

ZONING ORDINANCE

CITY OF CENTERVILLE, OHIO

REVISED:
September 16, 1986

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ORDINANCE NO. 11-86
CITY OF CENTERVILLE, OHIO

Sponsored by Councilman Bernard Samples on the
21st day of July, 1986.

AN ORDINANCE ENACTING REVISED ZONING DISTRICTS AND REGULATIONS FOR THE CITY OF CENTERVILLE, OHIO IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 713 OF THE OHIO REVISED CODE. ALSO, THIS ORDINANCE REPEALS ORDINANCE NO. 15-61, THE ZONING ORDINANCE OF CENTERVILLE, OHIO-1961 AND ALL AMENDMENTS THERETO.

Whereas Chapter 713 of the Ohio Revised Code, empowers the City to enact a zoning ordinance and to provide for its administration, enforcement, and amendment, and

Whereas the City Council deems it necessary, for the purpose of promoting the health, safety, convenience, comfort, prosperity, or general welfare of the city to enact such an ordinance, and

Whereas the City Council, pursuant to the provisions of Chapter 713 of the Ohio Revised Code, has appointed a Planning Commission to recommend the boundaries of the various districts and appropriate regulations to be enforced therein, and

Whereas the Planning Commission has divided the city into districts and has prepared regulations pertaining to such districts which are designed to lessen congestion in the streets; to secure safety from fire, panic, and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements, and

Whereas the Planning Commission has given reasonable consideration, among other things, to the character of the districts and their peculiar suitability for particular uses, with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the municipality, and

Whereas the Planning Commission has adopted a plan and held public hearings thereon, and submitted its plan to the City Council, and

Whereas the City Council has given due public notice of hearings relating to zoning districts, regulations, and restrictions, and has held such public hearings, and

Whereas all requirements of Chapter 713 of the Ohio Revised Code, with regard to the adoption of a plan by the Planning Commission and subsequent action of the City Council have been met;

THE MUNICIPALITY OF CENTERVILLE HEREBY ORDAINS:

REGULATIONS

Section 1. Establishment of Districts: Provisions for Official Zoning Map

A. Official Zoning Map

1. The city is hereby divided into zones, or districts, as shown on the Official Zoning Map which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this ordinance.
2. The Official Zoning Map shall be identified by the signature of the Mayor attested by the Clerk of Council, and bearing the seal of the city and the following words: " This is to certify that this is the Official Zoning Map referred to in Section 1 of Ordinance Number 11-86 of the City of Centerville, Ohio", together with the date of the adoption of this ordinance.
3. If, in accordance with the provisions of this ordinance and Chapter 713 of the Ohio Revised Code, changes are made in district boundaries or other matter portrayed on the Official Zoning Map, such changes shall be entered on the Official Zoning Map promptly after the effective date of the amendment approved by the City Council, with an entry on the Official Zoning Map including the amending ordinance number, the date of passage of the ordinance, and the initials of the Mayor.
4. No changes of any nature shall be made in the Official Zoning Map or matter shown thereon except in conformity with the procedures set forth in this ordinance. Any unauthorized change of whatever kind by any person or persons shall be considered a violation of this ordinance and punishable as provided under the provisions of this ordinance.
5. Regardless of the existence of purported copies of the Official Zoning Map which may from time to time be made or published, the Official Zoning Map which shall be located in the office of the Clerk of Council shall be the final authority as to the current zoning status of land and water areas, buildings, and other structures in the city.

B. Replacement of Official Zoning Map

In the event that the Official Zoning Map becomes damaged, destroyed, lost, or difficult to interpret because of the nature or number of changes and additions, the City Council may by ordinance adopt a new Official Zoning Map which shall supersede the prior Official Zoning Map. The new Official Zoning Map may correct drafting or other errors or omissions

in the prior Official Zoning Map or any subsequent amendment thereof. The new Official Zoning Map shall be identified by the signature of the Mayor attested by the Clerk of Council, and bearing the seal of the city under the following words: "This is to certify that this Official Zoning Map supersedes and replaces the Official Zoning Map adopted (date of adoption of map being replaced) as part of Ordinance Number 11-86 of the City of Centerville, Ohio". Unless the prior Official Zoning Map has been lost, or has been totally destroyed, the prior map or any significant parts thereof remaining, shall be preserved, together with all available records pertaining to its adoption or amendment.

C. Zoning of Annexed Land

When land is annexed to the city after the effective date of this ordinance, the city shall diligently proceed within three (3) months following the effective date of the annexation to amend this ordinance to assign a zoning district to the newly annexed land. In the interim period following the annexation, the newly annexed land shall retain the zoning regulations in effect prior to the annexation. The city shall administer this retained zoning using the procedures of this zoning ordinance.

Commentary: The intent of this provision is for the City to promote the rezoning of newly annexed land from its existing township zoning classification to a new Centerville zone at the earliest date possible. The Centerville City Council may initiate a rezoning of land annexed to the City or encourage the property owner to apply to rezone the land.

Section 2. Rules for Interpretation of District Boundaries

- A. Where an amendment to the Official Zoning Map is accompanied by a legal description of the zoning boundary, that legal description shall be interpreted as the zoning boundary line, regardless of the accuracy of the zoning boundary line drawn on the Official Zoning Map.

- B. Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning Map, the following rules shall apply:
 - 1. Boundaries indicated as approximately following the centerline of streets, highways, or alleys shall be construed to follow such centerline;
 - 2. Boundaries indicated as approximately following platted or deeded lot lines shall be construed as following such lot lines;
 - 3. Boundaries indicated as approximately following city limits shall be construed as following such city limits;
 - 4. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks;
 - 5. Boundaries indicated as following shore lines shall be construed to follow such shore lines, and in the event of change in the shore line shall be construed as moving with the actual shore line; boundaries indicated as approximately following the centerline of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such centerline;
 - 6. Boundaries indicated as parallel to or extensions of features indicated in subsections 1 through 5 above shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map;
 - 7. Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map, or in other circumstances not covered by subsections 1 through 6 above, the Planning Commission shall interpret the district boundaries;
 - 8. Where a district boundary line divides a lot which was in single ownership at the time of passage of this ordinance, the Planning Commission may permit, as a variance, the extension of the regulations for either portion of the lot not to exceed fifty (50) feet beyond the district line into the remaining portion of the lot.

Section 3. Application of District Regulations

The regulations set by this ordinance within each zoning district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land in accordance to the provisions contained in this ordinance.

A. No building, structure, or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved, or structurally altered except in conformity with all of the regulations herein specified for the district in which it is located.

B. No building or other structure shall hereafter be erected or altered:

1. to exceed the height or bulk;
2. to accommodate or house a greater number of families;
3. to occupy a greater percentage of lot area;
4. to have narrower or smaller rear yards, front yards, side yards, or other open spaces;

than herein required; or in any other manner contrary to the provisions of this ordinance.

C. No part of a yard, or other open space, or off-street parking or loading space required about or in connection with any building for the purpose of complying with this ordinance, shall be included as part of a yard, open space, or off-street parking or loading space similarly required for any other building.

D. No yard or lot existing at the time of passage of this ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this ordinance shall meet at least the minimum requirements established by this ordinance.

E. A use not listed within the use provisions of a zoning district shall be considered to be a prohibited use within that zoning district, unless otherwise interpreted by the Zoning Inspector or the Planning Commission.

This provision shall not be interpreted as permitting the Planning Commission to grant a variance permitting the establishment of any use which is not otherwise permitted in the district.

Section 4. Establishment of Zoning Districts

For the purpose of promoting the public health, safety, convenience, comfort, prosperity, or general welfare of the city, the following zoning districts are established:

Residential Zoning Districts

- A Agricultural

- R-1a Single-Family Residential (40,000 sq. ft. min. lot)
- R-1b Single-Family Residential (30,000 sq. ft. min. lot)
- R-1c Single-Family Residential (20,000 sq. ft. min. lot)
- R-1d Single-Family Residential (15,000 sq. ft. min. lot)

- R-2 Two-Family Residential

- R-3 Multi-Family Residential

- R-PD Residential Planned Development

Non-Residential Zoning Districts

- O-S Office-Service
- O-PD Office Planned Development

- B-1 Neighborhood Business
- B-2 General Business
- B-PD Business Planned Development

- I-1 Light Industrial
- I-PD Industrial Planned Development

Special Zoning District

- APD Architectural Preservation District

Section 5. A, Agricultural

A. Purpose

The City recognizes the agricultural heritage of our community and will protect the right of land owners to continue the pursuit of farming activities on their land.

B. Principal Permitted Uses

1. Agriculture (Minimum lot area of five (5) acres required)
2. Plant Nursery
3. Single-Family Dwelling

C. Accessory Uses

1. Those accessory uses listed in the R-1, single-family residential zoning districts (Section 6) of this ordinance.

D. Uses Requiring Special Approval (See the Special Approvals Section (Section 31) of this Ordinance for the procedures and additional requirements for the following uses.)

1. Department of Development Special Approval

Those uses requiring Department of Development special approval listed in the R-1, single-family residential zoning districts section (Section 6) of this ordinance.

2. Planning Commission Special Approval

Those uses requiring Planning Commission special approval listed in the R-1, single-family residential zoning districts section (Section 6) of this ordinance.

3. Conditional Use Special Approval

Those uses requiring Conditional Use special approval listed in the R-1, single-family residential zoning districts section (Section 6) of this ordinance.

4. Major Use Special Approval

Those uses requiring Major Use special approval listed in the R-1, single-family residential zoning districts section (Section 6) of this ordinance.

E. Requirements

The following requirements shall apply to all principal uses, accessory uses, and uses that require special approval in this section (Section 5) unless specifically modified by this ordinance.

1. Off-Street Parking and Loading - See the Off-Street Parking and Loading section (Section 21) of this ordinance for requirements.
2. Signs - See the Sign section (Section 23) of this ordinance for requirements.
3. Supplementary District Regulation - See the Supplementary District Regulations section (Section 20) of this ordinance for additional requirements.

A, Agricultural
Table of Minimum Requirements

Minimum Lot Area

Agricultural Uses	5 acres
Single-Family Residential	40,000 square feet
Minimum Lot Width	150 feet
Minimum Front Yard	60 feet
Minimum Rear Yard	70 feet
Minimum Side Yard	20 feet
Minimum Floor Living Area of a Dwelling Unit	1,600 square feet
Maximum Building Height	35 feet or 2 1/2 stories

Section 6. R-1a, R-1b, R-1c, R-1d, Single-Family Residential

A. Purpose

1. The character of the community shall be maintained as predominantly low-density single-family residential, with open space for community use and environmental preservation.
2. These single-family residential zoning districts permit new single-family residential development at a maximum gross density of two (2) dwelling units per acre.
3. It is the intent of this ordinance that no undeveloped land shall be rezoned to the R-1d single-family residential zoning classification. The purpose of the R-1d single-family residential zoning classification is to accommodate existing residential development that occurred prior to the adoption of this ordinance.
4. Land which, prior to the adoption of this ordinance, had been zoned to permit single-family dwelling units at a gross density exceeding two (2) dwelling units per acre will not be required to conform with the new single-family residential maximum gross density.
5. Clustering of single-family dwelling units on a tract of land will be permitted, provided that new open space from that tract of land is reserved for use by the residents of that tract of land and provided that a maximum gross density of two (2) dwelling units per acre averaged over the entire tract of land is not exceeded.
6. Schools, churches, libraries, and other public and quasi-public uses shall be required to locate along major roadways at the edge of neighborhoods.

