

ORDINANCE NO. 1 -08
CITY OF CENTERVILLE, OHIO

Sponsored by Council Member Brooks Compton on the 21st day of April, 2008.

**AN ORDINANCE AMENDING ORDINANCE NO. 11-86, THE
ZONING ORDINANCE OF THE CITY OF CENTERVILLE,
OHIO IN ACCORDANCE WITH THE PROVISIONS OF
CHAPTER 713 OF THE OHIO REVISED CODE.**

PREAMBLE AND PURPOSE

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 make periodic evaluations of the Zoning Ordinance of the City of Centerville, for consistency, clarity, and

WHEREAS; The City Council has directed the Planning Commission to make such evaluation, and

WHEREAS; The Planning Commission has given reasonable consideration, among other things, to the character of the zoning districts and the suitability of particular uses within said districts and their impact upon surrounding land uses, and provide standards and requirements that are appropriate for particular land uses, and

WHEREAS; All requirements of Chapter 713 of the Ohio Revised Code, with regard to actions taken by the Planning Commission and subsequent action of the City Council have been met;

NOW THEREFORE; The Municipality of Centerville hereby Ordains:

Section 1. Ordinance Number 11-86 passed on the 21st day of July, 1986 and as subsequently amended, be, and the same hereby is revised as follows with new language to be added in *italics* and text to be deleted in ~~strikeout~~ as provided in Section 5.02 of the Centerville Charter:

By amending Section 17, APD, Architectural Preservation District, as follows:

D. Uses Requiring Special Approval (See the Special Approvals Section (Section 31) of this Ordinance for the procedures and additional requirements for the following uses).

1. Department of Development Special Approval

e. ~~Storage Sheds (One Hundred Twenty (120) Square Feet in Gross Floor Area~~

~~The installation of this size storage shed within the rear yard of a property whose sole use is a single family residential dwelling unit.~~

e. Accessory Building, Structure, or Use

A building or structure that is detached from a principal building for an accessory use that does not involve human occupancy and is one hundred (100) square feet in gross floor area or smaller.

2. Planning Commission Special Approval The Board of Architectural Review shall serve in place of the Planning Commission when reviewing applications within the Architectural Preservation District.

e. ~~Site Plan Alterations Subject to this Procedure~~

6) ~~Accessory Buildings~~

~~Buildings detached from principal buildings which contain an accessory use that does not involve human occupancy of the building (excluding storage sheds less than one hundred twenty (120) square feet in gross floor area of a property whose sole use is single family residential).~~

c. Site Plan Alterations Subject to this Procedure

6) *Accessory Building, Structure or Use*

A building or structure that is detached from principal buildings for an accessory use that does not involve human occupancy and is greater than one hundred (100) square feet in gross floor area.

By amending Section 20, Supplemental Zoning District Requirements, as follows:

A. District Requirements Applicable to All Zoning Districts

1. ~~Accessory Building or Use~~

a. ~~An accessory use or building shall not be permitted prior to the establishment of a principal use or building on a premises.~~

