing Store - A retail establishment engaged primarily in the sale of clothing.

Club or Lodge - Any buildings or facilities, owned or operated by a corporation, association, person or persons, for a social, educational, or recreational purpose, to which membership is required for

participation and not primarily operated for profit nor to render a service that is customarily carried on as a business.

Co-location - The use of a Wireless Telecommunication Facility by more than 1 wireless telecommunication provider.

Coffee Shop - An informal restaurant primarily offering, coffee, tea, and other beverages, and where light refreshments and limited menu meals may also be sold.

Commercial Entertainment - An establishment for spectator uses within an enclosed building. Typical uses include motion picture theaters and concert or music halls.

Commercial Recreation - An establishment whose principal use is to provide an amusement or entertainment activity where tickets are sold or fees are collected for the activity including, but not limited to, skating rinks water slides, miniature golf courses, arcades, bowling alleys, and billiard halls.

Commercial Vehicle - See: Vehicle, Commercial

Commission - The Planning Commission of the City of Centerville, Ohio.

Communication Antenna - Any system of wires, poles, rods, and reflecting discs, or similar devices used for the transmission or reception of electromagnetic waves. Antennas shall include devices having active elements extending in any direction, and directional beam-type arrays having elements carried by and disposed from a generally horizontal boom that may be mounted upon and rotated through a vertical mast or tower interconnecting the boom and antenna support, all of which elements are deemed to be part of the antenna.

Compact Development - Buildings, parking areas, streets, driveways, and public spaces are developed in a way that shortens trips, and lessens dependence on the automobile; thereby reducing levels of land consumption, energy use, and air pollution. Compact development promotes full utilization of urban services, such as water lines, sewers, streets, and emergency services, by taking advantage of existing public facilities and minimizing the need for new facilities.

Compatible – The design utilizes site planning and the elements of architectural composition within the context of, and with sensitivity to, maintaining the general character of existing development in the surrounding area. Compatibility does not mean “the same as,” but rather, “existing in harmony with.”
(Ord. 15-16)

Comprehensive Development Plan - A plan, including all attachments, that is adopted by the City Council to serve as a guide for future development and the enactment of zoning and other growth related legislation. This plan outlines the general location and extent of present and proposed physical facilities, including housing, commercial, and industrial uses, major streets, parks, schools, and other community facilities.

Construction - The erection, alteration, repair, renovation, demolition or removal of any building or structure, and the clearing, stripping, excavating, filling, grading and regulation of sites in connection therewith.

Contractor's Shop - An enclosed space used for the housing and/or operating of machinery, the provision of services, the fabrication of building related products, and interior storage.

Convenience Store - A retail store that caters to the motoring public where the sale of food items such as hot or cold drinks, prepackaged foods, road maps, magazines and other publications, automotive maintenance items such as brake fluid, oil, polishes, anti-freeze, and similar products, and other retail items that may be readily purchased. A convenience store does not sell gasoline or other fuels.

Convention Center - A facility used for conventions, conferences, seminars, product displays, recreation activities, and entertainment functions, along with accessory functions including temporary outdoor displays, and food and beverage preparation and service for on premise consumption.

Corporate Data Centers - Any facility where electronic data is processed by employees, including without limitation, data entry, storage, conversion or analysis, subscription and credit card transaction processing, telephone sales and order collection, mail order and catalog sales, and mailing list preparation.

Create the Vision, Joint Comprehensive Plan - The Comprehensive Plan for the City of Centerville and Washington Township, Montgomery County, Ohio and adopted by Montgomery County, Ohio as a part of the County Comprehensive Plan

Cul-de-sac - A short local street which is terminated by a circular or T-shaped turnaround or back-around.

Curb Cut - The opening along the curb line at which point vehicles may enter or leave the roadway.

Cut - An excavation. The word "cut" also means the difference between a point on the original ground and a designated point of lower elevation on the final grade. The word "cut" also means the material removed from an excavation.

D

Days - Whenever a number of days is specified in this UDO, or in any permit, condition of approval, or notice issued or given as provided in this UDO, the number of days shall be construed as calendar days unless otherwise specified. Time limits will extend to the following business day where the last of the specified number of days falls on a day that the City is not open for business. (*Ord. 4-18*)

Day Care Center - An establishment licensed by the State of Ohio providing care and supervision for 7 or more persons on a less than 24 hour basis. This classification includes nursery schools, preschools, day care centers for children or adults and any other day care facility licensed by the State of Ohio.

Day Care, Adult - A facility providing care for the elderly and/or functionally impaired adults in a protective setting for a portion of the day.

Day Care, Child - A facility that provides nonmedical care to children under 18 years of age.

Debris - Loose refuse or earth material not suitable for use as presently situated or constituted.

Demolition - The substantial deterioration or complete or substantial removal or destruction of any building or structure.

Density, Gross - The total gross area in acres of land in a residential development divided by the total number of dwelling units in that residential development. The gross area of land shall include all public or private streets, public or private open space, ponds, lakes, streams, stormwater retention or detention basins, floodplain, easements, rental offices, community facilities, and recreational facilities within the residential development.

Department Store - A large retail store carrying a wide variety of merchandise and organized into various departments for sales and administrative purposes.

Design Review Criteria - A booklet containing design guidelines for buildings, signs, landscaping and screening and other aesthetic elements for the Architectural Preservation District and Landmark Properties which is formally titled “Design Review Criteria for Properties in the Architectural Preservation District and Landmark Properties.”

Developer - Any individual, subdivider, firm, association, syndicate, partnership, corporation, trust or any other legal entity commencing proceedings under this Ordinance to affect the development of land.

Development - Any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavating or drilling operations.

Development Area - Any contiguous area owned by one person or developed as a single phase or in multiple phases included within the scope of these regulations, upon which earth-disturbing activities are planned or underway.

Development Intensity - The amount or magnitude of a use on a site or allowed in a zoning district. Generally, it is measured by floor area. It may also be measured by such things as number of employees, amount of production, trip generation, or hours of operation.

Development Plan - See: Site Plan

Direct Sale of Consumer Products or Service - The sale of a consumer product or service, person-to-person, away from a fixed retail location whose products are sold primarily through in-home product demonstrations, parties of 3 or more customers, and one-on-one selling where little or no inventory is kept on the premises. This definition does not include retail sales where inventory is usually kept in a fixed location, on-premises and/or displayed in a manner that a consumer can walk-in, select and purchase an item and leave.

Discretionary Design Review Standards or Approval Criteria - Describes a permit action or decision that involves substantial judgment or discretion.

Distinguished or Characterized by an Emphasis Upon - The dominant or principal theme of the object referenced. For instance, when the phrase refers to films "which are distinguished or characterized by an emphasis upon the exhibition or display of specified sexual activities or specified anatomical areas," the films so described are those whose dominant or principal character and theme are the exhibition or display of "specified anatomical areas" or "specified sexual activities."

Ditch - An open channel with intermittent flow, either dug or natural, for the purpose of drainage or irrigation. (See the terms "stream," "drainageway" and "grassed waterway," as defined in this section.)

Drainageway - An area of concentrated storm water flow other than those defined as a river, stream, ditch or grassed waterway.

Drive Aisle - An improved, paved driving surface for 1 line of vehicles.

Drive-thru - A business or portion of a business that serves customers who pull up in their vehicles, orders are taken, and goods or services are provided using a window and/or microphone, while the customers remain in their vehicles. (*Ord. 15-16*)

Drive-Through Store - A building or structure with an opening, including windows, doors, or mechanical devices, through which occupants of a motor vehicle receive or obtain a product or services.

Driveway - A private roadway providing access for vehicles to a parking space, garage, dwelling or other structure.

Drug Store - An establishment engaged in the retail sale of prescription drugs, nonprescription medicines, cosmetics, and related supplies.

Dry Cleaning Shop - Any business or establishment maintained for the pickup and delivery of dry cleaning and/or laundry without the maintenance or operation of any laundry or dry cleaning equipment or machinery on the premises.

Dry Detention - The capture and subsequent slow release of storm water runoff. Capture facilities drain completely between storms.

Dumping of Earth Material - The grading, pushing, piling, throwing, unloading or placing of earth material.

Dwelling Unit – One (1) room, or connected rooms, constituting a separate, independent housekeeping establishment for owner occupancy, or for rental or lease on a weekly, monthly, or longer basis, and physically separated from any other rooms or dwelling units which may be in the same structure, and containing independent cooking and sleeping facilities

Dwelling, Ancillary Unit - An additional dwelling unit located on the same lot as a single-family dwelling or duplex.

Dwelling, Duplex - A detached residential building on a single lot containing 2 dwelling units.

Dwelling, Duplex Attached - A duplex, located on its own lot, which shares one or more common or abutting walls with one other duplex, thereby totaling 4 dwelling units.

Dwelling, Mobile Home - A detached residential dwelling unit designed for transportation after fabrication on streets or highways on its own wheels or on flatbed or other trailers, and arriving at the site where it is to be occupied as a dwelling complete and ready for occupancy except for minor and incidental unpacking and assembly operations, location on jacks or other temporary or permanent foundations, connections to utilities, and the like. A travel trailer is not to be considered as a mobile home.

Dwelling, Multi-Family - A structure on a single lot or parcel containing 3 or more units which share common walls or floor/ceilings with the adjacent unit(s). Multi-family dwellings include condominium and apartment units without regard to ownership status and includes congregate (or independent) care and assisted care facilities for the elderly, but excludes all types of nursing home, convalescent care and institutional type living arrangements. The following are type of Multi-Family Dwellings:

1. Garden Apartment. A 2 or 3 story multi-family dwelling with increased landscaping or open space, typically not including elevators.
2. Mid-Rise Apartment. A 3 to 6 story multi-family dwelling with reduced landscaping.
3. Rowhouse. An attached dwelling of 2 or more stories that has the appearance of a townhouse but not located on individual lots.
4. Townhome. A single-family attached dwelling of 2 or more stories, in a building of 2 or more units, with each dwelling unit and its underlying lot platted to allow separate ownership.

Dwelling, Single-Family Attached - A dwelling unit, located on its own lot, that shares one or more common or abutting walls with 1 or more dwelling units.

Dwelling, Single-Family Detached - A detached dwelling unit, constructed on-site or elsewhere, situated on its own lot or parcel.