B. Principal Permitted Uses

1. Single-Family Dwelling (One (1) dwelling unit on a lot)
2. Agriculture (Minimum lot area of five (5) acres required)

C. Accessory Uses

1. A home occupation (See the supplemental district regulations section (Section 20) of this ordinance.)

2. Gardening or landscaping including the placement of a lamp post, a flag pole, a bird house or a bird bath, a trellis, an exterior light, an ornamental structure, or a work of art.
3. A fence, a wall, a hedge (See the supplemental district regulations section (Section 20) of this ordinance.)
4. A garage sale (See the supplemental district regulations section (Section 20) of this ordinance.)
5. An accessory building, including a private garage, a storage shed, a playhouse, a noncommercial greenhouse (See the supplemental district regulations section (Section 20) of this ordinance.)
6. The parking of a vehicle, including a car, a motorcycle, a truck, a bus, an airplane, a boat, a trailer, a recreational vehicle, or a motorhome (See the off-street parking and loading section (Section 21) of this ordinance.)
7. An outdoor recreational facility primarily for the use of persons living on the premises, including a swimming pool, a tennis court, a soccer field, a basketball court, a baseball field (See the supplemental district regulations section (Section 20) of this zoning ordinance.)
8. An energy conversion device, including a windmill, or a solar collector.
9. A communication antenna, including a satellite dish-type antenna, or a radio or television antenna.

Commentary: See the Codified Ordinances of the City of Centerville, Ohio for the Ordinance entitled "Regulation of Outdoor Dish-type Antenna", and other applicable ordinances for additional regulations for a satellite dish antenna

10. Storage, including properly contained trash, garbage, or other waste material.
11. The keeping of a household pet.
(Other than as part of an agricultural use)
 - a. No animals, livestock or poultry of any kind shall be raised, bred or kept, on any lot. However, dogs, cats and other household pets may be kept on a premises provided they are not maintained for any commercial purpose.

- b. The keeping of a household pet with a known propensity to cause serious injury or death to a human shall be prohibited. A lion, a tiger, a bear, a poisonous or large constricting snake, or an extremely vicious or poisonous fish or insect are examples of these animals.

D. Uses Requiring Special Approval (See the Special Approvals Section (Section 31) of this Ordinance for the procedures and additional requirements for the following uses.)

1. Department of Development Special Approval

- a. Private stable with the requirement that:
 - 1) The lot area shall be at least five (5) acres.
 - 2) A maximum of one (1) horse may be stabled for each acre of lot area.
 - 3) Stables, corrals, or piles of manure, feed, or bedding shall be located a minimum of one hundred (100) feet from any lot line.
- b. Public Parks, Playgrounds, or a Community Center.
- c. Seasonal sale of farm produce or plants as an accessory use to an agricultural use (Produce or plants for sale must have been grown on the premises).

2. Planning Commission Special Approval

- a. Church
- b. Government Building
- c. Public or Quasi-Public Utility Facility
- d. School: Compulsory (Grades 1-12)

For items a. through d., the following additional standards shall apply:

- 1) The lot area shall be at least five (5) acres.
- 2) The front yard setback shall be a minimum of one hundred (100) feet.
- 3) The side yard setback shall be a minimum of forty (40) feet per side.

- 4) The rear yard setback shall be a minimum of forty (40) feet.
- 5) The maximum height of a principal building shall not exceed forty-five (45) feet.
- 6) The use shall be located along a major roadway at the edge of a neighborhood with an acceptable major vehicular access drive to that major roadway.

e. Residential Cluster Development

- 1) The lot area of the total development shall be at least five (5) acres.
- 2) The minimum lot area or front, side, or rear yard may be reduced for any individual lot by the approving authority, however, the average lot area for the entire development shall not be less than the minimum lot area required in this zoning district.

In calculating the average lot area for the development, public or private street area shall be excluded, however, private open space created as part of the development and perpetually reserved for use by all future residents of the development, and public parkland or open space dedicated by the developer, may be included in the total lot area of the development.

3. Conditional Use Special Approval

a. Cemetery

- 1) The lot area shall be at least forty (40) acres.
- 2) The lot shall have a minimum front, side, and rear yard setback of fifty (50) feet. No grave shall be located within any required yard.

b. Commercial Stable

- 1) No commercial stable shall be permitted if its existence would be incompatible with surrounding residential land uses or zoning.
- 2) The minimum lot area shall be five (5) acres.
 - a) If any horses (including horses, ponies,

mules, donkeys, and other animals used for riding) are outside of any building, the maximum number of horses permitted outside of any building at one time shall be one (1) per acre.

- b) If any horses (and other riding animals) are kept inside a building, the maximum number of horses permitted shall be limited to the building capacity to house, show, and ride said horses.
- 3) The following minimum setbacks shall be provided:
- a) Stables, corrals, piles of manure, feed, and bedding shall be located seventy-five (75) feet from any street or nonresidential lot line and one hundred (100) feet from any residential lot line, in order to minimize odor and nuisance problems. Pasture may extend to the lot line.
 - b) Manure piles shall be stored, removed, and/or applied in accordance with City Health Department regulations; however, manure shall not be applied on land that is closer than one hundred (100) feet to a residential lot line.
- 4) Special event such as shows, exhibitions, and contests shall only be permitted when a zoning certificate has been granted and are subject to the special approval requirements of this ordinance.
- b. Major Excavation, Grading, or Filling of Land, Including Construction of a Dam or Lake
- (except when approved as part of an application for approval under a different provision of this ordinance)
- 1) Special emphasis shall be given to the storm water drainage provisions in the Special Approvals section (Section 31) of this ordinance.

- c. Public or Private Recreational Club, Swim Club, Tennis Club, Fishing Club, Golf Course, etc. (which are noncommercial in nature).
 - 1) The lot area shall be at least five (5) acres.
 - 2) This use shall have a minimum front, side, and rear yard setback of fifty (50) feet.
- d. Public Library or Public Museum
 - 1) The lot area shall be at least two (2) acres.
 - 2) The front yard setback shall be a minimum of one hundred (100) feet,
 - 3) The side yard setback shall be a minimum of forty (40) feet per side,
 - 4) The rear yard setback shall be a minimum of forty (40) feet, and
 - 5) The maximum height of a principal building shall not exceed forty-five (45) feet.
- e. Residence Family Home
 - 1) The application shall include a statement of the necessity or desirability of the proposed use to the neighborhood or community.
 - 2) The application shall include a statement of the compatibility of the proposed use to adjacent property and land use.
 - 3) All necessary permits and license for the use and operation of a Residence Group Home shall have been obtained, or evidence shall have been submitted that such permits are obtainable for the subject property.
 - 4) The location and size of the use, nature and intensity of the operation involved or conducted in connection with it, the size of the site in relation to it, and the location of the site with respect to streets having access to it, shall be such that it will be in harmony with the appropriate and orderly development of the district in which it is located.

- 5) The location, nature and height of buildings, structures, walls, and fences on the site and the nature and extent of landscaping and screening on the site shall be such that the use will not unreasonably hinder or discourage the appropriate development, use and enjoyment of adjacent land, buildings and structures.
- 6) The location of the use must be such that a spacing radius of not less than one-half (0.5) mile be maintained between or among Residence Family Homes and Residence Group Homes.
- 7) A Residence Family Home for developmentally disabled persons shall be approved by the Montgomery County Board of Mental Retardation and Developmental Disabilities.

f. Public Utility Substation

4. Major Use Special Approval

The following standards shall apply for the uses listed below:

- 1) The lot area shall be at least five (5) acres.
 - 2) The front yard setback shall be a minimum of one hundred (100) feet.
 - 3) The side yard setback shall be a minimum of forty (40) feet per side.
 - 4) The rear yard setback shall be a minimum of forty (40) feet.
 - 5) The maximum height of a principal building shall not exceed forty-five (45) feet.
- a. Hospital
 - b. School: College, University or Seminary

E. Requirements

The following requirements shall apply to all principal uses, accessory uses, and uses that require special approval in this section (Section 31) unless specifically modified by this ordinance.

1. Building Height Regulations - No building shall exceed two and one-half (2 1/2) stories or thirty-five (35) feet in height.
2. Off-Street Parking and Loading - See the Off-Street Parking and Loading section (Section 21) of this ordinance for requirements.
3. Signs - See the Sign section (Section 23) of this ordinance for requirements.
4. Supplementary District Regulation - See the Supplementary District Regulations section (Section 20) of this ordinance for additional requirements.

R-1a, R-1b, R-1c, R-1d, Single-family Residential
Table of Minimum Requirements

	<u>R-1a</u>	<u>R-1b</u>	<u>R-1c</u>	<u>R-1d</u>
Minimum Lot Area (square feet)	40,000	30,000	20,000	15,000
Minimum Lot Width (feet)	150	140	120	100
Minimum Front Yard (feet)	50	40	35	30
Minimum Rear Yard (feet)	70	60	50	30
Minimum Side Yard (feet)	20	15	12	10
Minimum Floor Living Area of a Dwelling Unit (square feet)	1,600	1,500	1,400	1,300

Section 7. R-2, Two-Family Residential

A. Purpose

The purpose of this zoning district is to permit new two-family residential development at a maximum density of approximately six (6) dwelling units per acre.

B. Principal Permitted Uses

1. Two-Family Dwelling (One (1) building on a single lot)
2. Single-Family Dwelling (One (1) building on a single lot)
3. Agriculture (Minimum lot area of five (5) acres required)

C. Accessory Uses

1. Those accessory uses listed in the R-1, single-family residential zoning districts section (Section 6) of this ordinance.

D. Uses Requiring Special Approval (See the Special Approvals Section (Section 31) of this Ordinance for the procedures and additional requirements for the following uses).

1. Department of Development Special Approval

Those uses requiring Department of Development special approval listed in the R-1, single-family residential zoning districts section (Section 6) of this ordinance.

2. Planning Commission Special Approval

- a. Single-Family Residential (More than one (1) building on a single lot)
- b. Two-Family Residential (More than one (1) building on a single lot)
- c. Those uses requiring Planning Commission special approval listed in the R-1, single-family residential zoning districts section (Section 6) of this ordinance.

3. Conditional Use Special Approval

Those uses requiring Conditional Use special approval listed in the R-1, single-family residential zoning districts section (Section 6) of this ordinance.

