

**ORDINANCE NO. 08 -05**  
**CITY OF CENTERVILLE, OHIO**

Sponsored by Council Member \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

**AN ORDINANCE AMENDING ORDINANCE NO. 11-86, THE ZONING ORDINANCE OF THE CITY OF CENTERVILLE, OHIO TO AMEND SECTIONS THAT APPLY TO HOME OCCUPATIONS AND LAND USES ASSOCIATED WITH HOME OCCUPATIONS IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 713 OF THE OHIO REVISED CODE.**

**PREAMBLE AND PURPOSE**

**WHEREAS**, The City of Centerville has enacted regulations in the Centerville Zoning Ordinance that provide residents the opportunity to establish a home occupation within their residence, and

**WHEREAS**, The City periodically evaluates its land use regulations for consistency and clarity with other land use regulations and that such regulations serve to protect the public health, safety and welfare, and

**WHEREAS**, The City has evaluated Section 20, B, 5, the home occupation section and Section 37, definitions section of the Centerville Zoning Ordinance, and

**WHEREAS**, The City has determined these regulations need to be revised to assure clarity in their intent, type of home occupations that may be permitted, and the manner that the home occupation is conducted on a residential premises, and

**WHEREAS**, In-home tutoring or day care, known as Family Day Care uses are modified to comply with the provisions of the Ohio Revised Code

**NOW THEREFORE**; the Municipality of Centerville hereby ordains:

**Section 1.** Ordinance Number 11-86 passed on the 21st day of July, 1986 and as subsequently amended, be, and the same is hereby amended 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:

**Section 2.** By amending Section 6. R-1a, R-1b, R-1c, R-1d, Single-Family Residential, D., 2. Planning Commission Special Approval as follows:

d. ~~School: Compulsory (Grades 1-12)~~

d. *School*

**Section 3.** By amending Section 8. R-3, Multi-Family Residential, D., 3. Conditional Use Special Approval as follows:

e. ~~School: Nursery, Kindergarten, Day Care~~

1) The side yard setback shall be a minimum of twenty (20) feet per side.

e. *Day Care Center*

f. *Family Day Care, Type A*

**Section 4.**  
follows:

By amending Section 10. O-S, Office-Service, D., 2. Planning Commission Special Approval as

~~h. School: Nursery, Kindergarten, Day Care~~

~~i. School: Compulsory (Grades 1-12)~~

~~j. School: College, University or Seminary~~

~~k. School: Trade, Business, or Other~~

~~l. Indoor Recreational Club including a Swim Club, a Tennis Club, a Racquet Club, or a Health Club~~

h. *Day Care Center*

i. *School*

j. *School, College*

k. *Indoor Recreational Club including a Swim Club, a Tennis Club, a Racquet Club, or a Health Club*

**Section 5.**  
follows:

By amending Section 15. I-1, Light Industrial, D., 2. Planning Commission Special Approval as

~~o. School: Trade, Business or other~~

o. *School, College*

**Section 6.**

By amending Section 20. Supplemental Zoning District Requirements, B., 5. As follows:

**Requirements Applicable to Residential Zoning Districts**

**5. Home Occupation**

~~A home occupation is any activity carried out for financial gain by a resident conducted as an accessory use in the resident's dwelling unit.~~

~~a. Home occupation: required conditions~~

~~1) There shall be no more than one on-site employee or laborer who is not a bonafide resident of the dwelling.~~

~~2) A home occupation shall be incidental to the use of a dwelling unit for residential purposes. No more than 25% of the total floor area nor more than 500 square feet of the dwelling unit may be used in connection with a home occupation. Floor area of a dwelling unit, in this case, shall include the floor area of all heated and ventilated and thereby habitable rooms and areas within the dwelling unit including basements and habitable attic space.~~

~~3) There shall be no entrance or exit way specifically provided in the dwelling or on the premises for the conduct of a home occupation.~~