E

Earth Disturbing Activity - Any grading, excavation, filling or other alteration of the earth's surface where natural or man-made ground cover is destroyed and which may result in or contribute to erosion and sediment pollution.

Earth Material - Soil, sediment, rock, sand, gravel and organic material or residue associated with or attached to the soil.

Easement - A right given by the property owner for specific limited use of that land by a public agency, governmental body, corporation or another person or entity.

Employee, Employ, and Employment of a Sexually Oriented Business - Any person who performs any service on the premises of a sexually oriented business on a fulltime, part-time, or contract basis, regardless of whether the person is denominated as an employee, independent contractor, agent, or by another status. "Employee" does not include a person exclusively on the premises for repair or maintenance of the premises, or for the delivery of goods to the premises.

Enclosure Below the Lowest Floor - See "lowest floor."

Energy Conversion Device - Any machine or device that converts wind, solar, or other natural types of energy into a usable form such as but not limited to electric energy.

Enforcement Officer - The City Zoning Administrator or such person as may be designated by the Manager.

Engineer - A professional engineer registered in the State of Ohio. See Registered Professional Engineer.

Erosion - The wearing away of the land surface by running water, wind, ice or other geological agents, including such processes as gravitational creep, or the detachment and movement of soil or rock fragments by wind, water, ice or gravity. The following are types of erosion:

1. Accelerated Erosion - Erosion that occurs more rapidly than normal, natural or geologic erosion, primarily as a result of the influence of the activities of man.
2. Gully Erosion - Erosion caused by water accumulating in narrow channels and over short periods during and immediately after rainfall or snow or ice melt activity which removes soil such that channels become considerably deeper than what would otherwise result by normal smoothing or tilling operations.
3. Natural or Geological Erosion - The wearing away of the earth's surface by water, ice or other natural agents under natural environmental conditions of climate, vegetation, etc., undisturbed by man.
4. Normal Erosion - The gradual erosion of land used by man that does not greatly exceed natural erosion.
5. Rill Erosion - An erosion process where numerous small channels only several inches deep are formed. Rill erosion occurs mainly on recently disturbed soils.
6. Sheet Erosion - The removal of a fairly uniform layer of soil from the land surface by wind or runoff water.
- g. Stream Bank Erosion - The erosion of the stream bank and channel bottom due to high velocity of the flow within the stream.

Escort - A person who, for consideration, and for another person, agrees or offers:

1. To act as a companion, guide, or date;
2. To privately model lingerie; or
3. To privately perform a striptease.

Escort Agency - A person or business association that for a fee, tip, or other consideration, furnishes, offers to furnish, or advertises to furnish, escorts as one of its primary business purposes.

Establish or Establishment of a Sexually Oriented Business - Any of the following:

1. The opening or commencement of any sexually-oriented business as a new business;
2. The conversion of an existing business, whether or not a sexually oriented business, to any sexually oriented business;
3. The addition of any sexually oriented business to any other existing sexually oriented business; or
4. The relocation of any sexually oriented business.

Excavation - Any act by which earth, sand, gravel, rock or any other similar material is dug into, cut, quarried, uncovered, removed, displaced, relocated or bulldozed and shall include the conditions resulting there from.

Executive Order 11988 (Floodplain Management) - Issued by President Carter in 1977, this order requires that no federally assisted activities be conducted in or have the potential to affect identified special flood hazard areas, unless there is no practicable alternative.

F

Family - One (1) or more persons living together as a single housekeeping unit.

Family Day Care Home, Type A - A permanent residence of the administrator which administers to the needs at 1 time of 7 to 12 infants, toddlers, preschool children, and school children outside the school hours by persons other than parents or guardians, custodians, or relatives by blood, marriage, or adoption, for any part of the 24 hour day in a place or residence other than a child's own home. In counting persons under the care of the provider, any child under 6 years of age who is related to the provider and who is on the premises of the home counts towards the maximum number of children.

Family Day Care Home, Type B - A permanent residence of the administrator which administers to the needs at one (1) time or one (1) to six (6) infants, toddlers, preschool children, and school children outside the school hours by persons other than parents or guardians, custodians, or relatives by blood, marriage, or adoption, for any part of the twenty-four (24) hour day in a place or residence other than a child's own home. In counting persons under the care of the provider, any child under six (6) years of age who is related to the provider and who is on the premises of the home shall be counted.

Farm or Farmland - A parcel of land used for agricultural activities.

Federal Emergency Management Agency (FEMA) - The agency with the overall responsibility for administering the National Flood Insurance Program.

Fence - A structure, solid or otherwise, which is a barrier and used as a boundary or means of protection, confinement, or concealment.

Fenestration - The openings which form a part of a building façade.

Filing Fee - A fee established by the City Council of the City of Centerville, Ohio charged to an applicant to cover the administrative cost to process an application including, but not limited to, a zoning permit, rezoning or amendment to the Unified Development Ordinance (UDO), request for Variance, or an Appeal.

Fill - Any of the following:

1. Any act by which earth, sand, gravel, rock or any other material is placed, pushed, dumped, pulled, transported or moved to a new location above the natural surface of the ground or on top of the stripped surface and shall include the conditions resulting there from;
2. The difference in elevation between a point on the original ground and a designated point of higher elevation on the final grade; and
3. The material used to make a fill.

Final Plat – See Record Plat

Finished Grade - The final grade or elevation of the ground surface that conforms to the approved grading plan.

Flag – A piece of cloth or similar material, typically oblong or square, attachable by one edge to a pole or rope and used as the symbol or emblem of a country, political subdivision including a state or city.

Flagpole – A free-standing structure used for the purpose of displaying a flag(s). (*Ord. 15-16*)

Flood or Flooding - A general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of inland or tidal waters, and/or
2. The unusual and rapid accumulation or runoff of surface waters from any source.

Flood Hazard Boundary Map (FHBM) - The initial map, produced by the Federal Emergency Management Agency, or U.S. Department of Housing and Urban Development, for a community depicting approximate special flood hazard areas.

Flood Insurance Rate Map FIRM) - An official map on which the Federal Emergency Management Agency or the U.S. Department of Housing and Urban Development has delineated the areas of special flood hazard.

Flood Insurance Risk Zones - Zone designations on FHBMs and FIRMS that indicate the magnitude of the flood hazard in specific areas of a community. Following are the zone definitions:

1. Zone A. Special flood hazard areas inundated by the 100-year flood; base flood elevations are not determined.
2. Zones A1-30 and Zone AE. Special flood hazard areas inundated by the 100-year flood; base flood elevations are determined.

3. Zone AO. Special flood hazard areas inundated by the 100-year flood; with flood depths of 1 to 3 feet (usually sheet flow on sloping terrain); average depths are determined.
4. Zone AH. Special flood hazard areas inundated by the 100-year flood; flood depths of 1 to 3 feet (usually areas of ponding); base flood elevations are determined.
5. Zone A99. Special flood hazard areas inundated by the 100-year flood to be protected from the 100-year flood by a Federal flood protection system under construction; no base flood elevations are determined.
6. Zone B and Zone X (shaded). Areas of 500-year flood; areas subject to the 100-year flood with average depths of less than one foot or with contributing drainage area less than one square mile; and areas protected by levees from the base flood.
7. Zone C and Zone X (unshaded). Areas determined to be outside the 500-year floodplain.

Flood Insurance Study (FIS) - The official report in which the Federal Emergency Management Agency or the U.S. Department of Housing and Urban Development has provided flood profiles, floodway boundaries (sometimes shown on Flood Boundary and Floodway Maps), and the water surface elevations of the base flood.

Flood Plain Scour - The abrading and wearing away of the nearly level land situated on either side of a channel due to overflow flooding.

Flood Protection Elevation - The base flood elevation plus zero feet of freeboard. In areas where no base flood elevations exist from any authoritative source, the flood protection elevation can be historical flood elevations, or base flood elevations determined and/or approved by the Floodplain Administrator.

Floodway - The channel of a river or other watercourse and the adjacent land areas that have been reserved in order to pass the base flood discharge. A floodway is typically determined through a hydraulic and hydrologic engineering analysis such that the cumulative increase in the water surface elevation of the base flood discharge is no more than a designated height. In no case shall the designated height be more than 1 foot at any point within the community. The floodway is an extremely hazardous area, and is usually characterized by any of the following:

1. Moderate to high velocity flood waters;
2. High potential for debris and projectile impacts; and
3. Moderate to high erosion forces.

Floor Area, Gross - The sum of the gross horizontal areas of all floors of a building measured from the exterior face of exterior walls, or from the centerline of a wall separating two buildings, but not including interior parking spaces, loading space for motor vehicles, or any space where the floor-to ceiling height is less than 6 feet.

Floor Living Area of a Dwelling Unit - The total square feet of all floor living area of a dwelling unit measured using the outside dimensions of the building. Only enclosed, finished, and heated living floor area shall be included in the total area, with the exception that a garage or a porch shall be excluded regardless of whether or not it is enclosed, finished, and heated.

Florist - Any business or establishment whose primary activity is the selling of plants which are not grown on the site and conducting business within an enclosed building.

Footcandle - A measurement of light at an illuminated object. One footcandle is the illuminance at a point on a surface which is one foot from, and perpendicular to, a uniform point source of one candela. One (1) footcandle \approx 10.8 lux.

Freeboard - A factor of safety usually expressed in feet above a flood level for the purposes of floodplain management. Freeboard tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, obstructed bridge openings, debris and ice jams, and the hydrologic effect of urbanization in a watershed.

Freeway - A strip of public land devoted to the movement of traffic over which the abutting property owners have no right of access, light or air.

Frieze - The wide central section of an entablature and may be plain or, in the Ionic or Corinthian order, decorated with bas-reliefs. In an astylar wall it lies upon the architrave ('main beam') and is capped by the moldings of the cornice.

Funeral Home - An establishment engaged in undertaking services such as preparing the deceased for burial, and arranging and managing funerals.

G

Garage, Private - A detached accessory building or a portion of the principal building of a residence designed for the parking or temporary storage of vehicles of the residents thereof including any accessory building having a door of sufficient width to permit a vehicle to enter.

Garage, Public - A principal or accessory building other than a private garage, used for parking or temporary storage of passenger vehicles and in which no other service shall be provided for remuneration.