4. Major Use Special Approval

Those uses requiring Major Use special approval listed in the R-1, single-family residential zoning districts section (Section 6) of this ordinance.

E. Requirements

The following requirements shall apply to all principal uses, accessory uses, and uses that require special approval in this section (Section 7) unless specifically modified by this ordinance.

1. Off-Street Parking and Loading - See the Off-Street Parking and Loading section (Section 21) of this ordinance for requirements.
2. Signs - See the Sign section (Section 23) of this ordinance for requirements.
3. Supplementary District Regulation - See the Supplementary District Regulations section (Section 20) of this ordinance for additional requirements.

R-2, Two-family Residential
Table of Minimum Requirements

Minimum Lot Area	7,260 square feet per dwelling unit
Minimum Lot Width	100 feet
Minimum Front Yard	30 feet
Minimum Rear Yard	30 feet
Minimum Side Yard	10 feet
Minimum Floor Living Area of each Dwelling Unit	1,000 square feet
Maximum Building Height	35 feet or 2 1/2 stories

Section 8. R-3, Multi-Family Residential

A. Purpose

This zoning district permits new multi-family residential development at a maximum gross density of six (6) dwelling units per acre.

B. Principal Permitted Uses

1. Multi-Family Dwelling (One (1) building on a single lot not exceeding eight (8) dwelling units)
2. Two-Family Dwelling (One (1) building on a single lot)
3. Single-Family Dwelling (One (1) building on a single lot)
4. Agriculture (Minimum lot area of five (5) acres required)

C. Accessory Uses

1. Those accessory uses listed in the R-1 zoning districts section (Section 6) of this ordinance.

D. Uses Requiring Special Approval (See the Special Approvals Section (Section 31) of this Ordinance for the procedures and additional requirements for the following uses).

1. Department of Development Special Approval

Those uses requiring Department of Development special approval listed in the R-1 zoning district section (Section 6) of this ordinance.

2. Planning Commission Special Approval

- a. Multi-Family Dwelling (More than one (1) building on a single lot)
- b. Two-Family Dwelling (More than one (1) building on a single lot)
- c. Single-Family Dwelling (More than one (1) building on a single lot)
- d. Those uses requiring Planning Commission special approval listed in the R-1 zoning district section (Section 6) of this ordinance.

3. Conditional Use Special Approval

- a. Those uses requiring Conditional Use special approval listed in the R-1 zoning districts section (Section 6) of this ordinance.
- b. Boarding, Lodging, or Tourist Home
- c. Nursing Home
- d. Residence Group Home

Those regulations for Residence Family Home as listed in the R-1, Single-Family Residential Zoning District shall apply to a Residence Group Home.

- e. School: Nursery, Kindergarten, Day Care
 - 1) The side yard setback shall be a minimum of twenty (20) feet per side.

4. Major Use Special Approval

Those uses requiring Major Use special approval listed in the R-1 zoning districts section (Section 6) of this ordinance.

E. Requirements

The following requirements shall apply to all principal uses, accessory uses, and uses that require special approval in this section (Section 8) unless specifically modified by this ordinance.

1. Off-Street Parking and Loading - See the Off-Street Parking and Loading section (Section 21) of this ordinance for requirements.
2. Screening - See the Screening section (Section 20) of this ordinance for requirements.
3. Signs - See the Sign section (Section 23) of this ordinance for requirements.
4. Supplementary District Regulation - See the Supplementary District Regulations section (Section 20) of this ordinance for additional requirements.

R-3, Multi-Family Residential
Table of Minimum Requirements

Maximum Gross Density	6 dwelling units per acre
Minimum Lot Width	100 feet
Minimum Front Yard	30 feet
Minimum Rear Yard	30 feet
Minimum Side Yard	10 feet
Minimum Floor Living Area of a Dwelling Unit	
Efficiency	400 square feet
1 Bedroom	600 square feet
2 Bedroom	800 square feet
3 Bedroom	1,000 square feet
Maximum Building Height	
Single-Family and Two-Family	35 feet or 2 1/2 stories
Multi-Family	45 feet
Minimum Setback of Parking or Paving From any Front, Side, or Rear Lot Line	10 feet

Section 9. R-PD, Residential Planned Development

A. Purpose

The purpose of the Residential Planned Development Zoning District is to permit greater flexibility and, consequently, more creative and imaginative design for the development of residential areas than is generally possible under conventional zoning regulations. It is further intended to promote more economical and efficient use of the land while providing a harmonious variety of housing choices, a higher level of urban amenities, and preservation of recreational and natural scenic qualities of open spaces, both public and private.

B. Principal Permitted Uses

1. Agricultural (Minimum lot area of five (5) acres required)

C. Accessory Uses

1. Those accessory uses listed in the R-1, Single-Family Residential Zoning District section (Section 6) of this ordinance.

D. Uses Requiring Special Approval (See the Special Approvals Section (Section 31) of this Ordinance for the procedures and additional requirements for the following uses).

1. Department of Development Special Approval

Those uses requiring Department of Development special approval listed in the R-1, Single-Family Residential Zoning Districts section (Section 6) of this ordinance.

Major Use Special Approval Required - A Major Use Special Approval shall be granted by City Council for a lot before a Planning Commission Special Approval or Conditional Use Special Approval can be approved by the City for that lot.

The intent of this zoning district is to promote the development of a large lot in accordance with a City approved overall development plan for that lot.

City Council shall approve a development plan for that lot in accordance with the Major Use Special Approval procedures and requirements before development is permitted on any portion of that lot.

Once a development plan receives Major Use Special Approval from Council, a Planning Commission Special Approval or Conditional Use Special Approval may be approved by the City providing the application is in substantial conformance with

the approved development plan.

Any significant alteration or amendment to an approved Major Use Special Approval development plan shall require a new Major Use Special Approval.

2. Planning Commission Special Approval

- a. Multi-Family Dwelling
- b. Two-Family Dwelling
- c. Single-Family Dwelling
- d. Those uses requiring Planning Commission special approval listed in the R-1, Single-Family Residential Zoning Districts section (Section 6) of this ordinance.

3. Conditional Use Special Approval

Those uses requiring Conditional Use special approval listed in the R-3, Multi-Family Residential Zoning District section (Section 8) of this ordinance.

4. Major Use Special Approval

- a. Residential Planned Development
- b. Senior Citizen Residential Community

Office or small retail uses may be approved which primarily serve or complement the needs of residents within the development

- c. Those uses requiring Major Use special approval listed in the R-1, Single-Family Residential Zoning Districts section (Section 6) of this ordinance.

E. Requirements

The following requirements shall apply to all principal uses, accessory uses, and uses that require special approval in this section (Section 9) unless specifically modified by this ordinance.

1. Access Control - See the Access Control for Streets and Highways Section (Section 22) of this ordinance for requirements.
2. Architectural Requirements - See the Supplementary District Requirements Section (Section 20) of this ordinance for architectural requirements.
3. Off-Street Parking and Loading - See the Off-Street Parking and Loading section (Section 21) of this ordinance for requirements.
4. Private Street - A private street where designated on a development plan shall meet all the design and construction requirements of the City Subdivision Regulations with the exception of street width and the requirement for curb and gutter.
5. Screening - See the Supplemental District Requirements Section (Section 20) of this ordinance for requirements.
6. Signs - See the Sign section (Section 23) of this ordinance for requirements.
7. Subdivision of R-PD Zoned Land

A lot that is zoned R-PD may be subdivided into lots smaller than the minimum lot area requirement contained in this ordinance providing that the following conditions are met:

- a. A development plan must have been approved under the Major Use Special Approval review procedure for the entire lot.
- b. Subdivision and/or development of that lot must be in accordance with the Major Use Special Approval Development Plan.
- c. In no case shall any subdivided parcel have a lot area of less than twenty thousand (20,000) square feet.
- d. Refer to the Subdivision Regulations for the City of Centerville, Ohio for additional requirements.

8. Supplemental District Requirements - See the Supplemental District Requirements section (Section 20) of this ordinance for additional requirements.

R-PD, Residential Planned Development
Table of Minimum Requirements

Minimum Lot Area	5 acres
Maximum Gross Density	6 dwelling units per acre
Minimum Lot Width	300 feet
Minimum Front Yard	
Fronting on Arterial Street	50 feet
Fronting on Other Street	30 feet
Minimum Rear Yard	30 feet
Minimum Side Yard	20 feet
Minimum Floor Living Area of a Dwelling Unit	
Efficiency	400 square feet
1 Bedroom	600 square feet
2 Bedroom	800 square feet
3 Bedroom	1,000 square feet
Maximum Building Height	
Single-Family and Two-Family	35 feet or 2 1/2 stories
Multi-Family	45 feet
Minimum Setback of Parking or Paving From any Front, Side, or Rear Lot Line	10 feet

Section 10. O-S, Office-Service

A. Purpose

This District provides for the location of offices, banks, and facilities for institutional, governmental, and personal services in suitable locations in which they can support community needs and serve as transitional areas between residential and commercial districts or between major thoroughfares and residential districts.

B. Principal Permitted Uses

1. Agriculture (Minimum lot area of five (5) acres required)

C. Accessory Uses

1. An accessory use, building or other structure customarily incidental to any of the above listed permitted uses
2. Temporary buildings for uses incidental to construction work, provided these buildings shall be removed upon the completion or abandonment of the construction work
3. Limited Retail or Wholesale Sales that occur in conjunction with an office or service use and are clearly secondary to that use

D. Uses Requiring Special Approval (See the Special Approvals Section (Section 31) of this Ordinance for the procedures and additional requirements for the following uses).

1. Department of Development Special Approval
 - a. Seasonal sale of farm produce or plants as an accessory use to an agricultural use (Produce or plants for sale must have been grown on the premises).
2. Planning Commission Special Approval
 - a. Office uses including governmental offices, business or professional offices, medical offices or clinics, and other similar office uses. Office uses shall also include barbershops, beauty shops and other personal service uses.

Commentary: This category includes all types of business or governmental offices. Also, it includes various service type businesses where service is basically on an individual-to-individual basis as opposed to services which are

performed on objects or personal property.

- b. Bank. This category includes all banking institutions including depositories, savings and loan and other lending institutions, and financial corporations. (A bank does not include a freestanding drive-through automatic teller machine.)
- c. Veterinary offices with runs, yards, pens, or kennels fully enclosed within a building.
- d. Public utilities, including utility substations and broadcasting towers and other essential public services.
- e. Church
- f. Government Building
- g. Public Library or Public Museum
- 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

3. Conditional Use Special Approval

- a. Major Excavation, Grading, or Filling of Land, Including Construction of a Dam or Lake

(except when approved as part of an application for approval under a different provision of this ordinance)

- 1) Special emphasis shall be given to the storm water drainage provisions in the Special Approvals section (Section 31) of this ordinance.

4. Major Use Special Approval

None.

E. Requirements

The following requirements shall apply to all principal uses, accessory uses, and uses that require special approval in this section (Section 10) unless specifically modified by this ordinance.