- 4) ~~A home occupation shall be carried on wholly within the principal building. No home occupation nor any storage of goods, materials, or products connected with a home occupation shall be allowed in an accessory building or garage, attached or detached, or any vehicle including a recreational vehicle.~~
  - 5) ~~A home occupation shall not change the outside appearance of the dwelling or be visible from the street.~~
  - 6) ~~No traffic shall be generated by a home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by a home occupation shall be met off the street.~~
  - 7) ~~Delivery from a commercial supplier in a vehicle larger than a step van shall be limited to one delivery and one pickup each week and the delivery or pick up shall not restrict traffic flow.~~
  - 8) ~~In no case shall a home occupation be open to the general public at times earlier than 7:00 a.m. or later than 9:00 p.m. Visits by specific appointment of no more than two clients an hour shall not be restricted to these hours.~~
  - 9) ~~A home occupation shall produce no heat, sound, vibration, light, glare, dust, odor, smoke, or fumes detectable to normal sensory perception by a person located off the premises or beyond the walls of the dwelling unit if the dwelling unit is a part of a multi-family building.~~
  - 10) ~~A home occupation shall not create a hazard to person or property, result in electrical interference to nearby neighborhood machinery or equipment, or become a nuisance. No materials which decompose by detonation shall be allowed in conjunction with a home occupation.~~
  - 11) ~~A home occupation shall not cause an increase in the use of any one or more utilities (water, sewer, electricity, waste collection, etc.) so that the combined total use for dwelling and home occupation purposes exceeds the average for the residences in the neighborhood.~~
  - 12) ~~No outdoor display or storage of materials, goods, supplies, or equipment shall be allowed.~~
  - 13) ~~There shall be no exterior indication of the home occupation. No exterior sign or interior sign or display on or inside a window shall be used that informs a person not located on the premises of the home occupation.~~
- b. ~~The following uses are examples of permitted home occupations provided they do not violate any of the provisions of the previous paragraph:~~
- 1) ~~Computer programming or data processing~~
  - 2) ~~Direct sale product distribution (Amway, Avon, Tupperware). Parties for the purpose of taking orders or selling merchandise shall not be held more often than 2 times each month on the premises.~~
  - 3) ~~Dressmaking, sewing, or tailoring~~
  - 4) ~~Home cooking, baking, food preparation, exclusive of a catering service~~
  - 5) ~~Home crafts, such as model making, rug weaving, lapidary work, or ceramics with kiln up to six cubic feet in size maximum~~

- 6) ~~Home office~~
- 7) ~~Painting, sculpturing, or writing~~
- 8) ~~Secretarial work including typing or word processing~~
- 9) ~~Tax examination~~
- 10) ~~Telephone answering or solicitation~~
- 11) ~~Tutoring or day care of persons who do not reside on the premises (including day care of children, adults, or elderly persons), shall be limited to a maximum of four (4) persons on the premises at any one time.~~

e. ~~The following uses are prohibited as home occupations:~~

- 1) ~~Animal Hospital or veterinary clinic~~
- 2) ~~Ambulance service~~
- 3) ~~Appliance repair, including a radio, a television, audio or video recording or playback equipment, a refrigerator, a clothes washer or dryer, a stove or range or a microwave oven~~
- 4) ~~Barber shop or beauty salon~~
- 5) ~~Ceramics if kiln is larger than six cubic feet~~
- 6) ~~Contractor, including demolition, excavation, cement, masonry, paving, carpentry, remodeling, building, painting, plumbing, heating, air conditioning, or electrical~~
- 7) ~~Commercial stable~~
- 8) ~~Dance Studio~~
- 9) ~~Food catering service~~
- 10) ~~Health salon, gym, or aerobic exercise studio~~
- 11) ~~Kennel~~
- 12) ~~Medical office, dental office, psychology office, or massage parlor~~
- 13) ~~Mortuary~~
- 14) ~~Palm reading or fortune telling~~
- 15) ~~Pet Grooming~~
- 16) ~~Photography studio or photo processing laboratory~~
- 17) ~~Printing Shop~~
- 18) ~~Private Club~~
- 19) ~~Rental business~~
- 20) ~~Restaurant or Tavern~~
- 21) ~~School: Nursery, Kindergarten, Day Care~~
- 22) ~~Small engine or motor repair~~
- 23) ~~Storage, rental, sale, service, parts sale, repair, body work, painting, detailing, upholstery, or washing of any vehicle~~
- 24) ~~Tourist Home~~
- 25) ~~Trucking, hauling, moving, tow truck service, hearse service, limousine or cab service,~~
- 26) ~~Upholstery shop~~
- 27) ~~Welding or machine shop~~