Garage Sale - The sale of used household items by the occupant of a premises.

Gasoline Station - A facility limited to retail sales to the public of gasoline, motor oil, lubricants, motor fuels, travel aides, and minor automobile accessories. In addition, such a facility may provide minor vehicle servicing and repairs.

General Merchandise Store - A single store that offers for sale most of the following articles: bread, milk, cheese, canned and bottled foods and drinks, tobacco products, candy, papers and magazines, and general hardware articles.

Golf Course - A tract of land laid out with at least 9 holes for playing a game of golf and improved with tees, greens, fairways, and hazards. A golf course including a clubhouse and shelters as accessory uses.

Government Building - A building or structure owned, operated, or occupied by governmental agency to provide a governmental service to the public.

Grade Plane – The average finished ground level adjoining the building at all exterior walls. When the finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest points within the area between the building and the lot line or; when the lot line is more than 6 feet from the building, between the building and a point 6 feet from the building.

Grading - The stripping, cutting, filling or stockpiling, or any combination thereof, of earth disturbing activities, including land in its cut or filled conditions.

Grassed Waterway - A broad and shallow natural course or constructed channel with erosion resistant grasses or similar herbaceous cover which is used to conduct surface water drainage runoff at nonerosive velocities.

Grocery Store - Any retail market that sells food and other household goods and that is usually operated on a self-service basis.

Gross Leasable Area - The building area that a retail tenant pays to lease.

H

Hardscape - The part of a building's grounds consisting of structures, such as patios, retaining walls, and walkways made with hard materials. The hardscape consists of the inanimate elements of landscaping, especially any masonry work or woodwork

Hardware Store - A business or establishment primarily engaged in the retail sale of various hardware.

Hazard - Any danger to the public health, welfare and safety, including exposure to risk, damage to property, liability for personal injury or risk of harm to land, air or water resulting in environmental degradation. The word "hazard" can include flooding and ponding, compaction and settling, landslides, earthquakes, toxic chemicals, radiation, fire and disease.

Hazardous or Toxic Material(s) - Any material that is inventoried under the Emergency Planning and Community Right-to-Know Act of 1986 (EPCRA) and expanded by the Pollution Prevention Act of 1990.

Health Spa or Gymnasium - A building or portion thereof designed and equipped for the conduct of sports, exercise, leisure time activities, or other customary and usual recreational activities. Also, building may provide massage, exercise, and related activities with or without such equipment or apparatus.

Heavy Equipment Rental - A building or portion thereof used for the storage and rental of movable or transportable vehicle or other apparatus commonly used in commercial, industrial, or construction enterprises, such as, but not limited to, trucks, trailers, bulldozers, cranes, backhoes, rollers, loaders, lifts, having a gross weight of 2.5 tons or more.

Hedge - Any group of shrubs, bushes, or any other plant planted in a line or in groups that forms a dense compact barrier that protects, shields, separates, or demarcates an area from view.

Heliport - An area used or intended to be used for the landing and takeoff of helicopters, and may include any or all of the areas of buildings appropriate to accomplish these functions.

Historic Significance - The attributes of a district, site or structure that possess integrity of location, design, setting, materials, workmanship, feeling, association, and that:

1. Are associated with the events that have made a significant contribution to the broad patterns of our history; or
2. Are associated with the lives of persons significant in our past; or
3. Embody the distinctive characteristics of a type, period or method of construction, or that represent a significant and distinguishable entity whose components may lack individual distinction; or
4. Have yielded, or may be likely to yield, information important in prehistory or history.

Historic Structure - Any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listings on the National Register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
3. Individually listed on the State of Ohio's inventory of historic places maintained by the Ohio Historic Preservation Office; or
4. Individually designated as a Local Landmark by the City of Centerville.

Hive - A modern frame hive, box hive, box, barrel, log gum, skep or any other natural or artificial receptacle, or any part thereof, that may be used as a domicile for bees.

Hobby Shop - An establishment primarily engaged in the sale of hobby related items such as model cars, stamps, coins, sports memorabilia and similar type items.

Home Occupation - An activity, office or business conducted in a dwelling unit where such a use is clearly incidental and secondary to the residential use.

Hospital - A facility providing medical, psychiatric, or surgical services for sick or injured persons primarily on an in-patient basis, and including ancillary services for out-patient and emergency treatment, training, research, administration, and services to patients, employees, and visitors.

Hotel - An establishment where lodging is provided and offered to the public for compensation, and which is open to transient guests and is not a rooming or boarding house.

Household Pet - Any animal that has been bred and/or raised to live in or about the habitation of humans and is dependent on people for food or shelter. Hybrids of animals normally found in the wild state are not included within the meaning of household pet.

Human Scaled - Site and building design elements that are dimensionally related to pedestrians, such as: small building spaces with individual entrances (e.g., as is typical of downtowns and main street developments); larger buildings which have articulation and detailing to break up large masses; narrower streets with tree canopies; smaller parking areas or parking areas broken up into small components with landscaping; and pedestrian amenities, such as sidewalks, plazas, outdoor seating, lighting, weather protection (e.g., awnings or canopies), and similar features. These features are all generally smaller in scale than those which are primarily intended to accommodate automobile traffic.

Hydrologic and Hydraulic Engineering Analysis - An analysis performed by a professional engineer, registered in the State of Ohio, in accordance with standard engineering practices as accepted by FEMA, used to determine flood elevations and/or floodway boundaries.

I

Indoor Recreational Club - A recreational use conducted entirely within a building, including swimming, tennis, racquetball, skating rink, or other related physical health activity.

Industrial Park - A special type of planned industrial area designed and equipped to accommodate a community of industry, providing them with all the necessary services and facilities in attractive surroundings among compatible neighbors.

Industrial Street - A specialized type of local street carrying a heavier traffic volume and weight and designed to carry 18,000 pounds axle loads.

Infill and Redevelopment - The development of vacant, bypassed or underutilized lands in an area that is mainly developed.

J

Junk – Scrap metal, vehicular parts or any dismantled, partially dismantled or discarded machinery, appliance, equipment, or boat, or part thereof, stored on exterior property areas outside of a completely enclosed structure. Any item of tangible personal property designed to be used in an environment protected from the elements, such as inside a building, shall be presumed to be junk if the item is stored outside.

Junk Yard - A lot, land, parcel, building or structure or part thereof where scrap metal, vehicular parts, or any dismantled, partially dismantled, non-operative, or discarded machinery, appliance, equipment, or boat, or part thereof, is stored on exterior property areas outside of a completely enclosed structure. This includes any item of tangible personal property designed to be used in an environment protected from the elements, such as inside a building, being stored outside.

K

kennel - A premises where 4 or more dogs, cats, or other animals over 4 months of age or exceeding 2 pounds in weight are kept, raised, sold, boarded, bred, shown, treated, or groomed.

L

Lamp-Post - A post supporting a lamp or lantern for lighting a street, park, etc.

Landscaping or Gardening - The area within the boundaries of a given lot that consists of planting materials, including, but not limited, to trees, shrubs, ground covers, grass, flowers, decorative rock, mulch, bark, and other similar materials.

Lattice - A support structure constructed of vertical metal, plastic, or wood struts and cross braces forming a triangular or square structure which often tapers from the foundation.

Laundromat - A facility where customers wash, dry, or dry clean clothing or other fabrics in machines operated by the customer.

Letter of Map Change (LOMC) - An official FEMA determination, by letter, to amend or revise effective Flood Insurance Rate Maps, Flood Boundary and Floodway Maps, and Flood Insurance Studies. LOMC's are broken down into the following categories:

1. Letter of Map Amendment (LOMA). A revision based on technical data showing that a property was incorrectly included in a designated special flood hazard area. A LOMA amends the current effective Flood Insurance Rate Map and establishes that a specific property is not located in a special flood hazard area.
2. Letter of Map Revision (LOMR). A revision based on technical data that, usually due to manmade changes, shows changes to flood zones, flood elevations, floodplain and floodway delineations, and planimetric features. One common type of LOMR, a LOMR-F, is a determination concerning whether a structure or parcel has been elevated by fill above the base flood elevation and is, therefore, excluded from the special flood hazard area.
3. Conditional Letter of Map Revision (CLOMR) means a formal review and comment by FEMA as to whether a proposed project complies with the minimum National Flood Insurance Program floodplain management criteria. A CLOMR does not amend or revise effective Flood Insurance Rate Maps, Flood Boundary and Floodway Maps, or Flood Insurance Studies.

Licensee of a Sexually Oriented Business - A person in whose name a license to operate a sexually oriented business has been issued, as well as the individual listed as an applicant on the application for a

license; and in the case of an employee, a person in whose name a license has been issued authorizing employment in a sexually oriented business.

Lifestyle Community - A large scale residential development that is associated with a specific lifestyle that is the central focus of the community. The central focus of a lifestyle community relates to the active or passive recreational lifestyle of residents within the community. All elements and amenities of this community are designed to emphasize this focus.

Light Loss Factor (LLF) – A depreciation factor which is applied to the calculated initial average luminance or illuminance to determine the value of depreciated average luminance or illuminance at a predetermined time in the operating cycle, usually just prior to relamping, and which reflect the decrease in effective lighting output of a lamp and luminaire during its life. It is comprised of several variables including decrease of lamp lumen output with burning hours, dirt accumulation, equipment and operation at other rated current or voltage.

Light Manufacturing - The manufacture, processing, fabrication, assembly, treatment and packaging of finished goods, products or parts using previously prepared materials within an enclosed facility. (*Ord. 4-18*)

Liquor Store - A retail establishment whose principal business is the sale of liquor including beer and wine.

Loading Space, Off-Street - Space logically and conveniently located for bulk pickups and deliveries, scaled to delivery vehicles expected to be used, and accessible to such vehicles when required off-street parking spaces are filled. Required off-street loading space is not to be included as off-street parking space in computation of required off-street parking space.