1. Architectural Requirements - See the Supplemental District Requirements Section (Section 20) of this ordinance for architectural requirements.
2. Access Control - See the Access Control for Streets and Highways Section (Section 22) of this ordinance for requirements.
3. Off-Street Parking and Loading - See the Off-Street Parking and Loading section (Section 21) of this ordinance for requirements.
4. Screening - See the Supplemental District Requirements Section (Section 20) of this ordinance for requirements.
5. Signs - See the Sign section (Section 23) of this ordinance for requirements.
6. Supplemental District Requirements - See the Supplemental District Requirements section (Section 20) of this ordinance for additional requirements.

O-S, Office-Service
Table of Minimum Requirements

Minimum Lot Area	20,000 Square Feet
Minimum Lot Width	
Fronting on Arterial Street	150 Feet
Fronting on Other Street	120 Feet
Minimum Front Yard	
Fronting on Arterial Street	50 Feet
Fronting on Other Street	35 Feet
Minimum Rear Yard	
Adjacent to Non-Residential	20 Feet
Adjacent to Residential	50 Feet
Minimum Side Yard	
Adjacent to Non-Residential	20 Feet
Adjacent to Residential	50 Feet
Minimum Setback of Parking or Paving	
From Front Lot Line	10 Feet
From Side Lot Line	
Adjacent to Non-Residential	10 Feet
Adjacent to Residential	25 Feet
From Rear Lot Line	
Adjacent to Non-Residential	10 Feet
Adjacent to Residential	25 Feet
Maximum Lot Coverage (Buildings)	50 Percent
Maximum Building Height	35 Feet or 2 1/2 stories

Section 11. O-PD, Office Planned Development

A. Purpose

The purpose of the Office Planned Development Zoning District is to permit greater flexibility and, consequently, more creative and imaginative design for the development of office areas than generally is possible under conventional zoning regulations. It is further intended to promote more economical and efficient use of larger tracts of land.

B. Principal Permitted Uses

1. Agricultural (Minimum lot area of five (5) acres required)

C. Accessory Uses

1. An accessory use, building or other structure customarily incidental and secondary to any principal permitted use or use requiring special approval.
2. Temporary buildings for uses incidental to construction work, provided these buildings shall be removed upon the completion or abandonment of the construction work.

D. Uses Requiring Special Approval (See the Special Approvals Section (Section 31) of this Ordinance for the procedures and additional requirements for the following uses).

1. Department of Development Special Approval

- a. Seasonal sale of farm produce or plants as an accessory use to an agricultural use (Produce or plants for sale must have been grown on the premises).

Major Use Special Approval Required - A Major Use Special Approval shall be granted by City Council for a lot before a Planning Commission Special Approval or Conditional Use Special Approval can be approved by the City for that lot.

The intent of this zoning district is to promote the development of a large lot in accordance with a City approved overall development plan for that lot.

City Council shall approve a development plan for that lot in accordance with the Major Use Special Approval procedures and requirements before development is permitted on any portion of that lot.

Once a development plan receives Major Use Special Approval from Council, a Planning Commission Special Approval or Conditional Use Special Approval may be approved by the City

providing the application is in substantial conformance with the approved development plan.

Any significant alteration or amendment to an approved Major Use Special Approval development plan shall require a new Major Use Special Approval.

2. Planning Commission Special Approval

Those uses requiring Planning Commission Special Approval listed in the O-S, Office Service Zoning District section (Section 10) of this ordinance.

3. Conditional Use Special Approval

Those uses requiring Conditional Use special approval listed in the O-S, Office Service Zoning District section (Section 10) of this ordinance.

4. Major Use Special Approval

a. Office Park

An office park shall be defined as a use or combination of uses occupying building(s), either attached or detached, where the sum of their gross floor areas exceeds fifty thousand (50,000) square feet.

- 1) An office park shall include all permitted uses, accessory uses and uses that require special approval listed in this section (Section 11) of the zoning ordinance.
- 2) A financial statement from a banking or lending institution or an insurance company shall be submitted to the City that demonstrates the financial ability of the developer to construct the office park.
- 3) A market analysis shall be submitted to the City by the developer providing evidence that the office park will be economically viable.

E. Requirements

The following requirements shall apply to all principal uses, accessory uses, and uses that require special approval in this section (Section 11) unless specifically modified by this ordinance.

1. Access Control - See the Access Control for Streets and Highways Section (Section 22) of this ordinance for requirements.
2. Architectural Requirements - See the Supplementary District Requirements Section (Section 20) of this ordinance for architectural requirements.
3. Off-Street Parking and Loading - See the Off-Street Parking and Loading section (Section 21) of this ordinance for requirements.
4. Private Street - A private street where designated on a development plan shall meet all the design and construction requirements of the City Subdivision Regulations with the exception of street width and the requirement for curb and gutter.
5. Screening - See the Supplemental District Requirements Section (Section 20) of this ordinance for requirements.
6. Signs - See the Sign section (Section 23) of this ordinance for requirements.
7. Subdivision of O-PD Zoned Land

A lot that is zoned O-PD may be subdivided into lots smaller than the minimum lot area requirement contained in this ordinance providing that the following conditions are met:

- a. A development plan must have been approved under the Major Use Special Approval review procedure for the entire lot.
- b. Subdivision and/or development of that lot must be in accordance with the Major Use Special Approval Development Plan.
- c. In no case shall any subdivided parcel have a lot area of less than twenty thousand (20,000) square feet.
- d. Refer to the Subdivision Regulations for the City of Centerville, Ohio for additional requirements.

8. Supplemental District Requirements - See the Supplemental District Requirements section (Section 20) of this ordinance for additional requirements.

O-PD, Office Planned Development
Table of Minimum Requirements

Minimum Lot Area	10 acres
Minimum Lot Width	
Fronting on Arterial Street	500 Feet
Fronting on Other Street	300 Feet
Minimum Front Yard	
Fronting on Arterial Street	50 Feet
Fronting on Other Street	35 Feet
Minimum Rear Yard	
Adjacent to Non-Residential	35 Feet
Adjacent to Residential	100 Feet
Minimum Side Yard	
Adjacent to Non-Residential	35 Feet
Adjacent to Residential	100 Feet
Minimum Setback of Parking or Paving	
From Front Lot Line	20 Feet
From Side Lot Line	
Adjacent to Non-Residential	20 Feet
Adjacent to Residential	100 Feet
From Rear Lot Line	
Adjacent to Non-Residential	20 Feet
Adjacent to Residential	100 Feet
Maximum Lot Coverage (Buildings)	50 Percent
Maximum Building Height	45 feet

Note: The buffer strip of land required in the above table when O-PD zoned land is adjacent to residential land shall be subject to the following additional requirements unless otherwise specifically approved by the City in accordance with the Special Approvals section (Section 31) of this ordinance:

- 1) The buffer strip shall remain in its natural condition;
- 2) Removal or clearing of any existing vegetation (other than normal maintenance of the vegetation) or grading or regrading of any land within the required buffer strip shall be prohibited;

- 3) The City may require the installation of screening or other improvements within the buffer strip which increase the effectiveness of the buffer strip in protecting adjacent residential land from potentially adverse impacts in accordance with the Special Approvals section (Section 31) of this ordinance;
- 4) The City may approve vehicular access across the buffer strip in accordance with the Special Approvals section (Section 31) of this ordinance.

Section 12. B-1, Neighborhood Business

A. Purpose

This district provides for the location of small-scale retail sales establishments, office, and facilities for financial, institutional, governmental, and personal services, and recreational establishments in suitable locations where they can quietly and unobtrusively meet the everyday needs of the nearby residential neighborhoods.

B. Principal Permitted Uses

1. Agriculture (Minimum lot area of five (5) acres required)

C. Accessory Uses

1. An accessory use, building or other structure customarily incidental and secondary to any principal permitted use or use requiring special approval.
2. Temporary buildings for uses incidental to construction work, provided these buildings shall be removed upon the completion or abandonment of the construction work.

D. Uses Requiring Special Approval (See the Special Approvals Section (Section 31) of this Ordinance for the procedures and additional requirements for the following uses).

1. Department of Development Special Approval

- a. Seasonal sale of farm produce or plants as an accessory use to an agricultural use (Produce or plants for sale must have been grown on the premises).
- b. Temporary seasonal outdoor retail sale of garden and landscaping plants and materials including bagged soil, fertilizer, and mulch (natural holiday decorations such as Christmas trees are included in this use)
 - 1) The sale may be conducted on a premises for a period of time not to exceed three (3) months per evenly divided half of a calendar year.

c. Sidewalk Sale

The owner or operator of a business located in this zoning district may conduct a sidewalk sale outside that business premises on private property or on a public sidewalk adjacent to that business

premises in accordance with the following provisions:

- 1) The merchandise for sale shall be limited to only that merchandise normally offered for sale by the business owner or operator conducting the sale.
- 2) Each sidewalk sale shall be limited to a maximum time period of three (3) days.
- 3) The owner or operator of a business shall be limited to a maximum of five (5) sidewalk sales in any one calendar year.
- 4) A sidewalk sale by persons who are not the owners or operators of a business may be permitted in connection with a planned program involving at least six (6) separate sellers.

2. Planning Commission Special Approval

a. Retail Sales and Services including the following local retail and service uses:

- 1) Grocery, convenience store or other small food stores; bars or taverns; clothing stores; hardware and paint stores; florist shops; book, stationery and gift stores; hobby shops; shoe repair; consumer appliance repair shops; candy and ice cream stores; drug stores; bakery shops; dry cleaning and laundry pick-up stations; and laundromats
- 2) Restaurant, table service or cafeteria-style (A fast food restaurant is prohibited.)

b. Office-Service Uses

Those uses requiring Planning Commission Special Approval listed in the O-S, Office-Service section (Section 10) of this ordinance.

c. Funeral Home

3. Conditional Use Special Approval

a. Major Excavation, Grading, or Filling of Land, Including Construction of a Dam or Lake

(except when approved as part of an application for approval under a different provision of this ordinance)

- 1) Special emphasis shall be given to the storm water drainage provisions in the Special Approvals section (Section 31) of this ordinance.

4. Major Use Special Approval

None.

E. Requirements

The following requirements shall apply to all principal uses, accessory uses, and uses that require special approval in this section (Section 12) unless specifically modified by this ordinance.

1. Architectural Requirements - See the Supplemental District Requirements Section (Section 20) of this ordinance for architectural requirements.
2. Access Control - See the Access Control for Streets and Highways Section (Section 22) of this ordinance for requirements.
3. Off-Street Parking and Loading - See the Off-Street Parking and Loading section (Section 21) of this ordinance for requirements.
4. Screening - See the Supplemental District Requirements Section (Section 20) of this ordinance for requirements.
5. Signs - See the Sign section (Section 23) of this ordinance for requirements.
6. Supplemental District Requirements - See the Supplemental District Requirements Section (Section 20) of this ordinance for additional requirements.

