

ORDINANCE NO. 17-13
CITY OF CENTERVILLE, OHIO

SPONSORED BY COUNCILMEMBER Paul Gresham ON THE 16th DAY OF
December, 2013.

AN ORDINANCE AMENDING ORDINANCE 14-08, CHAPTER 1216 OF THE CENTERVILLE MUNICIPAL CODE, THE UNIFIED DEVELOPMENT ORDINANCE FOR THE CITY OF CENTERVILLE, OHIO, TO AMEND THE UDO TEXT AND MAP AMENDMENT PROVISIONS, SUPPLEMENTAL STANDARDS FOR RESIDENTIAL LAND USES, SIGN FACE MATERIALS AND DEFINITION OF PAVED SURFACE.

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 has directed the City Manager to conduct an annual review of the UDO, assuring consistency with previous ordinances, and current policies; to eliminate duplicity, correct omissions; and addressing any clerical errors within the document; and

WHEREAS, the UDO establishes regulations and procedures for text and map amendments, paved surfaces, signs, and supplemental regulations for residential land uses; and

WHEREAS, there is a need to establish an administrative procedure for the correction of clerical, grammatical, spelling and pagination errors; to eliminate discrepancies in the types of architectural features permitted to overhang into a required setback or buffer yard; to modify sign face material requirements citywide; and to clarify the definition of 'Paved Surface'; 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, Chapter 1216 of the Centerville Municipal Code, 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 *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:

5.07 UDO Text and Official Zoning Map Amendments

F. Incidental UDO Text Amendments: Incidental amendments to the UDO text may be made by the City Planner or his/her designee without the adoption of a motion by the Planning Commission or City Council provided all of the following criteria are met:

- 1. The incidental amendment(s) do not change, nullify, modify, or alter the explicit or intended meaning of the text;*
- 2. The incidental amendment(s) are limited to the correction or removal of misspelled words, duplicative words, misplaced or misused punctuation marks, excessive spacing between lines of text, excessive spacing between individual words, incorrect indentation of lines of text, pagination errors, incorrect section or table references, or errors in the sequencing of subsection letters, numbers, or symbols; and*
- 3. The incidental amendment(s) shall be reviewed and approved by the Municipal Attorney.*

By amending Article 9, Development Standards as follows:

9.15 Lot and Block Arrangement

B. Lots

- ~~16. For corner lots, the platted setback and not the setback required within a specific zoning district shall prevail. If there is no platted setback, then the minimum setback shall be 20 feet.~~
- ~~17. Lot Frontage: A lot shall front onto an improved public or private road. Lot frontage is measured at the right-of-way line.~~
- ~~18. Rear and Side Yard Computation: In computing the depth of a rear yard or the width of a side yard, where the rear or side yard abuts an alley, one-half of the width of the alley may be included as a portion of the required rear or side yard, as the case may be). However, in no event shall any building or structure be erected closer than five feet from any lot line, except accessory buildings.~~

~~D. Height Modifications~~

~~The height limitations stipulated elsewhere in this Ordinance shall not apply to the following:~~

- ~~1. Places of Public Assembly: Places of public assembly in churches, schools and other permitted public and semi-public buildings, provided that these are located on the first floor of such buildings and provided that for each three feet by which the height of such building exceeds the maximum height otherwise permitted in the district, its side and rear yards shall be increased in width or depth by an additional foot over the side and rear yards required for the highest building otherwise permitted in the district.~~

E. Yard Projections in Residential Districts

Certain architectural features may project into required yards or courts as follows:

Table 9.5

Architectural Feature	Front Yards	Interior Side Yards	Rear Yards
Cornices, Canopies, Eaves, or Similar Architectural Roof Projections	May project up to 2'	May project up to 1/5 the required minimum width, not to exceed 3'	May project up to 2'
Entrance Platforms/Porches	May project up to 4'; subject to the limitations in footnote 1 below	May project up to 1/5 the required minimum width, not to exceed 3' subject to the limitations in footnote below	May project up to 4' subject to the limitations in footnote 1
Cantilevered Window Wall Projections such as, but not limited to, Bay, Bow, and Box Windows	For yards that are platted, unless otherwise permitted by the terms of the plat or deed restriction, no projection permitted. For unplatted yards and platted yards which permit encroachments but do not specify sizes, these architectural features may project up to 2' not to exceed 8' in width	No projections permitted	May project up to 2', not to exceed 8' wide
Chimneys	No projection permitted	May project up to 1/5 the required least width, not to exceed thirty inches subject to the limitations in footnote 2	No projection permitted
Footnote 1: An entrance platform may encroach as noted in the table above if not exceeding a width of eight feet and not exceeding a height of two feet above the finished grade of the lot.			
Footnote 2: In the R-1a zoning district only, a chimney, built as part of and serving the principal residence, may project as noted in the table above if not exceeding eight feet in width, measured along a line parallel to the adjacent side lot line. Only one such projecting chimney shall be permitted on any lot.			