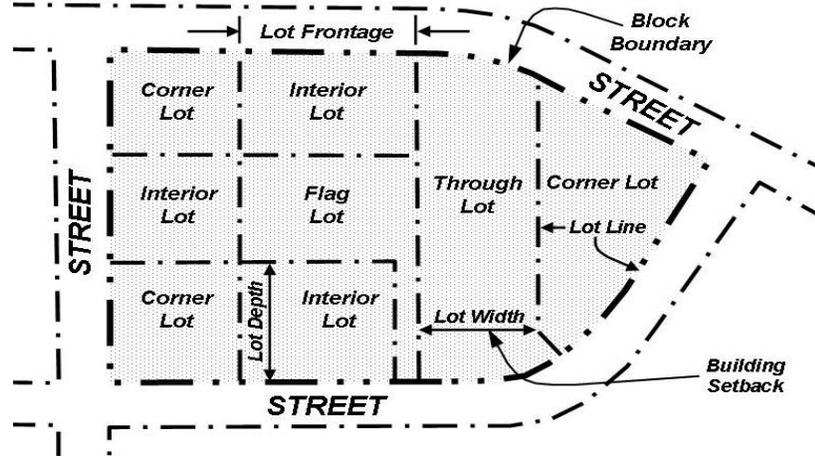
Local Street - A street used primarily to provide access to abutting properties.

Lot - For purposes of this Ordinance, a lot is a parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage, and area, and to provide such yards and other open spaces as are herein required. Such lot shall have the minimum required frontage on an improved public street, or on an approved private street, and may consist of a single parcel of land or a combination of parcels of land when the parcels of land are adjacent to one another and used as one , provided that in no case of division or combination shall any residual lot or parcel be created which does not meet the requirements of this Ordinance. Each parcel of land shall be described by either metes and bounds on a document recorded at the county recorders office or a plat recorded at the county recorders office.

Lot, Corner - A lot or parcel of land that abuts upon 2 or more streets at their intersection, or upon 2 rts of the same street forming an interior angle less than 135 degrees. See Figure 11.2

Lot, Flag - A lot not fronting on or abutting a public right-of-way and where access to the public right-of-way is by a narrow, private strip of land. See Figure 11.2.

Lot, Interior - An interior lot is defined as a lot other than a corner lot with only 1 frontage on a See Figure 11.2.

Figure 11.2 Lot

Lot, Reversed Frontage - A lot which is not accessible from 1 of the parallel or non-intersecting streets upon which it fronts.

Lot, Through - A through lot is defined as a lot other than a corner lot with frontage on more than 1 street. Through lots abutting 2 streets may be referred to as double frontage lots. See Figure 11.2

Lot Depth - The distance measured from the front lot line to the rear lot line. See Figure 11.2

Lot Frontage - The length of the front lot line measured at the street right-of-way line. See Figure 11.2.

Lot Line - A line of record that divides 1 lot from another lot or from a public or private street or any other public space. See Figure 11.2

Lot Line, Front - A lot line separating a lot from a street right-of-way. See Figure 11.2

Lot Line, Rear - The lot line opposite and most distant from the front lot line; or in the case of triangular or otherwise irregularly shaped lots, a line ten feet in length entirely within the lot, parallel to at a maximum distance from the front lot line. A corner lot as defined in this ordinance shall have no rear lot line. See Figure 11.2

Lot Line, Side - Any lot line other than a front or rear lot line. See Figure 11.2

Lot of Record - A lot, which is part of a subdivision recorded in the office of the County Recorder, or a lot or parcel described by metes, and bounds, the description of which has been so recorded.

Lot Width - The horizontal distance between the side lot lines of a lot measured at right angles to its depth along a straight line parallel to the front lot line at the minimum required building setback line. See Figure 11.2

Lowest Floor - The lowest floor of the lowest enclosed area (including basement) of a structure. This definition excludes an "enclosure below the lowest floor" which is an unfinished or flood resistant enclosure usable solely for parking of vehicles, building access or storage, in an area other than a basement area, provided that such enclosure is built in accordance with the applicable design requirements specified in these regulations for enclosures below the lowest floor.

Lux - The metric unit of measure for illuminance of a surface. One lux is equal to one lumen per square meter. One (1) lux equals 0.093 footcandles. For purposes of this Ordinance, one (1) lux equals one (1) nit of luminance.

M

Machine Shop - A workshop in which metals and other substances are cut, shaped, finished, and repaired by machine tools.

Major Street – See: Thoroughfare

Manufactured Home - A structure, transportable in 1 or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle". For the purposes of these regulations, a manufactured home includes manufactured homes and mobile homes as defined in Chapter 3733 of the Ohio Revised Code.

Manufactured Home Park - As specified in the Ohio Administrative Code 3701-27-01, means any tract of land upon which 3 or more manufactured homes, used for habitation are parked, either free of charge or for revenue purposes, and includes any roadway, building, structure, vehicle, or enclosure used or intended for use as part of the facilities of the park. A tract of land that is subdivided and the individual lots are not for rent or rented, but are for sale or sold for the purpose of installation of manufactured homes on the lots, is not a manufactured home park, even though 3 or more manufactured homes are parked thereon, if the roadways are dedicated to the local government authority.

Marginal Access Street, Access Drive and Service Drive - A local street parallel and adjacent to a thoroughfare providing access to abutting properties either in front of or behind a residential, commercial or industrial use.

Master Plan - See: Comprehensive Development Plan

Media Production - A facility or establishment whose primary function is the production and creation of media of various forms.

Median - A strip of land, centered in a roadway that is used to separate vehicular traffic traveling in opposite directions.

Miniature Golf - An area for the purpose of putting golf balls through a miniature course usually containing obstacles. A miniature golf course may be illuminated after dark.

Mining - The process or business of extracting solids such as coal, minerals or ores, liquids such as crude petroleum, and gases, such as natural gas from the earth. The term also includes quarrying, well operation, milling, such as crushing, screening, washing and flotation, and other preparation customarily done at the mine site or as part of a mining activity.

Mitigate Impacts - To avoid, rectify, repair or compensate for negative impacts which result from other actions (e.g., improvements to a street may be required to mitigate for transportation impacts resulting from development.)

Mixed-Use Development - A building or development characterized by either a vertical or horizontal physical integration of uses. A mixed-use building is a structure at least 2 stories in height which includes a mix of uses such as retail and office uses, residential and commercial uses, or commercial and light industrial uses. A mixed-use development multiple buildings, usually of multiple stories, designed to assure a diversity of compatible land uses which may include a mixture of residential, office, retail, services, recreational, live/work units, flex space uses, and other miscellaneous uses allowed in a district. A campus development is considered a mixed-use development. However, within a mixed-use development, a mix of residential and industrial uses is prohibited in a single building or on immediately adjoining land.

Mobile Food Vehicle – A commercially manufactured, self-propelled, self-contained vehicle currently licensed by the Ohio Department of Motor Vehicles in which ready-to-eat food is cooked, wrapped, packaged, processed or portioned for service, sale or distribution.

Mobility - The ordinary movement of the population by any means.

Monopole - A support structure constructed of a single, self-supporting hollow metal tube securely anchored to a foundation.

Mulching - The application of suitable materials on the soil surface to conserve moisture, hold soil in place and aid in establishing plant cover.

N (*Ord. 4-18*)

National Flood Insurance Program (NFIP) - A Federal program enabling property owners in participating communities to purchase insurance protection against losses from flooding. This insurance is designed to provide an insurance alternative to disaster assistance to meet the escalating costs of repairing damage to buildings and their contents caused by floods. Participation in the NFIP is based on an agreement between local communities and the Federal government that states if a community will adopt and enforce floodplain management regulations to reduce future flood risks to all development in special

flood hazard areas, the Federal government will make flood insurance available within the community as a financial protection against flood loss.

Natural Preserve Areas - Any land or area, the preservation of which in its present use would: conserve and enhance natural or scenic resources; or protect streams or water supply; or promote conservation of soils, wetlands, or beaches; enhance the value to the public of abutting or neighboring parks, forests, wildlife preserves, nature reservations, or sanctuaries; or enhance recreation opportunities.

Natural Vegetation - Any ground cover in its original state before commencement of earth disturbing activities.

Neighborhood Commercial - A business establishment offering small-scale retail or service operations that serve the surrounding residential area.

Net Acre - The amount of actual acreage that may be used for building lots after the dedication of land for public use (ie: installation of streets, sidewalk, etc.).

New Construction - Structures for which the "start of construction" commenced on or after the initial effective date of the City of Centerville's Flood Insurance Rate Map dated November 18, 1981, and includes any subsequent improvements to such structures.

Nit - The measurement of the amount of light a bulb produces. It is given in nits or one (1) candela per square meter (cd/m²). One (1) nit is equal to one (1) cd/m². For purposes of this Ordinance, 5,000 Nits equals 464.5 candela per square foot and 1,000 Nits equals 92.9 candela per square foot.

Node - An area of concentrated activity, often involving higher densities and a mix of uses, that encourages alternatives to automobile travel.

Non-Conformities - For purposes of this Ordinance, a non-conforming lot, structure, use or a characteristic of a use are those that were lawful before this ordinance was passed or amended, but which could be prohibited, regulated, or restricted under the terms of this ordinance or future amendment. It is the intent of this ordinance to permit these non-conformities to continue until they are removed, but not to encourage their survival. It is further the intent of this ordinance that non-conformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

Nude, Nudity, or A State of Nudity - Exposing to view the genitals, pubic area, vulva, perineum, anus, anal cleft or cleavage, or pubic hair with less than a fully opaque covering; exposing to view any portion of the nipple of the female breast with less than a fully opaque covering; or exposing to view male genitals in a discernibly turgid state, even if entirely covered by an opaque covering.

Nuisance - A public nuisance as known by common law or in equity jurisprudence.

Nursing or Convalescent Home - An extended or intermediate care facility licensed or approved to provide full-time convalescent or chronic care to individuals who, by reason of advanced age, chronic illness or infirmity, are unable to care for themselves.

O

Occupancy Permit - A required permit allowing occupancy of a building or structure after it has been determined that the building meets all the requirements of applicable ordinances.

Office - A facility for a firm or organization that primarily provides professional, executive, management or administrative services, such as accounting, advertising, architectural, computer software consulting, data management, engineering, environmental analysis, insurance, interior design, investment, graphic design, landscape design, law and real estate offices, drafting and recording studios. It excludes medical offices, banks and savings and loan associations and offices that are incidental to retail, production, storage or other activities.