B-1, Neighborhood Business
Table of Minimum Requirements

Minimum Lot Area	20,000 Square Feet
Minimum Lot Width	
Fronting on Arterial Street	150 Feet
Fronting on Other Street	120 Feet
Minimum Front Yard	
Fronting on Arterial Street	50 Feet
Fronting on Other Street	35 Feet
Minimum Rear Yard	
Adjacent to Non-Residential	20 Feet
Adjacent to Residential	50 Feet
Minimum Side Yard	
Adjacent to Non-Residential	20 Feet
Adjacent to Residential	50 Feet
Minimum Setback of Parking or Paving From Front Lot Line	10 Feet
From Side Lot Line	
Adjacent to Non-Residential	10 Feet
Adjacent to Residential	25 Feet
From Rear Lot Line	
Adjacent to Non-Residential	10 Feet
Adjacent to Residential	25 Feet
Maximum Lot Coverage (Buildings)	50 Percent
Maximum Building Total Ground Floor Area (for any one individual building)	5000 Square Feet
Maximum Building Height	35 Feet or 2 1/2 stories

Section 13. B-2, General Business

A. Purpose

The intent of the General Business District is to provide an appropriate location for retail, office, service and administrative establishments required to satisfy the needs of the overall community. This district is also intended to provide accommodations, supplies, sales and services to the motoring public.

B. Principal Permitted Uses

1. Agriculture (Minimum lot area of five (5) acres required)

C. Accessory Uses

1. An accessory use, building or other structure customarily incidental and secondary to any principal permitted use or use requiring special approval.
2. Temporary buildings for uses incidental to construction work, provided these buildings shall be removed upon the completion or abandonment of the construction work.

D. Uses Requiring Special Approval (See the Special Approvals Section (Section 31) of this Ordinance for the procedures and additional requirements for the following uses).

1. Department of Development Special Approval

- a. Those uses requiring Department of Development Special Approval listed in the B-1, Neighborhood Business Zoning District section (Section 12) of this ordinance.

2. Planning Commission Special Approval

- a. Neighborhood Business Uses

Those uses requiring Planning Commission Special Approval listed in the B-1, Neighborhood Business Zoning District section (Section 12) of this ordinance.

- b. A general merchandise store including a department or discount store, a supermarket, a convenience store and an equipment rental facility that has no outdoor storage of equipment
- c. Restaurant, table service or cafeteria-style
- d. Restaurant, fast-food

- e. Drive-through stores including photo kiosks and freestanding automatic banking teller machines
- f. Hotel or Motel
- g. Vehicle Sale, Leasing or Service including an auto dealership, sale or leasing of trucks, boats, recreational vehicles, or trailers, body shop, car wash, filling station, parts store, or service garage
- h. Health Spa or Gymnasium

3. Conditional Use Special Approval

- a. Neighborhood Business Uses

Those uses requiring Conditional Use Special Approval listed in the B-1, Neighborhood Business Zoning District section (Section 12) of this ordinance.

- b. Commercial Entertainment including a concert hall, indoor theatre or cinema, banquet hall, night club, game room, or bowling alley
- c. An Outdoor Commercial Facility including a building or garden supply store, greenhouse, or a plant nursery that is retail in nature

Commentary: An Outdoor Commercial Facility specifically does not permit a lumberyard, wholesale building supply stores, warehouse storage facility, a contractors storage yard, and the outside sale or display of construction materials.

- d. An Outdoor Commercial Entertainment Facility including a miniature golf course, a golf driving range, or a baseball batting cage

Commentary: An outdoor commercial entertainment facility specifically does not include an outdoor theatre or drive-in, miniature auto racing, or amusement park.

- e. A heliport that is used in conjunction with a permitted use or a use requiring special approval and is secondary and subordinate to that use

- 1) The helicopter landing pad shall be located in the rear yard of a parcel no closer than one hundred (100) feet from the side or rear lot line.
- 2) A fence, with a minimum height of eight (8) feet, shall encompass the helicopter landing pad.
- 3) A heliport shall be in accordance with minimum standards approved by the Federal Aviation Administration or such other governmental agency as shall have jurisdiction over said use.

4. Major Use Special Approval

- a. Hospital
- b. Sports Stadium or Coliseum
- c. School: College, Seminary, or University including those institutions that require a lot area in excess of 20,000 square feet or have a principal building larger than 5,000 square feet in gross floor area
- d. Convention Center

E. Requirements

The following requirements shall apply to all principal uses, accessory uses, and uses that require special approval in this section (Section 13) unless specifically modified by this ordinance.

1. Architectural Requirements - See the Supplementary District Requirements Section (Section 20) of this ordinance for architectural requirements.
2. Access Control - See the Access Control for Streets and Highways Section (Section 22) of this ordinance for requirements.
3. Off-Street Parking and Loading - See the Off-Street Parking and Loading section (Section 21) of this ordinance for requirements.
4. Screening - See the Supplemental District Requirements Section (Section 20) of this ordinance for requirements.
5. Signs - See the Sign section (Section 23) of this ordinance for requirements.
6. Supplemental District Requirements - See the Supplemental District Requirements Section (Section 20) of this ordinance for additional requirements.

B-2, General Business
Table of Minimum Requirements

Minimum Lot Area	20,000 Square Feet
Minimum Lot Width	
Fronting on Arterial Street	150 Feet
Fronting on Other Street	120 Feet
Minimum Front Yard	
Fronting on Arterial Street	50 Feet
Fronting on Other Street	35 Feet
Minimum Rear Yard	
Adjacent to Non-Residential	20 Feet
Adjacent to Residential	50 Feet
Minimum Side Yard	
Adjacent to Non-Residential	20 Feet
Adjacent to Residential	50 Feet
Minimum Setback of Parking or Paving	
From Front Lot Line	10 Feet
From Side Lot Line	
Adjacent to Non-Residential	10 Feet
Adjacent to Residential	25 Feet
From Rear Lot Line	
Adjacent to Non-Residential	10 Feet
Adjacent to Residential	25 Feet
Maximum Lot Coverage (Buildings)	50 Percent
Maximum Building Total Ground Floor Area (for any one individual building)	50,000 Square Feet
Maximum Building Height	45 Feet

Section 14. B-PD, Business Planned Development

A. Purpose

The purpose of this zoning district is to permit greater flexibility and, consequently, more creative and imaginative design for the development of business areas than generally is possible under conventional zoning regulations. It is further intended to promote more economical and efficient use of larger tracts of land.

B. Principal Permitted Uses

1. Agricultural (Minimum lot area of five (5) acres required)

C. Accessory Uses

1. An accessory use, building or other structure customarily incidental and secondary to any principal permitted use or use requiring special approval.
2. Temporary buildings for uses incidental to construction work, provided these buildings shall be removed upon the completion or abandonment of the construction work.

D. Uses Requiring Special Approval (See the Special Approvals Section (Section 31) of this Ordinance for the procedures and additional requirements for the following uses).

1. Department of Development Special Approval
 - a. Those uses requiring Department of Development Special Approval listed in the B-1, Neighborhood Business Zoning District section (Section 12) of this ordinance.

Major Use Special Approval Required - A Major Use Special Approval shall be granted by City Council for a lot before a Planning Commission Special Approval or Conditional Use Special Approval can be approved by the City for that lot.

The intent of this zoning district is to promote the development of a large lot in accordance with a City approved overall development plan for that lot.

City Council shall approve a development plan for that lot in accordance with the Major Use Special Approval procedures and requirements before development is permitted on any portion of that lot.

Once a development plan receives Major Use Special Approval from Council, a Planning Commission Special Approval or Conditional Use Special Approval may be approved by the City

providing the application is in substantial conformance with the approved development plan.

Any significant alteration or amendment to an approved Major Use Special Approval development plan shall require a new Major Use Special Approval.

2. Planning Commission Special Approval

Those uses requiring Planning Commission Special Approval listed in the B-2, General Business Zoning District section (Section 13) of this ordinance.

3. Conditional Use Special Approval

Those uses requiring Conditional Use special approval listed in the B-2, General Business Zoning District section (Section 13) of this ordinance.

4. Major Use Special Approval

a. Shopping Center

A shopping center shall be defined as a use or combination of uses occupying building(s), either attached or detached, where the sum of their gross floor areas exceed fifty thousand (50,000) square feet.

- 1) A shopping center shall include all permitted uses, accessory uses and uses that require special approval listed in this section (Section 14) of the zoning ordinance.
- 2) A financial statement from a banking or lending institution or an insurance company shall be submitted to the City that demonstrates the financial ability of the developer to construct the shopping center.
- 3) A market analysis shall be submitted to the City by the developer providing evidence that the shopping center will be economically viable.

b. Office Park

c. Those uses requiring Major Use special approval listed in the B-2, General Business zoning district section (Section 13) of this ordinance.

E. Requirements

The following requirements shall apply to all principal uses, accessory uses, and uses that require special approval in this section (Section 14) unless specifically modified by this ordinance.

1. Access Control - See the Access Control for Streets and Highways Section (Section 22) of this ordinance for requirements.
2. Architectural Requirements - See the Supplementary District Requirements Section (Section 20) of this ordinance for architectural requirements.
3. Off-Street Parking and Loading - See the Off-Street Parking and Loading section (Section 21) of this ordinance for requirements.
4. Private Street - A private street where designated on a development plan shall meet all the design and construction requirements of the City Subdivision Regulations with the exception of street width and the requirement for curb and gutter.
5. Screening - See the Supplemental District Requirements Section (Section 20) of this ordinance for requirements.
6. Signs - See the Sign section (Section 23) of this ordinance for requirements.
7. Subdivision of B-PD Zoned Land

A lot that is zoned B-PD may be subdivided into lots smaller than the minimum lot area requirement contained in this ordinance providing that the following conditions are met:

- a. A development plan must have been approved under the Major Use Special Approval review procedure for the entire lot.
- b. Subdivision and/or development of that lot must be in accordance with the Major Use Special Approval Development Plan.
- c. In no case shall any subdivided parcel have a lot area of less than twenty thousand (20,000) square feet.
- d. Refer to the Subdivision Regulations for the City of Centerville, Ohio for additional requirements.

8. Supplemental District Requirements - See the Supplemental District Requirements section (Section 20) of this ordinance for additional requirements.

