

ORDINANCE NO. 05-18  
CITY OF CENTERVILLE, OHIO

SPONSORED BY COUNCILMEMBER Jane Rau ON THE 17<sup>th</sup> DAY  
OF February, 2018.

AN ORDINANCE AMENDING ORDINANCE NO. 14-08, CHAPTER 1216, SECTIONS 5.06, 5.09, 5.11 AND 5.13 OF THE CENTERVILLE MUNICIPAL CODE, THE UNIFIED DEVELOPMENT ORDINANCE, FOR THE CITY OF CENTERVILLE, OHIO, TO AMEND THE REGULATIONS FOR DEVELOPMENT PROCEDURES.

**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 5.06, 5.09, 5.11, and 5.13 of the UDO regulations for development procedures 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 5, Development Procedures, as follows:

5.06 Public Hearings and Notice

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

1. Public Hearing *Scheduling and Notice*: 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. ~~Notice of the hearing shall be provided at least once in one or more newspapers of general circulation in the City. The notice shall be published at least seven (7) business days before the date of the hearing. The notice shall state the time, date, place of the hearing and a brief summary of the proposal.~~ All documentation including any maps and plans shall be on file for public examination in the office of the City Planner ~~and or~~ City Clerk of Council.
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.

5.09 Development Review: Categories and Criteria

- 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.* ~~and is listed as a Major Accessory Use in Table 9.1, Permitted Land Uses in the Base Zoning Districts.~~ 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.
- C. Accessory Uses and Buildings – Minor: A Minor Accessory Use is an accessory use that will not have ~~significant~~ *a material* impact on adjacent property *as determined by the City Planner.* ~~and is listed as a Minor Accessory Use in Table 9.0.~~ 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.

- 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. Construction is deemed to begin when all necessary excavation and piers or footings of at least 1 principal building included in the plan have been completed.*

- 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*)

*a. The PDP addresses the goals, objectives, and outcomes of the City's Comprehensive Development Plan and other adopted plans of the City;*

~~a.~~ *b. The PDP meets the purpose and general characteristics of the substantive Planned District as described in Article 7.17;*

~~b.~~ *c. The PDP addresses the impact of the project on other property or other uses located on the same property;*

~~e.~~ *d. The PDP addresses compatibility with development on nearby property;*

~~d.~~ *e. The PDP addresses safe conditions for pedestrians or motorists and the prevention of dangerous arrangement of pedestrian and vehicular ways; and*

~~e.~~ *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*)

*a. The FDP addresses the goals, objectives, and outcomes of the City's Comprehensive Development Plan and other adopted plans of the City;*

~~a.~~ *b. The FDP fully complies with the applicable requirements of the UDO;*

~~b.~~ *c. The FDP adequately protects other property or other uses located on the same property;*

~~e.~~ *d. The FDP is compatible with other development on nearby property;*

~~d.~~ *e. The FDP provides safe conditions for pedestrians or motorists and prevents a dangerous arrangement of pedestrian and vehicular ways; and,*

~~e.~~ *f. The FDP provides safe ingress and egress on the site, and circulation within the site, for emergency vehicles.*

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*)
  - b. New commercial, office, industrial, institutional and all other non-residential principal buildings and structures *of 1,000 square feet or greater regardless of size;*
  - c. Non-residential *or multi-family* accessory buildings and structures of 250 square feet of gross floor area or greater;

P. Subdivision – Major: A Major Subdivision is the platting of land for the purposes of development. ~~and transfer of ownership. It requires approval of a Preliminary Plat by the Planning Commission and approval by the City Council of the Record plat (Record Plat), and recording of the record plat prior to the transfer of land.~~ (*Ord. 16-13*)

1. Preliminary Plat: A preliminary plat ~~may require approval shall be approved~~ 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:

#### 5.11 Development Review: Procedure

- I. Vacation of Streets, Alleys, or Easements, *and Street Name Changes*: City Council may, by ordinance, vacate or alter any street, road, highway, alley, ~~or~~ 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, ~~or~~ 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, ~~or~~ easement, *or street name* shall be accompanied by a fee *of a sufficient amount to cover all related costs incurred by the City.*

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; **and**
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.*

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

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.*

**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. 05-18, 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