Office Park - A large tract of land that has been planned, developed, and operated as an integrated facility for a number of separate office buildings and supporting ancillary uses with special attention to circulation, parking, utility needs, aesthetics, and compatibility.

Office/Business Services - Establishments primarily engaged in rendering services to office or business establishments on a fee or contract basis, such as advertising and mailing; building maintenance; employment services; management and consulting services; protective services; office equipment rental and leasing; commercial research; development and testing; photo finishing; and personal supply services.

Official Thoroughfare Plan - The Official Thoroughfare Plan for the City of Centerville, Ohio.

One Hundred-Year Flood Plain - Any land, which is subject to a one percent or greater chance of flooding in any given year, whether or not such land is designated as a flood hazard area by the Federal Insurance Administration or the Federal Emergency Management Agency (FEMA).

Outdoor Recreational Club – A recreational use conducted in part or wholly outside a building, including swimming, tennis, racquetball, skating rink, or other related physical health activity.

Owner - Any person who, alone or jointly or severally with others, shall have legal title to any land or structure, with or without accompanying actual possession thereof; or shall have charge, care or control of any land or structure as owner or agent of the owner; or as executor, administrator, conservator, trustee, or guardian of the estate of the owner. Any such person thus representing the actual owner shall be bound to comply with the provisions of this Ordinance and of rules and regulations adopted pursuant thereto, to the same extent as if he were the owner.

P

Park-And-Ride Lot - The temporary storage of automobiles on a daily basis for persons traveling together to and from work either through carpools, vanpools, buspools, or mass transit.

Park District - The Centerville-Washington Park District.

Parking Area, Off-Street - An off-street parking area is that portion of a parcel that is designated for the parking of vehicles. Off-street parking areas shall be so designed, maintained, and regulated in accordance to the provisions of this ordinance so that no parking or maneuvering incidental to parking shall be on any public street, walk, or alley, and so that any automobile may be parked and unparked without moving another.

Parking Ratio - The relationship, fixed by code, between parking quantity, building use, and building size.

Parking Space, Off-Street - For the purposes of this Ordinance, an off-street parking space shall consist of a space adequate for parking an automobile with room for opening doors on both sides, together with properly related access to a public street or alley and maneuvering room.

Paved Surface - A hard, smooth surface made principally of bituminous asphalt, Portland cement concrete, paver brick or other similar surface that will bear travel. Loose and porous surfaces such as gravel, asphaltic gravel, chipseal, tar and gravel, dirt, grass, and other similar surfaces are prohibited. (*Ord. 17-13*)

Pawnshop - Any business that loans money on deposit of personal property or deals in the purchase or possession of personal property on the condition of selling the same back again to the pledger or depositor, or loans or advances money on personal property by taking chattel mortgage security thereon, and takes or receives such personal property.

Pedestrian-Friendly/Pedestrian-Oriented - Development which is designed with an emphasis primarily on the street sidewalk and on pedestrian access to the site and building, rather than on auto access and parking areas. The building is generally placed close to the street and the main entrance is oriented to the street sidewalk. There are generally windows or display cases along building façades which face the street. Typically, buildings cover a large portion of the site. When parking areas are provided, they are generally limited in size and they are not emphasized by the design of the site.

Permit - Written governmental permission issued by an authorized official, empowering the holder thereof to do act not forbidden by law, but not allowed without such authorization.

Permittee - Any person where approval of a site plan, according and pursuant to this chapter, is granted, a Certificate of Zoning Compliance was Issued or who is subject to inspection by this UDO.

Person - Any individual or group of individuals, corporation, partnership, association, or any other legal entity, including state and local governments and agencies. An agency is further defined in Ohio R.C. 111.15 as any governmental entity of the state and includes, but is not limited to, any board, department, division, commission, bureau, society, council, institution, state college or university, community college district, technical college district, or state community college. "Agency" does not include the general assembly, the controlling board, the adjutant general's department, or any court.

Personal Wireless Services - Commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access services as defined by federal law at 47 U.S.C. §332(c)(7).

Pharmacy - A business where drugs and medicines are prepared and dispensed.

Planned Development - A development by which either residential, office, commercial, or industrial uses are accommodated in a pre-planned environment that permits greater flexibility, and consequently, more creative and imaginative design than would be possible under conventional zoning regulations.

Planning Commission - The Planning Commission of the City of Centerville, Ohio.

Planning Jurisdiction - The geographic area over which the Planning Commission has, or from time to time shall have, jurisdiction for planning purposes.

Plans - Profiles, typical cross-sections, working drawings and supplemental drawings of site, grading, drainage and runoff and sedimentation control plans, vicinity maps, soil maps and other plans as approved, or exact reproductions thereof, which show the location, character, dimensions and details of the work.

Plant Nursery - The use of land buildings, or structures for the growth and production of plants and planting materials for sale.

Playhouse – A freestanding or tree-based structure specifically designed and constructed for the enjoyment of children. This definition shall also include a playhouse attached to a swing set. (*Ord. 15-16*)

Plaza - A public square or extra-wide sidewalk (e.g., as on a street corner) that allows for special events, outdoor seating, sidewalk sales and similar pedestrian activity.

Pollution - Man-induced alteration of the chemical, physical and biological integrity of air and water resources.

Preliminary Plat - A conceptual subdivision plan of a tract of land showing the general layout of streets and alleys, lots, blocks, grading, stormwater management, utilities and other elements of a subdivision consistent with the requirements of this UDO.

Premises - A lot and all the use(s) conducted thereon.

Primary Entrance - The entrance to a building that most pedestrians are expected to use. Generally, each building has one primary entrance. It is the widest entrance of those provided for use by pedestrians. In multi-tenant buildings, primary entrances open directly into the building's lobby or principal interior ground level circulation space. When a multi-tenant building does not have a lobby or common interior circulation space, each tenant's outside entrance is a primary entrance. In single-tenant buildings, primary entrances open directly into lobby, reception, or sales areas.

Printing Services - An establishment for the custom reproduction of written or graphic materials on a custom order basis for individuals or businesses. Typical processes include, but are not limited to, photocopying, blueprint, offset printing, and facsimile sending and receiving.

Protective Covenant - A restriction on the use of all private property within a subdivision, to be set forth on the plat for the benefit of all the lot owners.

Public Improvement - All sidewalks, storm sewers, alleys, whether public or private, and streets, whether public or private.

Public Library or Museum - A room or building for exhibiting, or an institution in charge of a collection of books; artistic, historical or scientific objects existing for the benefit and use of the public.

Public Parkland - A tract of land designated and used by the public for active or passive recreation.

Public Waters - Those waters within lakes (except private ponds and lakes on single properties), rivers, streams or ditches and/or waters leaving property on which surface water originates.

R

Record Plat or Record Plan – A final plan for the subdivision of a tract of land in accordance with the provisions of this UDO that conforms to the approved Preliminary Plat or Site Development Plan.

Recreational Vehicle - A vehicle which is:

1. Built on a single chassis,
2. Designed to be self-propelled or permanently towable by any self-propelled vehicle,
3. Designed primarily for recreational, camping, travel, or seasonal use and not for use as a permanent dwelling, and
4. Any vehicle commonly termed as a motor home, RV, fifth-wheel, travel trailer, camper, pop-up camper, boat, boat trailer, personal water craft and trailer, horse trailer, or any type of utility trailer.

Recycling Center - A building or area designed to be a collection point where only recyclable materials are sorted and/or temporarily stored prior to delivery to a processing facility for reuse. This facility can be temporary and/or mobile.

Registered Professional Architect - A person registered to engage in the practice of architecture under the provisions of Ohio R.C. 4703.01 to 4703.19.

Registered Professional Engineer - A person registered as a professional engineer under Ohio R.C. Chapter 4733.

Registered Professional Landscape Architect - A person registered as a professional landscape architect under Ohio R.C. Chapter 4703.

Registered Professional Surveyor - A person registered as a professional surveyor under Ohio R.C. Chapter 4733.

Regularly Features or Regularly Shown - A consistent or substantial course of conduct, such that the films or performances exhibited constitute a substantial portion of the films or performances offered as a part of the ongoing business of the sexually oriented business.

Research and Development, Laboratories - An administrative, engineering, scientific research, design, or experimentation facility.

Research and Development, Office - A facility for the executive, administrative, and managerial needs related to the operation and/or functioning of a research and development facility.

Residence Family Home – A residence or facility that provides accommodations and supervision to three to five unrelated adults, at least three of whom require personal care services.

Residence Group Home - A residence or facility that provides accommodations and supervision to six to sixteen unrelated adults, at least three of whom require personal care services.

Residential Building – See: Dwelling Unit

Residential Cluster Development - The placement of more than 1 building envelope on a single lot or parcel of land for the purpose of constructing single-family residential dwelling units in either attached or detached construction arrangement, and where the property ownership outside the building envelopes is commonly held by all single-family dwellings on that lot or parcel land.

Restaurant - An establishment whose principal business is the sale of food and/or beverages to customers in a ready-to-consume state, and divided into the following categories:

1. **Class 1, Sit-down Restaurant:**
 - a. Primarily oriented to the indoor dining customer;
 - b. Customer dines at a table, booth or counter;

- c. Has a wait staff to assist customers to their table, take orders, serve food and beverages, provide customer bill and remuneration and clean-up of customer table;
- d. Customer is provided menus, orders are taken, and food and beverages are served at the customer table, booth or counter;
- e. Customer bill and remuneration are typically provided at the customer table, booth or counter at the end of dining;
- f. There is no drive-up window or separate entrance for a carry-out service; and
- g. May have an outdoor seating and/or dining area as an accessory use.

2. Class 2, Sit-down Restaurant:

- a. Primarily oriented to the indoor dining customer;
- b. Customer dines at a table, booth or counter;
- c. Has a wait staff to take orders, serve food and beverages, provide customer bill and remuneration;
- d. Food and drink orders may be placed at a counter;
- e. Customer bill may be received and paid at a counter before food and/or beverage is served;
- f. A self serve area may be provided for the customer to obtain napkins, straws, condiments and/or to refill drinks;
- g. May have an outdoor seating and/or dining area as an accessory use;
- h. May have a maximum of 1 walk-up window; and
- i. May have a maximum of 1 drive-up window as an Accessory Use. (*Ord. 15-16*)

3. Class 3, Drive-thru, Sit-down Restaurant:

- a. Oriented to both the indoor dining and drive-up customer with emphasis to the drive-up customer;
- b. May have 1 or more drive-up windows as an Accessory Use; (*Ord. 15-16*)
- c. Food and drink orders may be placed at a counter or by menu board;
- d. The wait staff typically tells the customer the charge and the bill is paid at a counter or drive-up window before food and/or beverage is served;
- e. A self service area is typically provided for the customer to obtain napkins, straws, condiments and/or to refill drinks; and
- f. May have an outdoor seating and/or dining area as an accessory use.