B-PD, Business Planned Development
Table of Minimum Requirements

Minimum Lot Area	10 acres
Minimum Lot Width	
Fronting on Arterial Street	500 Feet
Fronting on Other Street	300 Feet
Minimum Front Yard	
Fronting on Arterial Street	50 Feet
Fronting on Other Street	35 Feet
Minimum Rear Yard	
Adjacent to Non-Residential	35 Feet
Adjacent to Residential	100 Feet
Minimum Side Yard	
Adjacent to Non-Residential	35 Feet
Adjacent to Residential	100 Feet
Minimum Setback of Parking or Paving	
From Front Lot Line	20 Feet
From Side Lot Line	
Adjacent to Non-Residential	20 Feet
Adjacent to Residential	100 Feet
From Rear Lot Line	
Adjacent to Non-Residential	20 Feet
Adjacent to Residential	100 Feet
Maximum Lot Coverage (Buildings)	50 Percent
Maximum Building Height	45 feet

Note: The buffer strip of land required in the above table when B-PD zoned land is adjacent to residential land shall be subject to the following additional requirements unless otherwise specifically approved by the City in accordance with the Special Approvals section (Section 31) of this ordinance:

- 1) The buffer strip shall remain in its natural condition;

- 2) Removal or clearing of any existing vegetation (other than normal maintenance of the vegetation) or grading or regrading of any land within the required buffer strip shall be prohibited;
- 3) The City may require the installation of screening or other improvements within the buffer strip which increase the effectiveness of the buffer strip in protecting adjacent residential land from potentially adverse impacts in accordance with the Special Approvals section (Section 31) of this ordinance;
- 4) Vehicular access across the buffer strip shall be prohibited.

Section 15. I-1, Light Industrial District

A. Purpose

This district has been established to provide for industrial uses having a minimum impact upon the surrounding environment in areas that are suitable for industrial development by reason of location and the availability of adequate utility and transportation systems. Industrial uses are permitted that can be operated in a clean and quiet manner subject to those regulations and performance standards necessary to prohibit congestion and for the protection of adjacent residential and business property. It is intended that the development permitted in this district will create a high quality industrial park environment.

B. Principal Permitted Uses

1. Agricultural (Minimum lot area of five (5) acres required)
2. City Service Yards and Garages.

C. Accessory Uses

1. An accessory use, building or other structure customarily incidental and secondary to any principal permitted use or use requiring special approval.
2. Temporary buildings for uses incidental to construction work, provided these buildings shall be removed upon the completion or abandonment of the construction work.

D. Uses Requiring Special Approval (See the Special Approvals Section (Section 31) of this Ordinance for the procedures and additional requirements for the following uses).

1. Department of Development Special Approval
 - a. None
2. Planning Commission Special Approval
 - a. Light manufacturing, including the production, processing, cleaning, testing and distribution of materials, goods, foodstuffs and products, where all industrial processes are carried on within an enclosed building
 - 1) The size of the manufacturing plant shall not exceed 250,000 square feet of floor area or 1000 employees on the largest shift.
 - b. Offices

- c. Veterinary offices with fully enclosed runs, yards, pens, or kennels
- d. Scientific research, testing, or experimental laboratories
- e. Industrial craft shops including carpentry, cabinetmaking and furniture making, refinishing and upholstering
- f. Retail uses which have an industrial character in terms of either their outdoor storage requirement or activities, such as, but not limited to, lumber yards, building materials outlets, garage or shed sales lots, upholsterers, cabinet makers, and outdoor sales of automobiles, trucks, recreational vehicles, house trailers, boats, or agricultural implements
- g. Automobile or truck repair, including body work
- h. Laundries and dry cleaning plants serving more than one (1) outlet, including linen supply and diaper services
- i. Printing, publishing, lithographing or binding establishments, including blueprint or a photostat store or the office of a newspaper
- j. Warehouses and mini-warehouses
- k. Wholesaling and storage facilities
 - l) Establishments primarily engaged in buying merchandise from and selling it to retailers, industrial, commercial, institutional or professional business users or to other wholesalers
- l. Recycling centers
- m. Public transit stations, including bus stops or park and ride lots
- n. Public utilities, including utility substations and broadcasting towers and other essential public services
- o. School: Trade, Business, or Other

3. Conditional Use Special Approval

- a. Construction trades and contractor offices and shops including heavy construction, building, cement, electrical, heating and air conditioning, masonry, plumbing, painting and wallpapering, roofing, glazing, but not including salvage materials or debris

Commentary: These uses often involve considerable outdoor storage of equipment and materials or the parking of trucks and machinery, all of which might be incompatible with retail commercial areas, but fit in well with industrial areas. A contractor's office which has no outdoor storage of materials or construction or service vehicles may be considered a business office

- b. Heavy equipment rental, sales, service and storage, including semi-tractor trailers, agricultural equipment, and construction equipment

4. Major Use Special Approval

None

E. Requirements

The following requirements shall apply to all principal uses, accessory uses, and uses that require special approval in this section (Section 15) unless specifically modified by this ordinance.

1. Architectural Requirements - See the Supplementary District Regulations section (Section 20) of this ordinance for architectural requirements.
2. Access Control - See the Access Control for Streets and Highways Section (Section 22) of this ordinance for requirements.
3. Off-Street Parking and Loading - See the Off-Street Parking and Loading section (Section 21) of this ordinance for requirements.
4. Screening - See the Screening section (Section 20) of this ordinance for requirements.
5. Signs - See the Sign section (Section 23) of this ordinance for requirements.
6. Non-Residential District Supplemental Requirements - See the Non-Residential District Supplemental Requirements section (Section 20) of this ordinance for additional requirements.

I-1, Light Industrial
Table of Minimum Requirements

Minimum Lot Area	20,000 Square Feet
Minimum Lot Width	
Fronting on Arterial Street	150 Feet
Fronting on Other Street	120 Feet
Minimum Front Yard	
Fronting on Arterial Street	50 Feet
Fronting on Other Street	35 Feet
Minimum Rear Yard	
Adjacent to Non-Residential	20 Feet
Adjacent to Residential	50 Feet
Minimum Side Yard	
Adjacent to Non-Residential	20 Feet
Adjacent to Residential	50 Feet
Minimum Setback of Parking or Paving	
From Front Lot Line	10 Feet
From Side Lot Line	
Adjacent to Non-Residential	10 Feet
Adjacent to Residential	25 Feet
From Rear Lot Line	
Adjacent to Non-Residential	10 Feet
Adjacent to Residential	25 Feet
Maximum Lot Coverage (Buildings)	50 Percent
Maximum Building Height	45 feet

F. Prohibited Industrial Uses in I-1 Zoning District

The following uses are specifically prohibited:

1. Heavy industry including but not limited to vehicle assembly, grain mills, breweries or distilleries, foundries, paper manufacturing, meat packing, fuel storage or distribution, waste water or water treatment plants, power generation plants or resource recovery or extraction. Expressly prohibited are salvage, wrecking or demolition or junk yard uses, the storage or compounding of large quantities of explosives, or the storage or production of large quantities of toxic material or waste, asphalt or concrete mixing or batching plants, refining of metal or metal ores or petroleum products, or stockyards or slaughterhouses.
2. Manufacturing plants exceeding 250,000 square feet of floor area or 1000 employees on the largest shift.
3. Transportation terminals, including trucking or motor freight terminals, or rail terminals.
4. Mining or the extraction of gravel or other materials.
5. Junk yard

Commentary: This group of prohibited uses contains many uses which have potential for significant negative impact on any uses which would locate relatively close to them. This group differs from light industrial uses in that it includes uses that may require unenclosed structures that are large, tall or unsightly. These uses also have the potential for generation of dust, dirt, noise, odor and unsightly conditions and may involve large amounts of exterior storage.

Section 16. I-PD, Industrial Planned Development

A. Purpose

The purpose of this zoning district is to permit greater flexibility, and consequently, more creative and imaginative design for the development of industrial areas than generally is possible under conventional zoning regulations. It is further intended to promote more economical and efficient use of larger tracts of land.

B. Principal Permitted Uses

1. Those principal permitted uses listed in the I-1, Light Industrial Zoning District section (Section 15) of this ordinance.

C. Accessory Uses

1. An accessory use, building or other structure customarily incidental and secondary to any principal permitted use or use requiring special approval.
2. Temporary buildings for uses incidental to construction work, provided these buildings shall be removed upon the completion or abandonment of the construction work.

D. Uses Requiring Special Approval (See the Special Approvals Section (Section 31) of this Ordinance for the procedures and additional requirements for the following uses).

1. Department of Development Special Approval
 - a. Temporary Outdoor Sales and Displays

Major Use Special Approval Required - A Major Use Special Approval shall be granted by City Council for a lot before a Planning Commission Special Approval or Conditional Use Special Approval can be approved by the City for that lot.

The intent of this zoning district is to promote the development of a large lot in accordance with a City approved overall development plan for that lot.

City Council shall approve a development plan for that lot in accordance with the Major Use Special Approval procedures and requirements before development is permitted on any portion of that lot.

Once a development plan receives Major Use Special Approval from Council, a Planning Commission Special Approval or Conditional Use Special Approval may be approved by the City providing the application is in substantial conformance with the approved development plan.

Any significant alteration or amendment to an approved Major Use Special Approval development plan shall require a new Major Use Special Approval.

2. Planning Commission Special Approval

a. Light Industrial Uses

Those uses requiring Planning Commission Special Approval listed in the I-1, Light Industrial Zoning District section (Section 15) of this ordinance

3. Conditional Use Special Approval

a. Light Industrial Uses

Those uses requiring Conditional Use special approval listed in the I-1, Light Industrial Zoning District section (Section 15) of this ordinance

4. Major Use Special Approval

a. Industrial Park

A industrial park shall be defined as a use or combination of uses occupying building(s), either attached or detached, where the sum of their gross floor areas exceed fifty thousand (50,000) square feet.

- 1) An Industrial Park shall include all permitted uses, accessory uses, and uses that require special approval listed in this section (Section 16) of the Zoning Ordinance.
- 2) A financial statement from a banking or lending institution or an insurance company shall be submitted to the City that demonstrates the financial ability of the developer to construct the industrial park.
- 3) A market analysis shall be submitted to the City by the developer providing evidence that an Industrial Park will be economically viable.

b. Office Park

E. Requirements

The following requirements shall apply to all principal uses, accessory uses, and uses that require special approval in this section (Section 16) unless specifically modified by this ordinance.

1. Access Control - See the Access Control for Streets and Highways Section (Section 22) of this ordinance for requirements.
2. Architectural Requirements - See the Supplemental Zoning District Requirements Section (Section 20) of this ordinance for architectural requirements.
3. Off-Street Parking and Loading - See the Off-Street Parking and Loading section (Section 21) of this ordinance for requirements.
4. Private Street - A private street where designated on a development plan shall meet all the design and construction requirements of the City Subdivision Regulations with the exception of street width and the requirement for curb and gutter.
5. Screening - See the Supplemental Zoning District Requirements Section (Section 20) of this ordinance for requirements.
6. Signs - See the Sign section (Section 23) of this ordinance for requirements.
7. Subdivision of I-PD Zoned Land

A lot that is zoned I-PD may be subdivided into lots smaller than the minimum lot area requirement contained in this ordinance providing that the following conditions are met:

- a. A development plan must have been approved under the Major Use Special Approval review procedure for the entire lot.
- b. Subdivision and/or development of that lot must be in accordance with the Major Use Special Approval Development Plan.
- c. In no case shall any subdivided parcel have a lot area of less than twenty thousand (20,000) square feet.
- d. Refer to the Subdivision Regulations for the City of Centerville, Ohio for additional requirements.