b. ~~An accessory building shall:~~

1) ~~Not be located in the front yard of a lot~~

2) ~~Not be located in the required minimum side yard of a lot~~

3) ~~Not be located in the rear yard closer to a lot line than five (5) feet~~

4) ~~Not be located on a permanent foundation over an easement~~

5) ~~Not exceed eighteen (18) feet in height~~

1. *Accessory Building, Structure or Use: The following general provisions shall apply:*
- a. *No accessory building or structure having a permanent foundation shall be located in a recorded easement;*
 - b. *No accessory building shall be erected in any front yard or the required minimum side yard setback of a lot;*
 - c. *An accessory building or structure shall have a minimum rear yard setback of five (5) feet from any lot line;*
 - d. *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;*
 - e. *No accessory building or structure shall exceed eighteen (18) feet in height or the height of the principal building whichever is less;*
 - f. *The total floor area of all accessory buildings and structures on a single-family or two-family residential premises shall be a maximum of seven hundred fifty (750) square feet or occupy no more than 20 percent of the rear yard, whichever is less;*
 - g. *An accessory building or structure located on residential premises and greater than one hundred (100) square feet in floor area shall be architecturally consistent with the character of the house on the premises and include the following:*
 - 1) *A finished, pitched roof with surfaces of standing seam metal, seal-tab asphalt shingles, clay tile, slate or wood shingles.*
 - 2) *All other finish surfaces shall be either wood, brick, stone, vinyl, screen or any combination thereof.*
 - h. *There shall be no more than one (1) detached private garage per dwelling unit;*
 - i. *A driveway, in accordance with Section 22, C, 4, Dimensions of a Driveway of this Zoning Ordinance, shall be required for any private garage.*
 - j. *An Open-Sided Structure including a Gazebo or a Trellis shall meet the minimum standards stated in Section 20, A, 1. above and the floor shall not exceed four (4) percent of the rear yard, or two hundred (200) square feet whichever is less.*
 - k. *Portable Storage Unit: A portable storage unit may be permitted on a premises subject to the following:*
 - 1) *A maximum of one (1) portable storage unit per dwelling unit.*

- 2) *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.*
- 3) *The outside dimensions shall not exceed sixteen (16) feet in length, eight (8) feet in width, and nine (9) feet in height.*
- 4) *The unit must be placed on a paved surface in accordance with the Section 21, C, Size and Design standards of this Zoning Ordinance.*
- 5) *A portable storage unit may be placed in conjunction with a residential dwelling unit for a period of time not to exceed fourteen (14) consecutive days in duration from the time of delivery to the time of removal, up to a maximum of two (2) times per calendar year.*
- 6) *A portable storage unit may be placed on a non-residential zoned premises provided:*
 - a) *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 two (2) times per calendar year; and*
 - b) *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.*
- 7) *In emergency situations, the City Planner may extend the length of time a portable storage unit can be located on a site.*
- l. *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, temporary building or structure. 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 accessory building, structure or vehicle is reasonably necessary for the project for which such exception was granted.*

6. Fences, Walls (excluding Hedges and Vegetation)

- h. *A fence or wall that is supported by posts 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.*

7. Landscape, Screening and Bufferyard Requirements

Table 20-1: Bufferyard, Landscaping, and Screening Requirements

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

N/R: Not Required

* Outer Perimeter of the Planned Development Zoning Districts requires a minimum buffer width of 20 feet.

** ~~Number of plants required per 50 linear feet of bufferyard.~~

~~** Applies only to a Recreational Vehicle that is greater than 8 feet wide, 20 feet long or 8 feet in height.~~

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

By amending Section 21, Off-Street Parking and Loading Areas, as follows:

B. Off-Street Parking Standards

2. Requirements applicable to a residential premises

- a. Vehicles may be parked or stored outdoors in the front yard of a residential premises provided that:

- 1) The vehicle is a self-propelled motor vehicle that is licensable for operation on a public street.
- ~~2) The overall dimensions of such a vehicle shall not exceed 8 feet in height, 8 feet in width or 20 feet in length.~~
- 2) *The overall dimensions of such a vehicle shall not exceed eight (8) feet in height, eight (8) feet in width or twenty (20) feet in length.*
- 3) *A vehicle must be parked on a paved surface in accordance with Section 21, C, Size and Design standards of this Zoning Ordinance.*
- ~~3) 4) Only one such vehicle may be a commercial vehicle.~~
- 4) ~~Front yard parking of all other types of vehicles not specifically permitted by this ordinance, including Recreational Vehicles, shall be prohibited. However, any one vehicle, except a commercial vehicle, may be temporarily parked in the front yard for a period of time not to exceed 72 hours in any one week for loading or unloading purposes.~~
- 5) *Front yard parking of all other types of vehicles not specifically permitted by this ordinance, including Recreational Vehicles, shall be prohibited. However, any one (1) vehicle, except a commercial vehicle, may be temporarily parked in the front yard for loading or unloading purposes for no more than three (3) days in any seven (7) day period beginning the first day the recreational vehicle is parked on the property.*
- 6) *A visitor's recreational vehicle may be parked on a driveway for a time not to exceed seven (7) days in any six (6) month period beginning the first day the recreational vehicle is parked on the property.*
- ~~b. Any recreational vehicle(s) may be parked outdoors in the side or rear yard of a residential premises provided that:~~
 - ~~1) All recreational vehicles shall be in a single location on the premises. This parking location shall not exceed 8 feet in width, or 12 feet in height, or 30 feet in length.~~
 - ~~2) No recreational vehicle shall be nearer to a side lot line than 5 feet.~~
 - ~~3) A recreational vehicle parked in the side yard shall be screened in accordance to the Screening Requirements contained in Section 20., Supplemental Zoning District Requirements, of the Zoning Ordinance.~~
 - ~~4) No recreational vehicle shall be parked in the required minimum principal building rear yard of a premises.~~