9.29 Parking and Loading Standards

B. Off-Street Parking Standards

2. Requirements applicable to a residential premises

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

C. Size and Design

2. Minimum Design and Construction Standards

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

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

9.31 Access Control for Streets and Highways

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

2. Driveway and Roadway Surface

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

9.39 Accessory Building and Use Standards

E. Fences, Walls and Ornamental Features

~~7. Projection of Architectural Features:~~

~~a. A cornice, canopy, eaves, or other architectural feature of a principal building may project into a required yard a distance not exceeding 4 feet.~~

~~b. A bay window, balcony, or chimney may project into a required yard a maximum distance of 4 feet, provided such features do not occupy, in the aggregate, more than 1/3 of the length of the building wall on which they are located.~~

~~e. Architectural features shall not project into a public right-of-way.~~

9.53 Supplemental Standards for Zoning Districts

B. Standards for Residential Land Uses

3. Yard Projections in Residential Districts. Certain architectural features may project into required yards as follows:

a. A cornice, canopy, eaves, or other architectural feature of a principal building may project into a required yard a distance not exceeding 4 feet.

b. A bay window, balcony, or chimney may project into a required yard a maximum distance of 4 feet, provided such features do not occupy, in the aggregate, more than 1/3 of the length of the building wall on which they are located.

c Architectural features shall not project into a public right-of-way.

9.51 Sign Standards

D. General Provisions

8. *Sign Face Materials for a Permanent Sign: The sign face of a permanent sign may be constructed using rigid and opaque materials. The use of non-durable materials such as vinyl, PVC, corrugated plastic or paper, cardboard, plywood, particle board, or foam shall be prohibited. Other materials that are rigid and opaque that are not specifically prohibited by this ordinance may be approved by the City Planner on a case by case basis. See Article 9.51(H) for permitted sign face materials in the Architectural Preservation District.*
8. 9. Sign Location with Respect to Frontages: Sign area permitted by virtue of a premises having lot frontage or building frontage shall be located only along that frontage which generated the permitted sign area.
9. 10. Non-Commercial Flags. A flag conveying non-commercial information provided the number of flags does not exceed 3 on any premises, and provided the sign face area of any flag shall not exceed 60 square feet.
10. 11. Installation of Flagpole in Sidewalk. A property owner may install an American Flag in the public right-of-way adjacent to his property in accordance with the provisions of Ohio Revised Code 723.012 titled "Installation of flagpole in sidewalk".
11. 12. Window Sign. Any sign located inside or behind a window shall not be subject to any provisions of this Ordinance, except the Prohibited Signs and Sign Characteristics contained in this Ordinance, provided that the window sign is located in a building where a commercial or an industrial use is permitted as a principal use, and provided that not more than 25 percent of the area of any window is devoted to window signage.
12. 13. Non-Commercial Messages: Non-commercial information may be conveyed by any sign permitted under this Ordinance.
13. 14. Commercial Messages: All commercial information conveyed by any sign permitted under this Ordinance must pertain to the premises on which the sign is located.
14. 15. Static, fixed message. A sign must convey a static, fixed message. A static, fixed message under the provisions of this ordinance means a sign message must remain as a constant visual image for at least 10 minutes.
15. 16. Electronic Message Center, Illumination

- a. The message area of an electronic message center emit illumination up to but not exceeding intensity levels of 5,000 nits during daylight hours and 1,000 nits during nighttime hours for white illumination.
 - b. An Electronic Message Center shall have illumination dimming technology to assure daytime and nighttime levels are not exceeded.
 - c. All illumination levels shall be pre-set by the manufacturer not to exceed the illumination levels stated above and is protected from end-used manipulation of illumination levels by software or other means approved by the Director of Development or appointed Designee. Manufacturer certification shall be required as a part of a sign permit request for an Electronic Message Center.
- ~~16.~~ 17. Directional Signs: In addition to any other permanent or temporary sign permitted elsewhere in this Ordinance, permanent or temporary sign(s) which convey information which pertains to the direction of traffic movement onto or within a premises shall be permitted provided that:
- a. The sign face area shall not exceed two square feet and the sign area shall not exceed four square feet.
 - b. Sign height shall not exceed three feet if located within 25 feet of a public right-of-way or eight feet in height in any other location.
 - c. The sign shall be located outside any public right-of-way, but shall not be subject to the general ground sign setback provision.
 - d. The sign shall pertain to the premises on which it is located.
 - e. When located in the Architectural Preservation District, the sign shall comply with all the general design standards and general provisions applicable to signs located within the Architectural Preservation District.
 - f. A wall mounted directional sign may be placed at the entrance to any drive-thru window.
- ~~17.~~ 18. Ground Signs
- a. Setback. Any permanent or temporary ground sign or any part thereof shall be located outside the public right-of-way.
 - b. Lot Frontage. Ground signs shall generate sign area based upon lot frontage on a public right-of-way of at least 50 feet in width. Corner lots and through lots shall have only one lot frontage.
 - c. Landscaping Requirements. A permanent ground sign shall require a single continuous landscaped area to be maintained beneath the sign in accordance with the following standards:
 - 1) The minimum landscaped area shall be equal to the area of the sign face.