8. Supplemental Zoning District Requirements - See the Supplemental Zoning District Requirements section (Section 20) of this ordinance for additional requirements.

I-PD, Industrial Planned Development
Table of Minimum Requirements

Minimum Lot Area	10 acres
Minimum Lot Width	
Fronting on Arterial Street	500 Feet
Fronting on Other Street	300 Feet
Minimum Front Yard	
Fronting on Arterial Street	50 Feet
Fronting on Other Street	35 Feet
Minimum Rear Yard	
Adjacent to Non-Residential	35 Feet
Adjacent to Residential	100 Feet
Minimum Side Yard	
Adjacent to Non-Residential	35 Feet
Adjacent to Residential	100 Feet
Minimum Setback of Parking or Paving	
From Front Lot Line	20 Feet
From Side Lot Line	
Adjacent to Non-Residential	20 Feet
Adjacent to Residential	100 Feet
From Rear Lot Line	
Adjacent to Non-Residential	20 Feet
Adjacent to Residential	100 Feet
Maximum Lot Coverage (Buildings)	50 Percent
Maximum Building Height	45 feet

Note: The buffer strip of land required in the above table when I-PD zoned land is adjacent to residential land shall be subject to the following additional requirements unless otherwise specifically approved by the City in accordance with the Special Approvals section (Section 31) of this ordinance:

- 1) The buffer strip shall remain in its natural condition;

- 2) Removal or clearing of any existing vegetation (other than normal maintenance of the vegetation) or grading or regrading of any land within the required buffer strip shall be prohibited;
- 3) The City may require the installation of screening or other improvements within the buffer strip which increase the effectiveness of the buffer strip in protecting adjacent residential land from potentially adverse impacts in accordance with the Special Approvals section (Section 31) of this ordinance;
- 4) Vehicular access across the buffer strip shall be prohibited.

F. Prohibited Industrial Uses in I-PD Zoning District

Those uses listed as prohibited uses in the I-1, Light Industrial section (Section 15) of this ordinance.

Section 17. APD, Architectural Preservation District

A. Preamble and Purpose

The City of Centerville, recognizing the unique panorama of architectural history that has developed along the major cross-roads of our community, hereby declares as a matter of public policy that the preservation, protection, perpetuation, and use of areas, places, structures, works of art or similar objects having a special historical, cultural, or aesthetic interest or value is a public necessity, and is required in the interest of the health, safety, convenience, comfort, prosperity, or general welfare of the citizens of Centerville.

The purpose of this section (Section 17) of the zoning ordinance is to:

1. Protect the historic and architecturally significant buildings within the Architectural Preservation District.
2. Insure architectural harmony between buildings of widely varying architectural periods and styles.
3. Protect the existing residential uses within the Architectural Preservation District.
4. Stabilize, improve, and protect the property values of businesses within the Architectural Preservation District.
5. Strengthen the economy of the City of Centerville.
6. Protect and enhance the visual and aesthetic character, diversity, and interest in the City of Centerville.
7. Promote the use and preservation of historic sites and structures for the education and general welfare of the citizens of the City of Centerville.
8. Establish standards and criteria for the Architectural Preservation District.

The City of Centerville hereby intends that with the assistance of this section (Section 17) of the Zoning Ordinance and the spirit of our community, the Architectural Preservation District will serve as a living record of Centerville's past, present, and future for the benefit of all generations.

B. Principal Permitted Uses

1. Agriculture (Minimum lot area of five (5) acres required)

C. Accessory Uses

1. For non-residential uses, those accessory uses listed in the O-S, Office-Service Zoning District section (Section 10) of this ordinance.
2. For residential uses, those accessory uses listed in the R-1, Single-Family Residential Zoning District section (Section 6) of this ordinance.

D. Uses Requiring Special Approval (See the Special Approvals Section (Section 31) of this Ordinance for the procedures and additional requirements for the following uses).

1. Department of Development Special Approval

- a. Non-Residential Uses Those uses requiring Department of Development Special Approval listed in the B-1, Neighborhood Business Zoning District section (Section 12) of this ordinance
- b. Residential Uses Those uses requiring Department of Development Special Approval listed in the R-1, Residential Zoning District section (Section 6) of this ordinance
- c. Minor Exterior Alterations to Existing Buildings

Minor exterior alterations to existing buildings which clearly meet the requirements of this ordinance. Examples of such changes are as follows:

- 1) Siding - Changes to the color, texture, dimensions, or percentage of the exterior facade to be covered by the siding
- 2) Doors and Windows - A structural change of the frame, a change in the size and style, or the addition of storm windows or doors.
- 3) Shutters - The addition of shutters or the alteration of the size or style of shutters
- 4) Roofing - An alteration in the color and/or materials.

d. Painting (Colors not from the BAR Color Chart)

The painting or repainting of any exterior surface using a color scheme not selected from the BAR Color Chart but within the color requirements of this ordinance.

e. Storage Sheds (One Hundred Twenty (120) Square Feet in Gross Floor Area)

The installation of this size storage shed within the rear yard of a property whose sole use is a single-family residential dwelling unit.

f. Demolition of Buildings

The demolition of any building within the APD requires the approval of the BAR; however, the Staff Assistant to the BAR may approve a demolition application where an extreme safety hazard exists.

g. Parking, Sidewalks, Driveways, or any Other Paved Surface

The construction or alteration of parking, sidewalks, driveways, or any other paved surface on a lot.

h. Fencing

The construction or alteration of the design, color, or type of materials of all fences.

i. Works of Art, Non-Living Materials, and Structures(Not Including Buildings)

The addition of any of these items to a property shall be subject to this review procedure.

j. Lighting

The alteration of exterior lighting on a property

k. Drainage

The alteration of the design and layout of the storm water drainage system.

l. Signs

The erection of a sign in the APD subject to the provisions of the Sign Section (Section 23) of this ordinance.

m. Numerous Actions Listed Above

Where an applicant proposes several actions included in the list above or includes actions not listed that would result in a major change to the exterior appearance of the property, the Staff Assistant to the BAR shall refer those applications to the BAR through the Planning Commission Special Approval Procedure.

2. Planning Commission Special Approval

a. Non-Residential Uses Those uses requiring Planning Commission Special Approval listed in the B-1, Neighborhood Business Zoning District section (Section 12) of this ordinance

b. Residential Uses

1) Those uses listed as Permitted Uses in the R-3, Multi-Family Residential Zoning District section (Section 8) of this ordinance

2) Those uses requiring Planning Commission Special Approval listed in the R-1, Single-Family Residential Zoning District section (Section 6) of this ordinance

c. Site Plan Alterations Subject to this Procedure

The Board of Architectural Review (BAR) shall serve in place of the Planning Commission when reviewing applications within the Architectural Preservation District (APD) that involve the following Site Plan Alterations:

1) Minor Additions to Principal Buildings

An addition containing twenty-five (25) percent or less of gross floor area of the existing principal building to which the addition is to be attached and not exceeding one thousand (1,000) square feet in gross floor area.

2) Major Exterior Alterations to Existing Buildings

Examples of such changes are as follows:

a) Porch Enclosure or Alteration

b) Change in Exterior Building Wall Material

c) Alteration of Building Wall Openings

Alteration of the location, size, or shape of the exterior building wall openings (doors and Windows)

d) Roof Form Alterations

Changes to the roof design and shape (examples: addition of a gable, dormer window, cupola, or cornice work).

3) Painting or repainting of exterior building surfaces with Colors not from the BAR Color Chart and not conforming with the requirements of this ordinance.

4) Signs

The erection of a sign in the APD subject to the provisions of the Sign Section (Section 23) of this ordinance.

5) Accessory Buildings

Buildings detached from principal buildings which contain an accessory use that does not involve human occupancy of the building (excluding storage sheds less than one hundred twenty (120) square feet in gross floor area of a property whose sole use is single-family residential).

6) Demolition or Moving of Buildings

The demolition or moving of any building into or within the APD shall require approval by the BAR (except staff may approve a demolition application where an extreme health or safety hazard exists).

d. The BAR shall review and recommend action to the Planning Commission on a Site Plan that involves the following alterations:

1) A New Principal Building

2) Major Addition to a Principal Building

An addition to a principal building containing more than twenty-five (25) percent

of the gross floor area of the existing principal building to which the addition is to be attached or an addition exceeding one thousand (1,000) square feet of gross floor area.

- e. The BAR, in acting for the Planning Commission, shall be subject to all requirements of the Special Approvals Section (Section 31) of the Zoning Ordinance applicable to the Planning Commission.

3. Conditional Use Special Approval

- a. Non-Residential Uses Those uses requiring Conditional Use Special Approval listed in the B-1, Neighborhood Business Zoning District section (Section 12) of this ordinance
- b. Residential Uses Those uses requiring Conditional Use Special Approval listed in the R-3, Multi-Family Residential Zoning District section (Section 8) of this ordinance

4. Major Use Special Approval

None.

E. Requirements

1. General Requirements

All requirements for uses in the R-1, R-2, R-3, O-S, and B-1 zoning districts shall apply to uses in the APD unless modified in this section (Section 17) of the Zoning Ordinance.

2. Demolition or Moving of Buildings

a. Policy Statement

The demolition or moving of buildings within the APD shall require the approval of the Board of Architectural Review (BAR); however, staff may approve a demolition application where an extreme safety hazard exists. In order to grant such approval, the BAR must be satisfied that the building meets at least one (1) of the following criteria.

b. Criteria

1) Health and Safety Hazard

The building has been deemed to be a hazard to public health or safety and repairs are deemed to be unfeasible as determined by the Building Inspector or his designee.

2) Deterrent to Major Community Improvement

The building is a deterrent to a major community improvement which the applicant must demonstrate will be of substantial benefit to the community. This improvement must be shown to have great potential for increasing surrounding property values.

3) Rehabilitation Not Economically Feasible

Rehabilitation of the building is not economically feasible. It shall be the responsibility of the applicant to prove that rehabilitation of the building would not allow a reasonable economic return on the owner's investment.

4) Detriment to Community

The retention of the building would not be in the interest of the community as a whole as is determined by the BAR.

c. Demolition Delay Period of Three (3) Months

In cases where approval for demolition is granted, for reasons other than public health or safety, such approval shall not become effective until three (3) months after the date of the approval decision by the BAR in order to provide a period of time within which it may be possible to relieve a hardship or to cause the property to be transferred to another owner who will retain the building. This in no way implies approval by the Building Department whose approval must also be secured in addition to the approval of the BAR. The BAR may waive any portion of the three (3) month demolition delay period.

3. Ingress and Egress

Ingress and egress shall be regulated in accordance with provisions contained in the Access Control for Streets and Highways Section (Section 22) of this Ordinance.

4. Off-Street Parking and Loading

Off-Street Parking and Loading shall be regulated in accordance with provisions contained in the Off-Street Parking and Loading Section (Section 21) of this Ordinance.