- a. *Intent: It is the intent of these regulations to ensure that a home occupation is so located and conducted that the average neighbor would not be aware of its existence. The standards for a home occupation are intended to ensure its compatibility with the residential character of the neighborhood.*
- b. *Definition: Refer to Section 37, Definitions, of this Ordinance for the definition of a home occupation.*
- c. *A home occupation is a business conducted by the residents living on the premises. At any one (1) time there may be present on the premises no more than one (1) nonresident of the premises who is an employee, partner or contract worker of the home occupation.*
- d. *A home occupation shall be carried on wholly within the dwelling unit. No home occupation or any storage of goods, materials, or products connected with a home occupation shall be permitted in any accessory building, detached garage or any vehicle including a recreational vehicle.*
- e. *A home occupation shall be incidental to the use of a dwelling unit for residential purposes. No more than twenty-five percent (25%) of the total floor area or more than five hundred (500) square feet of the dwelling unit, whichever is less, may be used in connection with a home occupation. Floor area of a dwelling unit shall include all areas in the dwelling unit that have been finished into habitable living area or could be finished into habitable living area, including unfinished basements, attics and attached garages.*
- f. *There shall be no entrance or exit way specifically provided in the dwelling unit or on the premises for the conduct of a home occupation.*
- g. *A home occupation shall not change the outside appearance of the dwelling unit or be visible from the street.*
- h. *No traffic shall be generated by a home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by a home occupation shall be met off the street.*
- i. *Deliveries from a vehicle larger than fifteen thousand (15,000) pounds gross vehicle weight shall be limited to one (1) delivery and one (1) pickup each week.*
- j. *In no case shall a home occupation be open to the general public at times earlier than 7:00 a.m. or later than 6:00 p.m. and home occupations shall not be open to the general public on Sundays or legal holidays. Beyond these hours during which the home occupation may be open to the general public, the operator of the home occupation may schedule appointments with clients or customers, but no more than two (2) clients or customers per hour.*
- k. *A home occupation shall produce no heat, sound, vibration, light, glare, dust, odor, smoke, or fumes detectable to normal sensory perception by a person located off the premises or beyond the walls of the dwelling unit if the dwelling unit is a part of a multi-family building.*
- l. *A home occupation shall not create a hazard to person or property, result in electrical interference to nearby neighborhood machinery or equipment, or become a nuisance. Storage of any hazardous or toxic materials in quantities that could have a potentially significant environmental impact on the property or on the surrounding community is prohibited.*
- m. *A home occupation shall not cause an increase in the use of any one (1) or more utilities (water, sewer, electricity, waste collection, etc.) so that the combined total use for*

*dwelling unit and home occupation purposes exceeds the average for the residences in the neighborhood.*

- n. No outdoor display or storage of materials, goods, supplies, or equipment shall be allowed.*
- o. The following uses are examples of permitted home occupations provided they do not violate any provisions of this Ordinance:*
  - 1) Artistic endeavors including painting, sculpting, writing or composing.*
  - 2) Computer programming, data processing, software design, web site design or word processing.*
  - 3) Family Day Care, Type B*
  - 4) Dressmaking, sewing, or tailoring.*
  - 5) Home cooking, baking, food preparation, exclusive of a catering service.*
  - 6) Home crafts such as rug weaving, lapidary work, or ceramics with kiln up to six (6) cubic feet in size maximum.*
  - 7) Home office*
  - 8) Tutoring, including music instruction shall be limited to a maximum of two (2) persons receiving instruction at any one (1) time.*
- p. Prohibited Home Occupations: Refer to Section 3, Application of District Regulations, Paragraph E of this Ordinance.*

**Section 2.** By amending Section 37. Definitions as follows:

~~**Home Occupation**—An activity, office or business conducted in a dwelling unit where such a use is clearly incidental and secondary to the residential use.~~

~~**School**—the use of a premises for the frequent instruction, education, or part-time care of five (5) or more persons simultaneously. The number five (5) shall not include any member of a family residing on the premises.~~

~~"Part-time care", as used in this definition, shall mean the part-time care of children twelve (12) years of age or younger who do not reside on the premises.~~

~~"Frequent", as used in this definition, shall mean school sessions occurring more than five (5) times during any thirty (30) day period.~~

~~A. School: Nursery, Kindergarten, Day Care~~

~~A school providing general daytime care and/or instruction for children twelve (12) years of age or younger which conducts no instructional programs certified by the State Board of Education as meeting the minimum educational requirements of the Ohio Revised Code for compulsory age children (ages 6-18 years). Hours of operation shall be limited to the daytime hours between 6:00 A.M. and 9:00 P.M.~~