~~Exception: A family residing on a residential premises may permit the parking of a visitor's recreational vehicle on the premises without restriction provided said recreational vehicle is parked on the premises for a time not to exceed 30 days out of any six month period.~~

b. *Recreational Vehicle*

- 1) *A maximum of one (1) recreational vehicle may be parked outdoors per dwelling unit.*
- 2) *A recreational vehicle must be parked on a paved surface in accordance with Section 21, C, Size and Design standards of this Zoning Ordinance.*
- 3) *A recreational vehicle shall not exceed eight (8) feet in width, twelve (12) feet in height, or thirty (30) feet in length.*
- 4) *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 21, B, 2, a, 6) of this Zoning Ordinance.*
- 5) *No recreational vehicle shall be parked nearer to a side lot line than five (5) feet.*
- 6) *A screening buffer, in accordance to the Screening Requirements contained in Section 20, A, 7, Landscape, Screening and Bufferyard Requirements of the Zoning Ordinance and having a minimum length of 30 feet shall be provided.*

c. 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.

d. Side or rear yard parking of a commercial vehicle shall be prohibited.

~~e. A maximum of three non-recreational or non-commercial vehicles may be parked or stored outside in the rear yard on a residential premises. The overall dimension of such a vehicle shall not exceed 8 feet in height, 8 feet in width, and 20 feet in length.~~

C. Size and Design

2. Minimum Design and Construction Standards

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

~~3) All off-street parking areas shall be graded and have a paved surface.~~

3) *All vehicle parking areas shall be graded and constructed with a hard paved surface including bituminous asphalt, concrete, paver brick, or other similar dustless surface.*

c. Single-Family Dwelling, Two-Family Dwelling, or a Townhouse Dwelling

~~All parking spaces located in the front yard shall be required to have a paved surface. Additional parking spaces in excess of the minimum required number of parking spaces shall not be required to have a paved surface when located in the side or rear yard of the lot.~~

- 1) *All vehicle parking areas shall be constructed with a hard paved surface including bituminous asphalt, concrete, paver brick, or other similar dustless surface.*

By amending Section 22, Access Control for Streets and Highways, as follows:

C. Roadway Access Standards (*See Ohio Department of Transportation Ohio State's Highway Access Management Manual, December 2001*)

3. *Driveway and Roadway Surface*

- a. *All driveways and roadways shall be constructed with a hard paved surface including bituminous asphalt, concrete, paver brick, or other similar dustless surface.*

~~3-~~ 4. Dimensions of a Driveway

b. Single-Family and Two-Family Residential Uses

- ~~1) A driveway for a single family of two family residence shall have a minimum width of eight (8) feet and a minimum length of eighteen (18) feet.~~

- 1) *A driveway for a single-family of two-family residence shall have a minimum width of eight (8) feet and a minimum length of twenty (20) feet. In no case shall any driveway exceed twenty-four (24) feet in width at the public right-of way.*

