

ORDINANCE NO. 04-18  
CITY OF CENTERVILLE, OHIO

SPONSORED BY COUNCILMEMBER John Beale ON THE 19<sup>th</sup> DAY  
OF February, 2018.

AN ORDINANCE AMENDING ORDINANCE NO. 14-08, CHAPTER 1216, SECTIONS 1.17, 3.17 AND 11.02 OF THE CENTERVILLE MUNICIPAL CODE, THE UNIFIED DEVELOPMENT ORDINANCE FOR THE CITY OF CENTERVILLE, OHIO, TO AMEND REGULATIONS FOR GENERAL PROVISIONS, ADMINISTRATION, AND DEFINITIONS.

**PREAMBLE**

**WHEREAS**, on the 15th day of December, 2008, the City of Centerville enacted the Unified Development Ordinance (UDO) to establish zoning regulations and to provide for its administration, enforcement and amendment; and

**WHEREAS**, the City Council directed the City Manager to conduct an annual review of the UDO and amendments thereto to assure consistency with previous ordinances, to update it to reflect current policies and to eliminate duplicity; and

**WHEREAS**, revision of Sections 1.17, 3.17, and 11.02 of the UDO regulations for administration and definitions is recommended at this time; and

**WHEREAS**, the amendments are in harmony with the City of Centerville's comprehensive plan, *Create the Vision*; and

**WHEREAS**, all requirements of Chapter 713 of the Ohio Revised Code, with regard to the adoption of the UDO and/or amendments thereto 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 14-08 passed on the 15<sup>th</sup> day of December, 2008 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 Article 1, General Provisions, as follows:

#### 1.17 Relationship to Existing Ordinances and Rules of Construction

~~When the term "days" appears in this chapter relative to the technical review process for a subdivision plat or any other plat, unless specifically noted as working days, the term days shall be interpreted to mean calendar days. If the reference to days for a period of time less than 6 days, the term shall be interpreted as working days.~~

By Amending Article 3, Administration, as follows:

#### 3.17 Ordinance Interpretation

##### B. Code Interpretation Procedure

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 **working** days after the interpretation was mailed ~~or delivered~~ to the applicant. Initiating an appeal requires filing a notice of appeal with the City Planner pursuant to Section 5.19.

By amending Article 11, Definitions, as follows:

#### 11.02 Definitions

*Days - Whenever a number of days are 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.*

**Light Manufacturing** - The manufacture, processing, fabrication, assembly, treatment and packaging of finished goods, products or parts using previously prepared materials *within an enclosed facility*. ~~The size of the light manufacturing plant shall not exceed 250,000 square feet of gross floor area or 1000 employees on the largest shift.~~

~~**Number of 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 business days if less than 5 days and calendar days if 5 days or greater. 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.~~

**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* ~~180 days~~ 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.

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

PASSED THIS 19<sup>th</sup> DAY OF February, 2018.

  
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. 67-18, passed by the Council of the City of Centerville, Ohio on the 19<sup>th</sup> day of February, 2018.

  
Clerk of Council

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

Department of Law  
Scott Liberman  
Municipal Attorney