~~B. School: Compulsory (Grades 1-12)~~

~~A public or private, for-profit or not-for-profit school whose primary use is to conduct regular academic instruction and/or special substitute educational programs which are certified by the State Board of Education as meeting the minimum educational requirements of the Ohio Revised Code for compulsory age children attending the school.~~

~~As a secondary use, the school may conduct optional community programs and activities involving persons of any age, such as but not limited to child day care, pre-kindergarten, evening classes, summer programs, recreational and cultural programs, and special events.~~

~~The Ohio Revised code requires the education of all children of compulsory age (6-18 years of age).~~

~~C. School: College, University, or Seminary~~

~~Public or other not-for-profit schools conducting regular academic instruction at the college level, including graduate schools, universities, community and junior colleges, colleges, non-profit research institutions, seminaries, and religious institutions, and including related instructional and recreational uses with or without living quarters, dining rooms, restaurants, heating plants and other incidental facilities for students, teachers and employees. Such schools must either:~~

- ~~1. Offer general academic instruction equivalent to the standards prescribed by the State of Ohio, Board of Education, or~~
- ~~2. Confer degrees as a college or university, junior college or community college with undergraduate or graduate standing, or~~
- ~~3. Conduct research, or~~
- ~~4. Give religious instruction.~~

~~This definition does not include schools, academies or institutions, incorporated or otherwise, which operate for profit, nor does it include commercial, trade or business schools.~~

~~D. School: Trade, Business, or Other~~

~~A school operated for profit which teaches business, professional or technical trades or skills, or a school not otherwise included within the provisions of this ordinance.~~

***Day Care Center*** - An establishment licensed by the State of Ohio providing care and supervision for seven (7) or more persons on a less than twenty-four (24) hour basis. This classification includes nursery schools, preschools, day care centers for children or adults and any other day care facility licensed by the State of Ohio.

***Family Day Care Home, Type A*** - A permanent residence of the administrator which administers to the needs at one (1) time of seven (7) to twelve (12) infants, toddlers, preschool children, and school children outside the school hours by persons other than parents or guardians, custodians, or relatives by blood, marriage, or adoption, for any part of the twenty-four (24) hour day in a place or residence other than a child's own home. In counting persons under the care of the provider, any child under six (6) years of age who is related to the provider and who is on the premises of the home counts towards the maximum number of children.

***Family Day Care, Type B*** - A permanent residence of the administrator which administers to the needs at one (1) time of one (1) to six (6) infants, toddlers, preschool children, and school children outside the school hours by persons other than parents or guardians, custodians, or relatives by blood, marriage, or adoption, for any part of the twenty-four (24) hour day in a place or residence other than a child's own home. In counting persons under the care of the provider, any child under six (6) years of age who is related to the provider and who is on the premises of the home shall be counted.

***Hazardous or Toxic Material(s)*** - Any material that is inventoried under the Emergency Planning and Community Right-to-Know Act of 1986 (EPCRA) and expanded by the Pollution Prevention Act of 1990.

***Home Occupation*** - An activity, office or business conducted in a dwelling unit by a resident living on the premises where such a use is clearly incidental and secondary to the residential use.

***Office*** - A facility for a firm or organization that primarily provides professional, executive, management or administrative services, such as accounting, advertising, architectural, computer software consulting, data

*management, engineering, environmental analysis, insurance, interior design, investment, graphic design, landscape design, law and real estate offices, drafting and recording studios. It excludes medical offices, banks and savings and loan associations and offices that are incidental to retail, production, storage or other activities.*

*School - A public or parochial primary or grade school, middle school, or senior high school as those terms are ordinarily used and shall not include a vocational or trade school or any institution other than one for children whose attendance is required by the laws of the state.*

*School, College - An institution of higher education providing curricula of a general, religious, or professional nature, typically granting recognized degrees, including conference centers and academic retreats associated with such institutions. This classification includes business and computer schools, management training, technical and trade schools, but excludes personal instructional services.*

**Section 3:** This Ordinance shall become effective at the earliest date allowed by law.

PASSED THIS \_\_\_\_\_ day of \_\_\_\_\_, 2005.

\_\_\_\_\_  
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. \_\_\_\_\_, passed by the Council of the City of Centerville, Ohio on the \_\_\_\_ day of \_\_\_\_\_, 2005.

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Clerk of Council

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

Department of Law  
Scott Liberman  
Municipal Attorney