- 2) *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.*

~~4-~~ 5. Intersection Angle

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

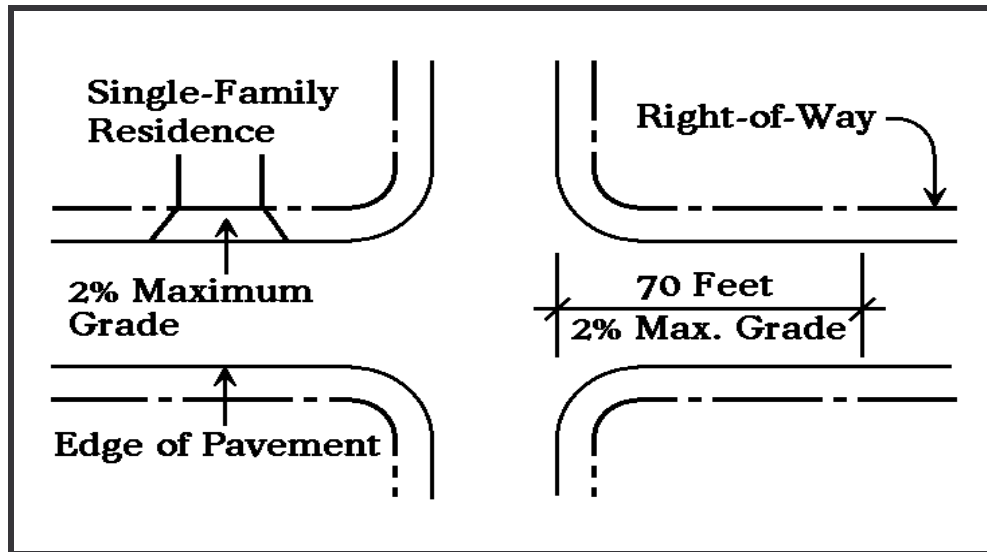
~~5-~~ 6. Grade at Intersection

- a. A driveway or roadway intersection shall have a maximum vertical grade of two (2) percent, for a distance of seventy (70) feet, for each leg of the intersection.

This distance shall be measured from the edge of pavement of the cross-lane back a distance of seventy (70) feet (See Figure 22-2).

- b. Single-family and two-family residential uses shall have a maximum vertical grade of two (2) percent for a distance of ten (10) feet or to the public right-of-way whichever is greater.

Figure 22-1: Diagram Illustrating Measurement of Grade at an Intersection



6. 7. 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 two (2) intersecting streets and the driver's line of sight toward a car approaching the intersection. (See Table 22-2 and Figure 22-2 below to determine the dimensions of the required triangle of clear vision.)
- 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 two and one-half (2.5) feet and ten (10) feet above the grade at any point within the triangle.

7. 8. Vertical Intersection Sight Distance

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. A line of vertical intersection site distance shall be measured from a point located at centerline of the intersecting driveway or roadway at the edge of pavement of the cross-street, 3.5 feet above the pavement to a point located at the center of the approaching lane of the cross-street 4.25 feet above the pavement. The distance of vertical intersection sight distance required shall be in accordance to Table 22-2. (See Figure 22-3)

Table 22-2: Intersection Sight Distance

When a motorist attempts to enter or cross a roadway, he must be able to observe the traffic at a distance that will allow him to make his desired movement safely. The distance required varies with the speed of the traffic on the roadway about to be entered or crossed. The following table lists the distances required for the various speed limits. (See figures 22-2 and 22-3)

<u>Speed Limit of Roadway (Mph)</u>	<u>Intersection Sight Distance (Feet)</u>
55	710
50	650
45	575
40	525
35	450
30	375
25	325