4. Class 4, Drive-thru, Food Kiosk Restaurant:

- a. There is little or no interior customer space or seating;
- b. Orders are typically placed from a menu board from a vehicle or walk-up window;
- c. May have 1 or more drive-up windows as an Accessory Use; and (*Ord. 15-16*)
- d. Food is primarily consumed in a vehicle or outdoors.

Retail - A commercial enterprise that provides goods and/or services directly to the consumer, where such goods are available for immediate purchase and removal from the premises by the purchaser.

Retail with Industrial Character - A retail establishments that is industrial in nature because of the products kept for sale such as lumberyards, building supply, soil and fertilizers, and other similar uses.

Retention - The collection and storage of storm water runoff without subsequent discharge other than through infiltration into the ground or evapotranspiration.

Right-Of-Way - The strip of land, dedicated for public use, through which facilities such as roadways, sidewalks, electric power lines, sanitary sewer lines, stormwater drainage lines, natural gas lines, telephone lines, cable television lines and other infrastructure are placed.

Runoff - The portion of rainfall, melted snow or irrigation water that flows across the ground surface and eventually is returned to streams.

1. "Accelerated runoff" means the increased rate and volume of runoff due to less permeable surface or reduced time of concentration, primarily caused by urbanization.
2. "Peak rate of runoff" means the maximum rate of runoff for any 24 hour storm of a given frequency.

S

School – A public or parochial primary or grade school, middle school, or senior high school as those terms are ordinarily used and shall not include a vocational or trade school or any institution other than one for children whose attendance is required by the laws of the state.

School, College - An institution of higher education providing curricula of a general, religious, or professional nature, typically granting recognized degrees, including conference centers and academic retreats associated with such institutions. This classification includes business and computer schools, management training, technical and trade schools, but excludes personal instructional services.

Scientific Research Facility - An administrative, engineering, scientific research, design or experimentation facility.

Screening - A physical barrier of living or non-living material that separates and/or obscures vision from a higher intensity land use to a residential use.

Seasonal Sale of Farm Produce - The seasonal offering for sale of fresh agricultural products directly to the consumer at an open market, roadside stand, or other pre-designated area, where the vendors are generally individuals who have raised the product for retail sale.

Sediment - Solid material, both mineral and organic, that is in suspension, is being transported or has been moved from its site of origin by air, water, gravity or ice, and has come to rest on the earth's surface either above or below water.

Sediment Basin - A facility, such as a barrier, dam or other suitable detention facility, built across an area of water flow to settle and retain sediment carried by surface drainage runoff water.

Sediment Pollution - The failure to use management or conservation practices to abate wind or water erosion of the soil or to abate the degradation of waters by soil sediment in conjunction with land grading, excavating, filling or other soil-disturbing activities.

Semi-nude or In a Semi-nude Condition - The showing of the female breast below a horizontal line across the top of the areola at its highest point or the showing of the male or female buttocks. This definition shall include the entire lower portion of the human female breast, but shall not include any portion of the cleavage of the human female breast, exhibited by a dress, blouse, skirt, leotard, bathing suit, or other wearing apparel, provided the areola is not exposed in whole or in part.

Semi-Nude Model Studio - A commercial establishment which regularly features a person (or persons) who appears semi-nude and is provided to be observed, sketched, drawn, painted, sculptured, or photographed by other persons who pay money or any form of consideration, but shall not include a proprietary school licensed by the State of Ohio or a college, junior college or university supported entirely or in part by public taxation; a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation.

Senior Citizen Residential Community - A development established as a residence for senior citizens, which may impose a minimum age requirement for 1 or more occupants of a unit.

Setback - The required minimum distance from a public right-of-way line or any other lot line that establishes the area within which the buildings, structures, parking areas or other physical features of a parcel as stated by this Ordinance must be erected or placed.

Sexual Encounter Center - A business or commercial establishment that as one of its principal business purposes offers for any form of consideration, a place where 2 or more persons may congregate, associate, or consort for the purpose of "specified sexual activities." The definition of sexual encounter center or any sexually oriented businesses shall not include an establishment where a medical practitioner, psychologist, psychiatrist, or similar professional person licensed by the state engages in medically approved and recognized sexual therapy.

Sexually Oriented Business - An adult arcade, adult bookstore, adult novelty store, adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, escort agency, semi-nude model studio, or sexual encounter center.

Sexually Oriented Business, Operate or Cause to Be Operated - To cause to function or to put or keep in a state of doing business. Operator means any person on the premises of a sexually oriented business who is authorized to exercise operational control of the business, or who causes to function or who puts or keeps in operation, the business. A person may be found to be operating or causing to be operated a sexually oriented business regardless of whether that person is an owner, part owner, or licensee of the business.

Sexually Oriented Business, Substantial Enlargement - The increase in floor areas occupied by the business by more than 25 percent as the floor areas exist on the date this Ordinance takes effect.

Shadow Plat or Shadow Plan - A re-division plan when a property or portion of a property could be developed at a higher density.

Shopping Center - A group of stores planned and designed for the site on which it is built, functioning as a unit, with off-street parking provided on-site.

Sidewalk Sale - A promotional sale, conducted by the proprietor, outside the confines of the commercial structure in which such business is normally conducted where items for sale are those typically sold as a part the business conducting the sale and which occurs on the sidewalk or other structure along the front or side of the establishment.

Sign - Any visual communication device utilizing a letter, a word, a number, a symbol, a picture, an object, color, illumination, or motion, the major function of such device being to convey visual information to or attract the visual attention of a person within a public right-of-way and/or not on the premises on which the visual communication device is located. The term "sign" shall specifically include the following:

1. Any localized background which is a part of or is placed in conjunction with a sign for the purpose of improving the visibility of the sign;
2. Any material whose major function is providing structural support for a sign; and,
3. Any artificial illumination device whose major function is to provide illumination of the visual information conveyed by a sign.

The following are types of signs:

1. Ground Sign - A sign not attached to a building;
2. Projecting Sign - A sign supported by a building wall or column and extending a distance exceeding 12 inches from the wall; and
3. Wall Sign - A sign which is located on or formed by the surface of the wall of a building. A mansard roof facade on a building shall be considered part of the wall.

Sign, Changeable Copy - A sign or portion of a sign where the message is able to be changed by electrical, mechanical, magnetism, or any other means.

Sign, Daily Display – An A-frame or similar style, pedestrian-oriented sign placed in close proximity to the main entrance of a business and displayed solely during business hours. (*Ord.18-16*)

Sign, Electronic Message Center - A sign or a portion of a sign that utilizes light emitting technologies including, but not limited to, television screens, plasma screens, digital screens, holographic displays, and LED (light emitting diode) technology on any portion of a sign face to display a message except as prohibited in the Prohibited Signs and Sign Characteristics, Section 9.51, C, of this UDO.

Sign, Permanent – A sign permitted by this Ordinance to be located on a premises for an unlimited period of time.

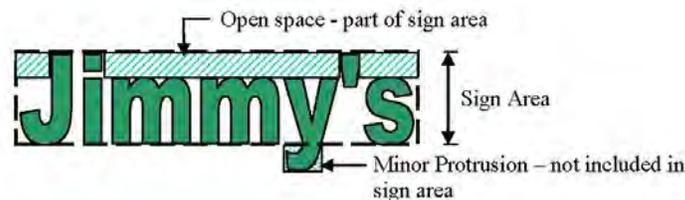
Sign, Temporary - A sign permitted by this Ordinance to be located on a premises for a limited period of time.

Sign, Vehicle Mounted – A sign attached to or placed on a vehicle, including automobiles, trucks, boats, campers, and trailers which is parked on or otherwise utilizing a public right-of-way, public property or on private property in a manner to convey visible information to or attract the visual attention of a person in a public right-of-way for the basic purposes of providing advertisement for products or services or directing people to a business or activity. Vehicle Mounted Signs shall not mean the following:

1. Any vehicle displaying an advertisement or business notice of its owner, so long as the advertising devices are attached to and within the normal unaltered lines of the vehicle and the vehicle is engaged in the usual business or regular work of the owner, and not merely, mainly, or primarily used to display advertising;
2. Busses or other forms of public transportation;
3. Taxicabs.

Sign Area - The total area in square feet of all the visible information-conveying surface area(s) of a sign including all localized background(s), but excluding all material(s) not conveying significant visual information and whose major function is providing structural support for the sign. Sign surface area shall be measured by calculating the surface area of a simple square, rectangle, or circle which approximates the size and shape of the sign surface area. The area of individual elements of a sign placed against a non-localized background (such as letters placed against a wall or window) shall be measured by calculating the area of the smallest single square, rectangle, or circle which would completely enclose all elements of the sign. Minor protrusions which account for five percent or less of the total sign area as measured herein shall not be included in the calculated sign area. See Figure 11.3 below. (*Ord.18- 16*)

Figure 11.3: Measuring Sign Area



Sign Face - The largest portion, in square feet, of a sign's area that is visible; measured at the location where the largest amount of the sign's area can be viewed by the eye at one point in time.

Sign Height - The maximum vertical height in feet that the highest part of a ground sign extends above the surface of the ground underneath the sign. Any material whose major function is providing structural support for the sign shall be considered part of the sign.

Site - Any lot or parcel of land or a series of lots or parcels of land adjoining or contiguous or joined together under 1 ownership where development or re-development clearing, stripping, grading or excavating is performed.

