

ORDINANCE NO. 15-16  
CITY OF CENTERVILLE, OHIO

SPONSORED BY COUNCILMEMBER Bill Seve ON THE 17<sup>th</sup> DAY OF  
October, 2016.

AN ORDINANCE AMENDING ORDINANCE NO. 14-08,  
CHAPTER 1216 OF THE CENTERVILLE MUNICIPAL  
CODE, THE UNIFIED DEVELOPMENT ORDINANCE  
FOR THE CITY OF CENTERVILLE, OHIO, TO  
AMEND REGULATIONS FOR 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 1.23, 3.05, 3.07, and 11.02 of the Unified Development Ordinance regulations for administration and definitions is recommended at this time:

**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 *bold 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:

### 1.23 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.*

By amending Article 3, Administration, as follows:

### 3.05 Planning Commission Role and Responsibility

#### C. Officers; Meetings; Conflicts of Interest

10. Quorum: *Four (4)* members of the Planning Commission shall constitute a quorum for the transaction of business. ~~5 members of the Planning Commission shall constitute a quorum to recommend to City Council amendments to the UDO.~~
  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.*
  12. ~~11.~~ 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. ~~12.~~ 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. ~~13.~~ 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. Rules: The Planning Commission 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.~~
- D. ~~E.~~ 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.~~ ~~F.~~ **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**

#### **C. Officers, Meetings, Conflicts of Interest**

9. **Quorum:** *Four (4)* members of the BAR shall constitute a quorum for the transaction of business.

*10. Voting: A majority of the quorum shall be required to adopt a motion.*

~~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.

By amending Article 11, Definitions as follows:

#### **11.02 Definitions**

***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.*

***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.”*

**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. ~~Examples of a Drive thru business or a business having a drive thru as an accessory use include a bank, coffee shop, dry cleaner, pharmacy, and a restaurant.~~

**Flagpole** – A free-standing structure used for the purpose of displaying a flag(s).

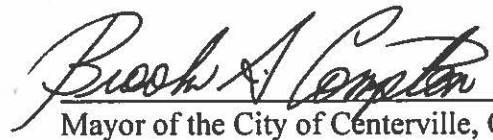
**Playhouse** – A freestanding or tree-based structure specifically designed and constructed for the enjoyment of children. This definition shall also include a playhouse attached to a swing set.

**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:
2. Class 2, Sit-down Restaurant:
  - i. May have a maximum of 1 drive-up window as ~~a Conditional Use~~ *an Accessory Use*.
3. Class 3, Drive-thru, Sit-down Restaurant:
  - b. May have 1 or more drive-up windows as ~~a Conditional Use~~ *an Accessory Use*;
4. Class 4, Drive-thru, Food Kiosk Restaurant:
  - c. May have 1 or more drive-up windows as ~~a Conditional Use~~ *an Accessory Use*; and

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

PASSED THIS 17<sup>th</sup> DAY OF October, 2016.

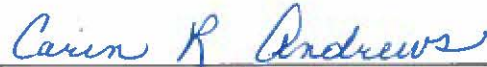
  
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Mayor of the City of Centerville, Ohio

ATTEST:

  
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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. 15-16, passed by the Council of the City of Centerville, Ohio on the 17<sup>th</sup> day of October, 2016.



Clerk of Council

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

Department of Law  
Scott Liberman  
Municipal Attorney