Figure 22-2: Measurement of Horizontal Intersection Sight Distance

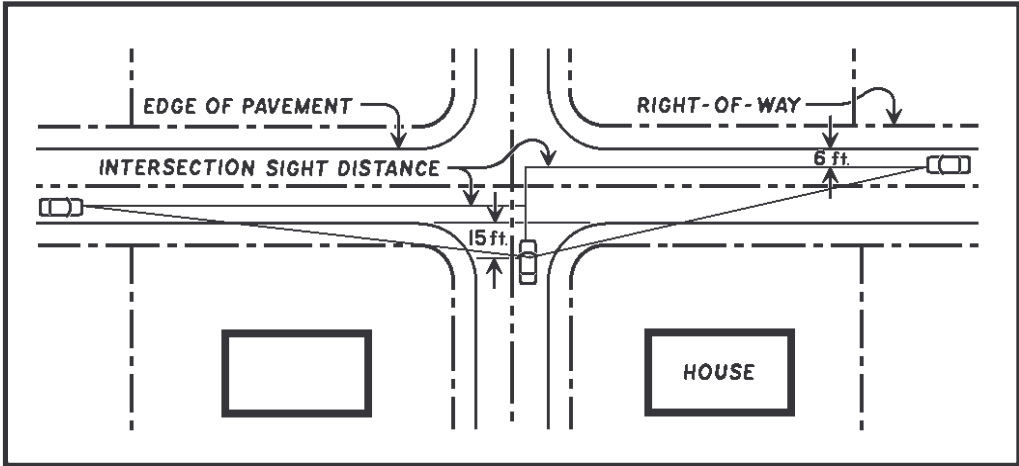
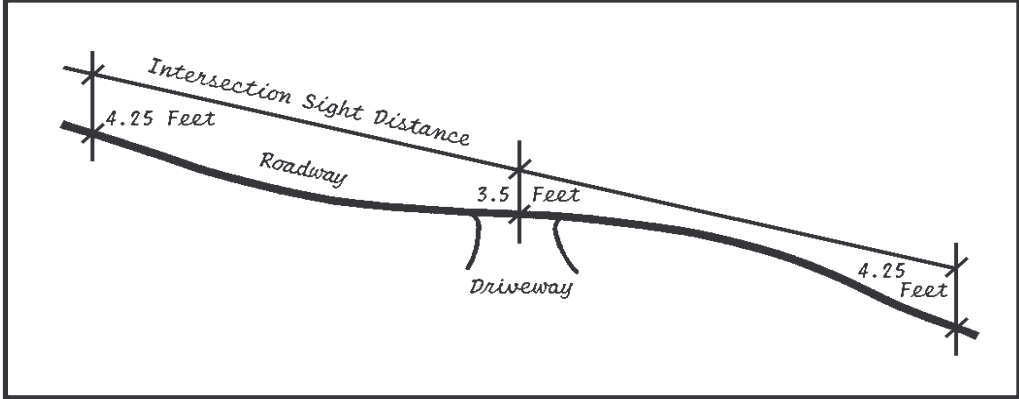