Site Plan - A site or development plan shall refer to a set of to-scale drawings and associated text containing the following elements of information regarding the proposed and/or existing use(s) for a premises:

1. Use - A statement of the general nature of the proposed and/or existing use(s) on a premises.
2. Structures - The location, size, and height of all structures on the property (including buildings, signs, walls, fences, waste collection facilities, and works of art).
3. Setbacks and Yards - The location, size, and dimensions of all yards, setbacks, and spaces between structures.
4. Architectural Elevations - The exterior architectural elevations of all structures proposed and/or existing on the site showing the general design, architectural features, color, and building materials. The architectural elevations of structures immediately adjacent to the applicant's property may be required.
5. Paving - The location, dimensions and method of improvement of all driveways, parking areas, walkways, and other means of access, ingress, and egress.
6. Parking and Loading - The location, dimensions, and layout of all areas to be used for parking or loading.
7. Screening - The location, height, and materials for all required screening.
8. Lighting - The location, design, intensity, color, and beam spread of all exterior lighting.
9. Signs - The location, size, and architectural elevations of all signs.
10. Storm Water Drainage - The design of the storm water drainage system for the property.
11. Other Relevant Information - Any additional relevant information requested by the City.

Slope - The rate at which the elevation of the ground changes, expressed as the angle the ground makes with the plane of the horizon. Slopes are usually expressed in a percentage based upon vertical difference in feet per 100 feet of horizontal distance.

Sloughing - A downward movement of an extended layer of soil over a slope that frequently results from the undermining action of surface water runoff or the earth-disturbing activities of man.

Soil - All earth material of whatever origin that overlies bedrock, and may include the decomposed zone of bedrock which can be readily excavated by mechanical equipment.

Soil Loss - Soil moved from a given site by the forces of erosion and re-deposited at another location.

Solar Energy Device – A solar photovoltaic panel, solar thermal panel, tubing or any similar device that relies on solar radiation as an energy source for the generation of electricity or the transfer of stored heat.

Solar Energy Device, Freestanding– A solar energy device that is permanently affixed or otherwise situated on a premises other than a roof mounted or wall mounted solar energy device.

Solar Energy Device, Roof Mounted – A solar energy device permanently affixed to the roof of a principal or accessory building.

Solar Energy Device, Wall Mounted – A solar energy device permanently affixed to the wall of a principal or accessory building.

Solar Energy System – Any solar energy device and all associated appurtenances for the purposes of heating and cooling or generating electricity for a primary or accessory structure.

Solar Power Plant or Solar Farm – 1. A solar photovoltaic power station including solar panel array and all associated buildings and appurtenances for the purpose of generating electricity for commercial sale and distribution; 2. A solar energy system where the primary purpose is to generate electricity for sale and distribution.

Solar Shingle – A type of solar photovoltaic energy device emulating the dimensional size of roof shingles.

Special Flood Hazard Area or Areas of Special Flood Hazard - The land in the floodplain subject to a 1 percent or greater chance of flooding in any given year. Special flood hazard areas are designated by the Federal Emergency Management Agency on Flood Insurance Rate Maps, Flood Insurance Studies, Flood Boundary and Floodway Maps and Flood Hazard Boundary Maps as Zones A, AE, AK AO, A1-30, and A99. Special flood hazard areas may also refer to areas that are flood prone and designated from other federal, state or local sources of data including but not limited to, historical flood information reflecting high water marks, previous flood inundation areas, and flood prone soils associated with a watercourse.

Specified Anatomical Areas - Any of the following:

1. The human male genitals in a discernibly turgid state, even if completely and opaquely covered; or
2. Less than completely and opaquely covered human genitals, pubic region, buttocks, or a female breast below a point immediately above the top of the areola.

Specified Criminal Activity - Any of the following offenses:

1. Prostitution or promotion of prostitution; dissemination of obscenity; sale, distribution, or display of harmful material to a minor; sexual performance by a child; possession or distribution of child pornography; public lewdness; indecent exposure; indecency with a child; engaging in organized criminal activity relating to a sexually-oriented business; sexual assault; molestation of a child; distribution of a controlled substance; or any similar offenses to those described above under the criminal or penal code of other states or countries for which:
 - a. Less than 2 years have elapsed since the date of conviction or the date of release from confinement imposed for the conviction, whichever is the later date, if the conviction is of a misdemeanor offense;
 - b. Less than 5 years have elapsed since the date of conviction or the date of release from confinement for the conviction, whichever is the later date, if the conviction is of a felony offense; or,
 - c. Less than 5 years have elapsed since the date of the last conviction or the date of release from confinement for the last conviction, whichever is the later date, if the convictions are of 2 or

more misdemeanor offenses or a combination of misdemeanor offenses occurring within any 24 month period.

2. The fact that a conviction is being appealed shall have no effect on the disqualification of the applicant or a person residing with the applicant.

Specified Sexual Activities - means any of the following:

1. The fondling of another person's genitals, pubic region, anus, or female breasts;
2. Sex acts, nominal or perverted, actual or simulated, including intercourse, oral copulation, masturbation, or sodomy; or
3. Excretory functions as part of, or in connection with, any of the activities set forth in 1. through 2. above.

Sports Stadium - A building or structure with tiers of seats rising around a field or court, intended to be used primarily for the viewing of athletic events or other recreational events.

Stable, Commercial - A building or land where a horse, a pony, a mule, a donkey, or other riding animal is kept for remuneration, hire, sale, boarding, riding, or show.

Stable, Private - Any building, incidental to an existing residential principal use, that shelters a horse, a pony, a mule, a donkey, or other riding animal used for the exclusive use of the occupants of the premises.

Stacking - The area of a parking lot used for the temporary storage of vehicles at ingress and egress points of a premises or drive-thru aisles for uses such as drive-thru banking, fast food restaurants, and convenience stores.

Staff - An employee of the City of Centerville designated by the City Manager to perform certain functions designated within this ordinance.

Start of Construction - The date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within one (1) year of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of a building. (*Ord. 4-18*)

Steep Slope - A slope over 15 percent grade, which is characterized by increased runoff, erosion and sediment hazards.

Storage - A space or place where goods, materials, or personal property is placed and kept for more than 24 consecutive hours.

Storage Unit, Portable - A portable storage unit is any container, storage unit, shed-like container or other portable structure that is temporarily placed on a premise for the storage of personal property of any kind.

Storefront Character - The character expressed by buildings placed close to the street with ground-floor display windows, weather protection (e.g., awnings or canopies), corner building entrances or recessed entries and similar features.

Storm Return Interval – The probability of recurrence of a storm within a specified time period given specific rainfall intensity.

Story - That portion of a building included between the surface of any floor and the surface of the next floor above it, or if there be no floor above it, then the space between the floor and the ceiling above it. Basements shall not be considered a story.

Story, Half - A space under a sloping roof which has the line of intersection of the roof and wall face not more than three feet above the floor level, and in which space the possible floor area with head room of five feet or less occupies at least 40 percent of the total floor area of the story directly beneath.

Stream - A body of water running or flowing on the earth's surface or a channel in which such flow occurs. Flow is continuous or seasonally intermittent.

Street - A right of way or thoroughfare other than an alley having a right-of-way width of not less than 50 feet, dedicated or otherwise legally established to public use. Where so designated on a plat, the term "street" may also mean a private street.

Street, Collector or Feeder - A street that carries traffic from local streets to a system of major streets and thoroughfares.

Street Furnishing Zone - An area along a wide sidewalk that allows for the placement of benches, lighting, bicycle racks, drinking fountains, mail boxes, kiosks and similar pedestrian amenities located within a street right-of-way.

Streetscape - The portion of the right-of-way that is between the lot line and the edge of the vehicular lanes. The principal streetscape components are curbs, sidewalks, planters, street trees and street lights.

Strip Mall/Strip Commercial - A pattern of development wherein commercial development is strung, in a linear fashion, along an arterial thoroughfare.

Stripping of Soil - Any activity which removes or significantly disturbs the vegetative surface cover.

Structure - A combination of materials to form a construction for use, occupancy, or ornamentation whether installed on, above, or below the surface of land or water including, but not limited to, buildings, walls, fences, and ground signs.

Structure, Open-Sided - A free-standing, unheated structure unenclosed except for a structural system supporting a roof, and screen panels which may be used to enclose the open spaces between structural elements.

Structured Parking - A covered structure or portion of a covered structure that provides parking areas for motor vehicles. It includes parking on top of a structure where there is gross building area below the parking, but nothing above it. The structure can be the primary structure for a Commercial Parking facility or be accessory to multi-dwelling residential, commercial, employment, industrial, institutional, or other structures.

Subdivider - Any person, partnership, association, corporation or other entity that creates or proposes to create a subdivision (as defined in this section), all or a portion of which will be located within the planning jurisdiction.

Subdivision - Any of the following:

1. The division of any parcel of land shown as a unit or as contiguous units on the last preceding tax roll, into 2 or more parcels, sites or lots, any one of which is less than five acres, for the purpose, whether immediate or future, of transfer of ownership, provided, however, that the division or partition of land into parcels of more than 5 acres, not involving any new streets or easements of access, and the sale or exchange of parcels between adjoining lot owners, where such sale or exchange does not create additional building sites, shall be excepted; or,
2. The improvement of 1 or more parcels of land for residential, commercial or industrial structures or groups of structures involving the division or allocation of land for the opening, widening or extension of any street or streets, except private streets serving industrial structures; the division or allocation of land as open spaces for the common use by owners, occupants or lease holders or as easements for the extension and maintenance of public sewer, water, storm drainage or other public facilities.

Subsoil - That part of the soil below the surface soil or plow layer.

Substantial Damage - Damage of any origin sustained by a structure whereby the cost of restoring the structure to its previous, undamaged condition either equals or exceeds 50 percent of the market value of the structure before the damage occurred.

Substantial Improvement - Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures, which have incurred

"substantial damage," regardless of the actual repair work performed. The term does not, however, include:

1. Any improvement to a structure which is considered "new construction";
2. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified prior to the application for a development permit by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
3. Any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure."

Surface Soil - The uppermost part (5 to 8 inches) of the soil commonly stirred by tillage implements, or its equivalent in uncultivated soils.

Swale - A mildly sloped channel or ditch with side slopes less than 4 to 1 which gathers and carries surface water runoff at a reduced rate of flow and conveys it downstream at less erosive velocities.

Swarm (Bees) - A population of bees that is not permanently established.