- 2) The landscaped area shall include all points where sign structural supports attach to the ground.
- 3) Where the required landscaped area is adjacent to a paved surface accessible to vehicular traffic, a raised non-mountable curb suitable to prevent the encroachment of vehicles shall be required. The minimum distance between the face of any required curb and any part of the sign shall be 30 inches.
- 4) The landscaped area shall include living plantings aesthetically located and maintained. The use of concrete, asphalt or any other paved surface inside the required landscaped area beneath the sign shall be prohibited.

~~18.~~ 19. Projecting Signs

- a. Shall not be less than eight feet in height above a sidewalk and 15 feet in height above a driveway.
- b. Shall be attached to the building wall at an angle of 90 degrees and no part of the sign shall project more than four feet from the wall.
- c. Shall not mask or interrupt a major architectural feature (such as, but not limited to, doors, windows, or trim).
- d. Shall not extend higher on the wall than the bottom height of any second story window.

~~19.~~ 20. Wall Signs

- a. Shall not extend more than 12 inches from the wall of the building upon which it is mounted.
- b. Shall be inclined from the vertical only to the extent necessary for conformity to the general contour of the wall to which the sign is mounted.
- c. Shall not extend above the top of the wall and shall not extend beyond the limits of any wall to which they are attached.
- d. Shall not mask or interrupt a major architectural feature (such as, but not limited to, doors, windows, or trim).
- e. Shall have hidden structural supports.

~~20.~~ 21. Temporary Signs

- a. The illumination of a temporary sign shall be prohibited.

- b. Temporary Real Estate Signs. In addition to any other temporary sign permitted elsewhere in this Ordinance on a premises, one additional temporary sign per lot frontage shall be permitted which complies with the following requirements:

~~1) Conveys information which pertains only to the for sale, for lease, or for rent status of the premises on which the sign is located such as but not limited to, "Sold", "leased", or "rented" information shall not be permitted on a sign under this provision:~~

1) *Conveys information which pertains only to the "for sale", "for lease", or "for rent" status of the premises on which the sign is located. Information such as but not limited to, "Sold", "leased", or "rented" shall not be permitted on a sign under this provision.*

~~2) Single family and Two family Residential Uses~~

2) *Single-family, Two-family and Multi Family Residential Uses*

- a) The sign area shall not exceed 12 square feet and the sign face area shall not exceed six square feet.
- b) Sign height shall not exceed 4 feet.
- c) The sign shall be either a ground or a wall sign.
- d) A sign permit shall not be required.

~~3) Non residential, Multi family, and Undeveloped Land Uses~~

3) *Non-residential and Undeveloped Land Uses*

- a) The sign area shall not exceed 12 square feet and the sign face area shall not exceed six square feet for properties with a frontage of 100 linear feet or less.
- b) The sign area shall not exceed 32 square feet and the sign face area shall not exceed 16 square feet for properties with a frontage greater than 100 linear feet.
- c) The sign area shall not exceed 64 square feet and the sign face area shall not exceed 32 square feet for properties with a frontage of 200 linear feet or greater.
- d) A sign shall not exceed 6 feet in height.
- e) *A sign permit shall not be required.*

- c. Temporary Signs Advertising Non-Commercial Events Not Occurring on the Property on Which the Sign Is Located
- 1) Any sign which advertises or is related to a non-commercial event which said event is not to occur on the property on which the sign is situated shall not be displayed more than 30 days prior to the date to which it relates and shall be removed by midnight of the third day following the event to which it relates.
 - 2) Any temporary sign under this provision shall display noncommercial information only.
- d. A sign having an electronic message center shall be prohibited.

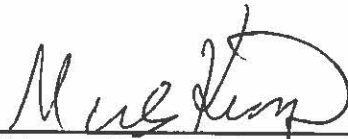
By amending Article 11, Definitions as follows:

~~Paved Surface—A hard, smooth surface made principally of bituminous asphalt, portland concrete, paver brick or other similar dustless surface that will bear travel.~~

Paved Surface - A hard, smooth surface made principally of bituminous asphalt, Portland cement concrete, paver brick or other similar surface that will bear travel. Loose and porous surfaces such as gravel, asphaltic gravel, chipseal, tar and gravel, dirt, grass, and other similar surfaces are prohibited.


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

PASSED THIS 16th DAY OF December, 2013.



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. 17-13, passed by the Council of the City of Centerville, Ohio on the 16th day of December, 2013.

Debra W. James
Clerk of Council

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

Department of Law
Scott A. Liberman
Municipal Attorney