

ORDINANCE NO. 17-16
CITY OF CENTERVILLE, OHIO

SPONSORED BY COUNCILMEMBER John Beals ON THE 17th 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 DEVELOPMENT STANDARDS.

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 9.05, 9.07, 9.13, 9.25, 9.27, 9.29, 9.35, 9.39, and 9.55 of the Unified Development Ordinance regulations for development standards 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 15th 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 9, Part 1, Zoning as follows:

9.05 Base Zoning Districts

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.
 - b. A Temporary Garden Center may be conducted on a premises for a period of time not to exceed 90 consecutive days at which time this temporary use *shall* be removed and the premises restored.
 - c. A second Temporary Garden Center ~~by~~ *may* be conducted after sixty (60) days has lapsed ~~from~~ *from* the first Temporary Garden Center.
 - d. *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.*

10. Mobile Food Vehicle Vendors

- d. A Mobile Food Vehicle may operate on private property provided:
 - 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*.

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Table 9.0, Table of Minimum Standards (See Exhibit A for complete table)

Agricultural and Base Zoning Districts			
Zoning District	Minimum Lot		
	Area (square feet unless otherwis e stated)	Width (feet)	
		Arterial Street	Other Street
R-PD Residential Planned Dev.	5 acres⁵	300	300
Efficiency Unit	-	-	-
1 Bedroom Unit	-	-	-
2 Bedroom Unit	-	-	-
3 or More Bedrooms	-	-	-
Non-Residential Use excluding a Major Use	2 acres	150	150
Non-Residential Major Use	5 acres⁵	150	150
O-PD Office Planned Dev.	10 acres⁵	500	300
B-PD Business Planned Dev.	10 acres⁵	500	300
I-PD Industrial Planned Dev.	10 acres⁵	500	300

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 line(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.*

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Table 9.1, Permitted Land Uses in the Base Zoning Districts (See Exhibit A for complete table)

Table 9.1, Permitted Land Uses in the Base Zoning Districts				
Specific Use Type	Approval Required by District			
Land Use Type	B-1	B-2	B-PD	APD
<i>Drive-up Windows, associated with a Restaurant use</i> ⁵	-	<i>AU(Maj)</i>	<i>AU(Maj)</i>	-
<i>Drive-up Windows, not associated with a Restaurant use</i> ⁵	No change			
Florist Shops	<i>P (Maj)</i>	P (Maj)	P (Maj)	<i>P (Maj)</i>
Office/Business Service Uses	C (Maj) <i>P (Maj)</i>	P (Maj)	P (Maj)	P (Maj)
Retail Sales and Services (Generally, not otherwise enumerated)	C (Maj) <i>P (Maj)</i>	P (Maj)	P (Maj)	P (Maj)

9.07 Overlay Zoning District Standards

A. Mixed Use

2. Permitted Land Uses

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	S P(1)	S P(2)	S P(2)
Multi-Family	any size	S P(1)	S P(2)	S P(2)
Live-Work	any size	S P(1)	S P(2)	S P(2)

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; ~~S~~, ~~Special Use~~; C, Conditional Use

By amending Article 9, Part 2, Subdivision Standards as follows:

9.13 Required Improvements

B. Streets

4. *Minimum 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 may not exceed the following *gradients except as modified by City Council as part of a Preliminary or Final Development Plan, Preliminary Subdivision, or Record Plat*.
 - i. Major Thoroughfare: six percent.
 - ii. Minor Thoroughfare: seven percent.
 - iii. Local streets and all others: ~~ten~~ *eight* percent.

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. ~~However, this section shall not apply to~~ *Underground placement of utilities shall not apply to* the following:

By amending Article 9, Part 3, Site Design and Improvement Standards as follows:

9.25 Landscaping, Screening and Buffering Standards

C. Landscape, Screening and Bufferyard Requirements

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 (ANSI Z60.1-2004).

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Table 9.6: Bufferyard, Landscaping and Screening Requirements

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 ¹	Understory Tree ⁴	Shrub ⁴	Evergreen or Conifer
O-PD, B-PD, and I-PD ¹							
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 <i>Single-Family Residential Use</i>	25	3 feet	Yes	3	6	20	15
Adjacent to an <i>Major, Public Arterial Street</i>	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
Major Use adjacent to a Residential Use	100	6 feet	Yes	10	15	50	30
R-3, R-PD: Multi-Family Residential Use^{1,3}							
Adjacent to a Single-Family Use	25	3 feet	Yes	3	6	20	15
Adjacent to an <i>Major, Public Arterial Street</i>	25	3 feet	No	3	5	10	0
<i>Abutting any other Street or a non-residential use</i>	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 any 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 <i>Major Public Arterial Street</i>	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.*

9.27 Non-Residential On-Site Lighting Standards

C. Minimum Site Lighting Criteria

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

3. 0.5 Foot-candles ~~Minimum~~ ***Average*** Maintained: Measured at grade in all parking and loading areas and pedestrian pathways. Actual site measurement compliance shall not drop below ~~this stated minimum~~ ***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:
 - 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.***

9.29 Bicycle Parking Requirements

G. Bicycle Parking Requirements

1. ***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.***
2. ***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, 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 front wheel to the back of the rear wheel.*

9.35 Stormwater and Drainage Standards

D. Grading

1. Intent.
2. General.
3. Protective Slopes Around Buildings.
4. Minimum Gradient.
5. Maximum Gradient.
6. Usable Outdoor Area

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, ~~for~~ outdoor and service functions, such as laundry drying, and for other necessary 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. Minimum Gradient for Usable Areas. The minimum gradient for usable areas shall be as follows:~~

- ~~a. For concrete or other impervious surfaces, one sixteenth of an inch per foot, (one-half of one percent).~~
- ~~b. For pervious surfaces, one-quarter of an inch per foot (two percent).~~

~~8. Maximum Gradient for Usable Areas. The maximum gradient for usable areas shall be five eighths of an inch per foot (five percent).~~

~~7. 9. Other Lot Areas.~~

~~8. 10. Rough Grading.~~

~~9. 11. Finish Grading.~~

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

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 during transport to and from the development site; and
- 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.*

By amending Article 9, Part 4, Supplemental Standards as follows:

9.39 Accessory Buildings and Use Standards

C. General Provisions

8. Accessory buildings or structures located on residential premises shall be consistent with the following:

- a. For accessory buildings or structures ~~greater than 100 square feet~~ *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.

D. Private Swimming Pools and Hot Tubs

1. Location, Area and Height:
 - a. A swimming pool or a hot tub shall be located within ~~the building area of~~ 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 or area on the water surface when filled to capacity, all regulations for swimming pools shall apply;

J. Flagpoles.

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.

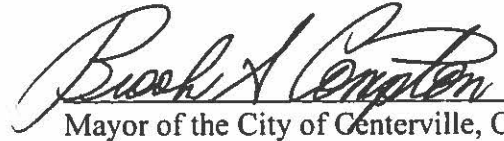
1. *A zoning permit is not required.*
2. *Shall be located within a side or rear yard.*
3. *Shall not exceed 100 square feet in floor area or 12 feet in height. If constructed within a tree, the height shall be measured from ground level at the base of the tree.*
4. *Shall be setback from all property 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.*

9.55 Wireless Communication Facility Standards


- 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.*
- C. Designation of Wireless Telecommunication Facilities Overlay District, (WTFO)
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.

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

PASSED THIS 17th DAY OF October, 2016.


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. 17-16, passed by the Council of the City of Centerville, Ohio on the 17th 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