Swimming Pool - Any swimming pool other than a private swimming pool, including publicly and privately owned pools open to the general public and pools owned and operated in conjunction with membership organizations, hotels, motels, and other similar uses.

T

Technically Suitable - The location of a Wireless Telecommunication Antenna(e) reasonably serves the purpose for which it is intended within the band width of frequencies for which the owner or operator of the Antenna(e) has been licensed by the Federal Communications Commission (FCC) to operate without a significant loss or lack of communication capability within developed areas of the City.

Telecommunication(s) - The technology that enables information to be exchanged through the transmission of voice, video or data signals by means of electrical or magnetic systems and includes the term "Personal Wireless Services."

Temporary Buildings for Construction - A temporary unit for office, storage, or some other construction related use that is designed to be transported, after construction is complete, on its own wheels or on a flatbed or other trailer.

Temporary Vegetation - Short term vegetative cover used to stabilize the soil surface until final grading and installation of permanent vegetation (i.e. oats, rye or wheat).

Theater - An establishment used for dramatic, operatic, motion pictures, or other performance, for admission.

Thoroughfare - A street or highway of considerable continuity as indicated on the Official Thoroughfare Plan.

Topsoil - Surface and upper surface soils which presumably are darker colored, fertile soil materials, ordinarily rich in organic matter or humus debris.

Toxic Material - A solid, liquid or gas which can be injurious to the public safety as defined in U.S. Government Regulations.

Trailer - A structure standing on wheels, towed or hauled by another vehicle and used for short-term human occupancy, carrying materials, goods or objects, or as a temporary office.

Transfer of Ownership or Control of a Sexually Oriented Business - Means and includes any of the following:

1. The sale, lease, or sublease of the business;
2. The transfer of securities which constitute a controlling interest in the business, whether by sale, exchange, or similar means; or,
3. The establishment of a trust, gift, or other similar legal device which transfers the ownership or control of the business, except for transfer by bequest or other operation of law upon the death of the person possessing the ownership or control.

Transportation Mode - The method of transportation (e.g., automobile, bus, walking, bicycling, etc.)

Tree - A large woody perennial plant with one or more main trunks and many branches. A tree with any trunk which has a diameter of 2 or more inches when measured at a height of 3 feet above the average grade level within a three-foot radius of the main trunk shall be protected by these Regulations.

Tree, Canopy – Any self supporting woody plant of a species that normally ranges in size of either medium or large at maturity. This type of tree is commonly referred to as a shade tree.

Tree, Understory – A flowering or ornamental tree which has a small to medium size at maturity.

Truck Terminal - Any premises used by a motor freight company, which is the origin and/or destination point of goods being transported, for the purpose of storing, transferring, loading, and unloading goods.

U

Unified Development Ordinance - The combining of development regulations and procedures, including zoning and subdivision regulations, sign and floodplain regulations, administrative and hearing procedures, etc. into one unified code as in the *City of Centerville Unified Development Ordinance*.

Use - The specific purpose(s) for which land or a building is designated, arranged, intended, or for which it may be occupied or maintained.

Use, Accessory - See: Accessory Use or Structure.

Use, Permitted - Any use allowed in a zoning district and subject to the restrictions applicable to that zoning district.

Use, Principal - The primary and predominant use of any lot.

Use, Temporary – A short term or seasonal use which may be associated with a construction project or intended to promote or sell specific merchandise or products and shall include, but not limited to special events, outdoor displays, outdoor seasonal sales, temporary construction facilities, residential model home and temporary sales offices.

Utility - Any closely regulated agency, which, under public franchise or ownership, provides the public with electricity, gas, heat, steam, communication, rail transportation, water, sewage collection, or other similar service.

Utility Company - Any organization, person, firm, corporation or cooperative furnishing electrical energy, communication or television signal services to the City and its inhabitants.

Utility Distribution Facility - All lines, equipment and appurtenances, above or below ground, in streets, alleys, utility easements, rights of way and properties within the City, used in supplying electrical energy, communication or television signal services.

Utility Easement - Those parcels, strips, areas or other portions of land available for installation, maintenance, repair or operation of utility distribution facilities.

V

Variance - A grant of permission by the City that authorizes the recipient to do that which, according to the strict letter of this Ordinance, he could not otherwise legally do.

Vehicle - A device for carrying passengers, goods or equipment. A vehicle shall specifically include, but shall not be limited to, all self-propelled, non-self-propelled, or towable land, water, air, or space craft or vehicle and any attachment thereto.

Vehicle Sales - The use of any building or portion thereof, or other premises or portion thereof, for the display, sale, rental of new or used motor vehicles, and where body work or repair is incidental to the operation of the new or used vehicle sales.

Vehicle Inventory Lot - A parking area associated with a commercial vehicle dealership that is used solely for the storage vehicles that are inventory for the dealership and is clearly separate from any customer parking area. Such parking area may have parking spaces and drive aisles smaller than

otherwise required and the parking and maneuvering of vehicles within the vehicle inventory lot is performed by employees of the dealership.

Vehicle, Commercial - Any vehicle licensed by the State of Ohio as a commercial vehicle or used for a commercial purpose.

Vehicle, Recreational - See: Recreational Vehicles

Veterinary Office - An establishment that provides medical care, treatment, and observation of domestic animals.

W

Wireless Telecommunication Antenna or Antenna - The physical device through which electromagnetic, wireless telecommunication signals authorized by the FCC are transmitted or received. Antennas used by amateur radio operators are excluded from this definition.

Wireless Telecommunication Equipment Shelter or Equipment Shelter - The structure or cabinet in which the electronic receiving and relay equipment for a Wireless Telecommunications Facility is housed.

Wireless Telecommunication Facility or Facility - A facility consisting of the equipment and structures involved in receiving telecommunications or radio signals from a mobile radio communications source and transmitting those signals to a central switching computer which connects the mobile unit with the land-based telephone lines for the provision of Personal Wireless Services. This can include the antenna, tower or support structure, equipment and equipment building and any other materials used at the site.

Wireless Telecommunication Tower or Tower - Any structure, other than a building, that elevates the Wireless Telecommunication Antenna and may include accessory transmission and receiving equipment.

Work of Art - A non-living structure visible from a public right-of-way either attached to or detached from a building whose design is intended to beautify the property upon which it is located. A sign shall not be considered as a work of art.

Y

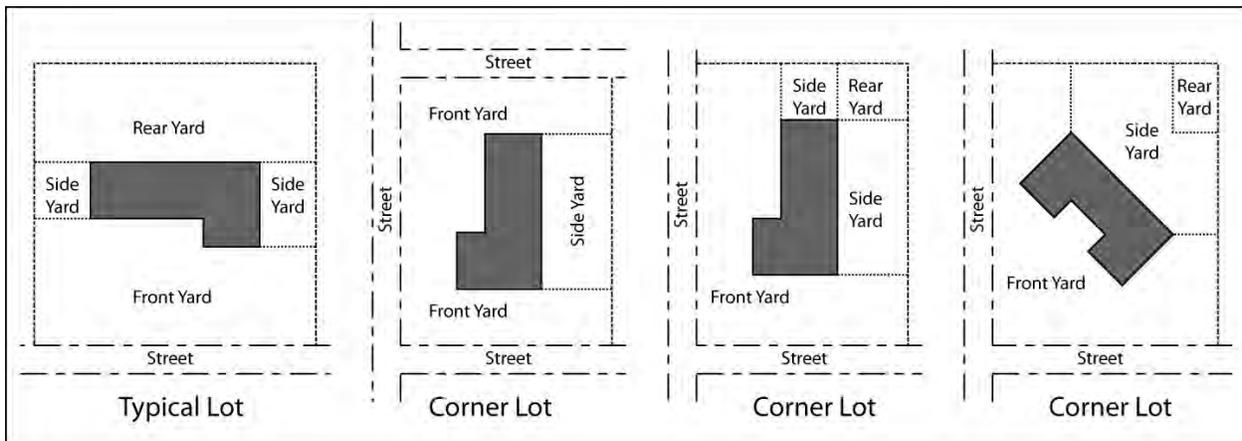
Yard - An open space that lies between the principal or accessory building or buildings and the nearest lot line. Such yard is unoccupied and obstructed from the ground upward except as may be specifically provided in the Zoning Ordinance. See Figure 11.4.

Yard, Front - A space extending the full width of the lot between any building and the front lot line, and measured parallel to the front lot line. Such front yard is unoccupied and unobstructed from the ground

upward except as may be permitted elsewhere in this Ordinance. A corner lot or a through lot shall be required to have a front yard on each street abutting the lot. See Figure 11.3.

Yard, Rear - A space extending across the full width of the lot between the principal building and the rear lot line, measured perpendicular to the rear lot line from the closest point of the building to the rear lot line. Such rear yard is unoccupied and unobstructed from the ground upward except as may be provided elsewhere in this Ordinance. A rear yard for a corner lot shall be the area of a lot that is farthest from the street intersection whose limits are established by the extension of building line of the principal building to the side lot lines. See Figure 11.4.

Figure 11.4: Yard



Yard, Required - The open space between a lot line and the buildable area within which no structure shall be located except as provided in this Ordinance.

Yard, Side - A space extending from the front yard to the rear yard between the principal building and the rear lot line, and measured perpendicular from the side lot line to the closest point of the principal building. Such side yard is unoccupied and unobstructed from the ground upward except as may be provided elsewhere in this Ordinance. See Figure 11.4.

Yard Depth - The shortest distance between a lot line and a yard line. See Figure 11.4.

Yard Line - A line drawn parallel to a lot line at a distance there from equal to the depth of the required yard. See Figure 11.4.

Z

Zoning Compliance, Certificate of - A document issued by the City of Centerville stating that a development is in compliance with all conditions, requirements, and provisions of the UDO.

Zoning Inspector - Employee(s) of the City of Centerville, Ohio empowered by the City Manager to administer, enforce, and interpret the provisions, regulations, and requirements of the UDO.

Zoning Permit - A document signed by the Zoning Inspector, as required by this Ordinance, as a condition precedent to the commencement of a use or the erection, construction, reconstruction, restoration, alteration, conversion, or installation of a structure or building, which complies with the provisions of the UDO or authorized variance there from.

Zoo - An area, building, or structures, which contain wild animals on exhibition for viewing by the public.

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