Figure 22-3: Measurement of Vertical Intersection Sight Distance



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

a. Residential Properties

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

b. Non-Residential Properties

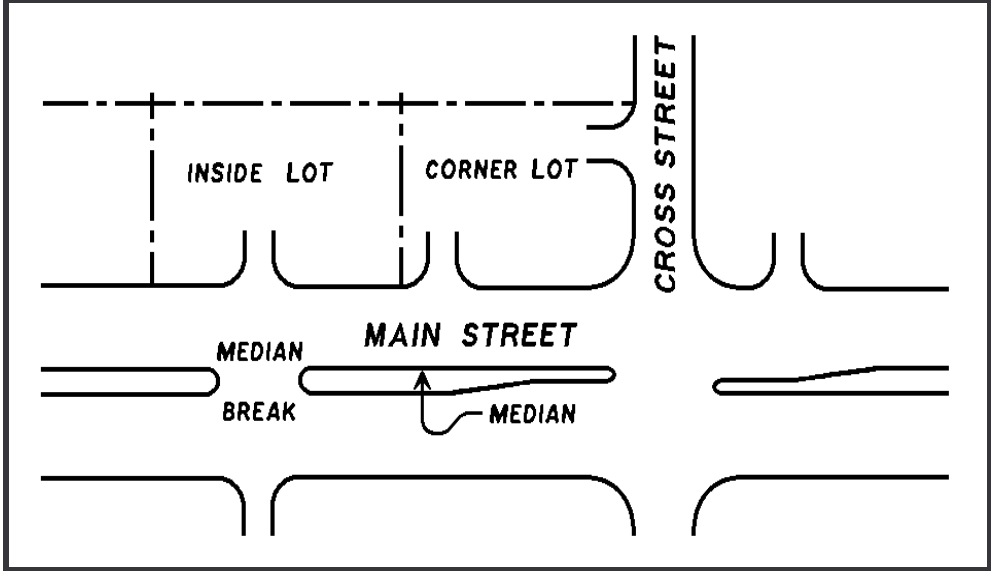
- 1) A median opening may be permitted for one (1) driveway to each non-corner property.
- 2) A median opening will not be permitted for driveways to corner properties where access can be gained by way of the cross-street, except as noted below (See Figure 22-4).
- 3) A median opening may be permitted 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 twenty (20) feet of a crosswalk.

Figure 22-4: Diagram Illustrating Median Openings



9- 10. These access control standards may be modified and increased or decreased upon recommendation to the Director of Development 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 Director of Development or his designee shall make a report which documents the facts of the case and the rationale for modifying these requirements.

By amending Section 23, Signs, as follows:

E. Prohibited Signs and Sign Characteristics

~~4. Any lighter-than-air or inflatable sign situated on, attached or tethered to a premises shall be prohibited.~~

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 twenty-four (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 ordinance.*

F. General Provisions

~~6. Removal of Unlawful Sign in the Public Right-of-Way~~

~~The City Manager may remove or cause to be removed any unlawful sign in the public right-of-way.~~

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 after ten (10) days of removal unless claimed by owner.*

By amending Section 37, Definitions, to add or replace the following definitions and place them in alphabetical order as follows:

~~**Accessory Use or Structure** – A use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.~~

Accessory Building, Structure or Use – *Any use, building or structure situated on the same lot with, and of a nature customarily incidental and subordinate to, the principal use, building or structure.*

~~**Garage, Private** – A detached accessory building or a portion of the principal building of a residence for the parking or temporary storage of vehicles of the residents thereof.~~

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.*

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.

~~**Kennel** - A premises on which four (4) or more dogs, or small animals, at least four (4) months of age are kept.~~

~~**Kennel** - A premises where four (4) or more dogs, cats, or other animals over four (4) months of age or exceeding two (2) pounds in weight are kept, raised, sold, boarded, bred, shown, treated, or groomed.~~

~~**Storage Unit, Portable** - A portable storage unit is any container, storage unit, shed-like container or other portable structure that is temporarily placed on premises for the storage of personal property of any kind.~~

~~**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.~~

~~**Use, Accessory** - See: Accessory Use or Structure.~~

~~**Vehicle, Recreational** - A vehicular type portable structure without permanent foundation, which can be towed, hauled or driven and primarily designed as temporary living accommodation for recreational, camping and travel use including, but not limited to travel trailers, truck campers, camping trailers, and self-propelled motor homes.~~

~~**Vehicle, Recreational** - A vehicle which is:~~

- ~~a. Built on a single chassis,~~
- ~~b. Designed to be self-propelled or permanently towable by any self-propelled vehicle,~~
- ~~c. Designed primarily for recreational, camping, travel, or seasonal use and not for use as a permanent dwelling, and~~
- ~~d. 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.~~

Section 2: This Ordinance shall become effective at the earliest date allowed by law.

PASSED THIS 21st day of April, 2008.

C. Mark Kingseed

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. 1-08, passed by the Council of the City of Centerville, Ohio on the 21st day of April, 2008.

Debra James

Clerk of Council

Approved as to form, consistency with existing ordinances, the charter and constitutional provisions.

Department of Law
Scott Liberman,
Municipal Attorney