5. Storm Water Drainage

Storm Water Drainage shall be regulated in accordance with provisions contained in the Supplemental Zoning District Requirements Section (Section 20) of this Ordinance.

6. Sidewalks

a. Policy Statement

All sidewalks located within dedicated public right-of-way or public roadway easements in the APD shall be of red brick type surface. This requirement shall be achieved in time through the installation of new brick sidewalks and the replacement of existing non-brick sidewalks.

b. Requirements

See the Supplemental Zoning District Requirements Section (Section 20) of this Ordinance for additional requirements.

7. Location of Buildings on the Lot

a. Parallel or Perpendicular to Street

All building fronts shall be located on the lot parallel or perpendicular to the front lot line.

b. Front Yard

The front yard shall approximate the average front yard of the lots on the block.

c. Corner Lots

All lot lines which are adjacent to public rights-of-way of thirty-five (35) feet or more in width shall require a front yard.

d. Side Yard

The side yard on each side of the building shall approximate the average side yard of the lots on the block.

8. General Design Requirement for Exterior Building Architectural Elevations

The general design requirement for exterior building architectural elevations shall be that the size, shape, location, materials, and architecture of all new or modified principal buildings, accessory buildings, and garages shall be visually compatible with the surrounding buildings. The more detailed standards and criteria of this ordinance which relate to building design shall be used to determine the visual compatibility of a building with the surrounding buildings.

9. Shape of Buildings

a. General Shape

Buildings shall be of a simple solid, rectangular shape with corners that are clear and defined with walls that extend perpendicularly to the ground.

b. Roof Shape

Buildings shall employ a sloped, pitched roof design with eaves.

c. Large Building and New Addition Shape

Very large new buildings and large additions to existing buildings shall be composed of smaller rectangular building units of varied sizes grouped and attached together.

10. Dimension of Buildings

a. Height

The height of the building shall approximate the average height of the existing buildings on the lots on the block.

b. Width to Height Proportion

The width and height of the front elevation of the building shall appear as a rectangle with the longest side of the rectangle being the width of the front elevation of the building.

11. Roofs

a. Design and Styles

1) Pitched Roof

All buildings shall have a pitched roof with eaves.

2) Proportion of Building Height as Roof

No more than one-half (1/2) of the building height may appear as a roof.

3) Cornices

Roofs and walls shall be joined by a cornice.

4) Roof Styles

a) Permitted

Gable, gambrel, or hip roof styles shall be permitted.

b) Prohibited

Flat, Mansard, false fronts, shed, and other style roofs not specifically permitted shall be prohibited.

5) Roof Additions

If it is necessary to add a roof, the original roof form shall be maintained by constructing the additions as gables, dormer windows, shed dormers, or cupolas.

6) Removal of Architectural Features Prohibited

The stripping of roof architectural features such as dormer windows, cupolas, risers, and gables from existing roofs is prohibited.

b. Materials and Texture

1) Roof Material

Roof material shall be in harmony with the style and features of the building.

2) Consistent Roof Materials

Roof materials shall be consistent over the entire roof.

3) Roof Texture

Roof textures shall be subtle and unobtrusive.

12. Chimneys and Flues

a. Construction Materials

Chimneys and flues shall be constructed of brick, stone or metal. Metal flues or chimneys shall be sized and located so as to be a subtle and unobtrusive element of the roof design.

b. Materials Prohibited

Imitation stone or brick or metal formed to look like stone or brick is prohibited.

13. Walls

a. Design and Styles

1) Ground Mounted

Walls shall extend from the ground up to the roof and have clearly defined corners.

2) Rectangular Building Block Construction

The walls shall fit together to form simple rectangular building blocks.

3) Flat Walls With Square Corners

Flat walls with square corners shall be required when additions are attached to the basic building.

4) Styles Prohibited

Fin walls, open arcades, walls constructed in suspended cantilevered forms, and exposed frames with infill panel walls are prohibited.

b. Materials, Pattern, Texture, Features, and Cleaning

1) Permitted Siding Materials

Wood, brick, or stone shall be permitted as siding materials.

2) Wood Siding

a) Narrow Width Siding

Narrow width siding, not exceeding eight (8) inches in overall board width, shall be used.

b) Construction Pattern

Wood siding shall be situated horizontally. Board and batten siding may be placed on any accessory building.

c) Additions or Alterations to an Existing Building

Siding, used for additions or alterations to an existing building, shall match the old siding in size and texture.

3) Brick Siding

a) New Bricks

1) Bricks, used in new construction, shall be situated horizontally.

2) New bricks, that replace old bricks on an existing building or used as a siding material for an addition to an existing building, shall match the old bricks in size, color, and texture.

b) Construction Patterns for Restorations or Alterations

Bricks shall be laid in the same pattern as was used in the original structure.

c) Mortar Used for Restorations or Alterations

Mortar shall duplicate the composition, color, texture, joint size, and joint profile of the original structure.

4) Stone Siding

a) New Stone

New stone, used for the restoration of an existing building or as a siding material for an addition or alteration to an existing building, shall match the old stone in size, color, and texture.

b) Construction Patterns, for Restorations or Alterations

Stone shall be laid in the same pattern as was used in the original structure.

c) Mortar Used for Restorations and Alterations

Mortar shall duplicate the composition, color, texture, joint size, and joint profile of the original structure.

5) Types of Siding Prohibited

a) Aluminum, Metal or Vinyl Siding Prohibited

The use of aluminum, metal, vinyl or other materials that are stamped, molded, cast, rolled, or pressed, as an exterior siding material shall be prohibited.

b) Stone or Concrete Panels or Concrete Block Prohibited

The use of marble, granite, exposed aggregate, or other similar stone or concrete panels or the use of concrete block as a siding material shall be prohibited.

c) Stucco Prohibited

The use of stucco for exterior building walls shall be prohibited.

6) Trim, Sill, and Corner Boards

The design and size of trim, sill, and corner boards shall be appropriate for the architectural style of the building.

7) Special Architectural Features

Special architectural features such as brackets, scrollwork, railings and pediments shall be retained.

8) Methods of Cleaning Prohibited

Sandblasting or waterblasting of wood, brick, or stone or the use of chemical cleaners on limestone is prohibited.

14. Wall Openings (Doors and Windows)

a. Architectural Compatibility

The architectural design of all wall openings (windows and doors) including the number, location, size, shape, style, trim, casing, lintel, sill, shutters, awnings, screening, storm protection, materials, and color shall be architecturally compatible with the proposed or existing building and the surrounding buildings.

b. Pattern of Wall Openings

Patterns and rhythms in window and door spacing that occur in surrounding buildings shall be incorporated into the proposed building wall planes.

c. Floor Levels

Floor levels shall be clearly indicated by the door and window arrangement and by the porch and roof design.

d. Portion of the Building Front Wall Plane Area Devoted to Wall Openings (Doors and Windows)

Approximately one-third (1/3) of the building front wall plane area shall be devoted to wall openings (doors and windows). Building walls containing large areas of glass shall be prohibited. Display windows located on the ground floor of commercial storefronts shall be permitted.

e. Projecting and Deeply Recessed Wall Openings Prohibited

Wall openings (doors and windows) which appear to be projecting or deeply recessed from the plane of the wall shall be prohibited.

f. Rectangular Shaped Wall Openings

All wall openings (doors and windows) shall appear rectangular in shape with the width of the wall opening being the shortest side of the rectangle. Picture windows and display windows located on the ground floor shall be permitted exceptions to this requirements, if they are compatible with the surrounding building window designs.

g. Arches

Only flat or flattened (segmented) arch construction at the top of wall openings shall be permitted. Italianate, High Roman, and Gothic arches are prohibited.

15. Exterior Color Chart

a. BAR Color Chart

Any color scheme selected from the BAR color chart shall be permitted. The BAR color chart shall be available for review by the public at the City of Centerville Offices.

b. Color Harmony on the Property

The color(s) used on each property shall harmonize.

c. Color Compatibility With Surrounding Properties

The color(s) used on each property shall be visually compatible with those colors used on adjacent properties.

d. Number of Colors

A maximum of three (3) different colors; one (1) base color with two (2) complimentary colors, shall be used on the exterior of each building.

e. Natural Color and Painting of Brick or Stone

Brick or stone natural color shall be reddish, beige, or white. Yellow, gray, and salt and pepper (black and white) colored brick are prohibited. The painting or repainting of brick or stone shall be permitted, but the color shall be in accordance with the BAR color chart.

f. Siding or Wall Color

Siding or wall color above the foundation line of the building shall be of a single muted, earth tone, color. Bright, flashy wall colors shall be prohibited.

g. Trim Color

Trim color shall be the same color as the wall or of another single color which harmonizes and contrasts with the wall color. Bright colors may be used for the trim, however, the trim color shall not clash with the wall color. Shutters or another major trim feature may be painted a third harmonizing color.

h. Roof Color

Roof color shall be of a muted, subdued color that harmonizes with the other colors of the building. Bright, clashing roof colors that attract attention to the roof shall be prohibited.

16. Screening

Screening shall be regulated in accordance with provisions contained in the Supplemental Zoning District Requirements Section (Section 20) of this Zoning Ordinance.

17. Fences

a. Permitted

Wooden fences of solid plain vertical boards, picket fences, or split rail fences shall be permitted with all building styles. Wrought iron or cast iron fences shall be permitted with brick or wood buildings.

b. Prohibited

- 1) Brick fences used with a stone building are prohibited.
- 2) Wooden fences with diagonal or basket weave board structure, or uneven tops are prohibited.
- 3) Cinder block, plaster, chain link, cyclone, and all other wire fences are prohibited.

18. Exterior Lighting

Exterior Lighting shall be regulated in accordance with provisions contained in the Supplemental Zoning District Regulations Section (Section 20) of this Zoning Ordinance.

19. Works of Art

Works of art that meet all of the following standards shall be permitted:

a. Quantity

The quantity of works of art per property shall be limited to the number that results in an uncluttered appearance to the property.

b. Architectural Compatibility on Property

The size, scale, proportion, and design of the works of art shall be architecturally compatible with the other buildings, structures, and other works of art located on the property.

c. Architectural Compatibility with Surrounding Properties

The work(s) of art shall be architecturally compatible with the surrounding properties.

20. Signs

Signs shall be regulated in accordance with provisions contained in the Sign Section (Section 23) of this Zoning Ordinance.

F. Establishment of the Board of Architectural Review (BAR)

1. Creation

In order to execute the purposes declared in this ordinance, there is hereby created a commission to be called the Board of Architectural Review (BAR).

2. Number of Members

The BAR shall consist of seven (7) members appointed by City Council.

3. Composition

In considering appointments or reappointments to the BAR, City Council shall attempt to achieve the following BAR composition:

- a. Four (4) members residing or conducting business within the APD.
- b. One (1) member of the Centerville Historical Society.
- c. Two (2) members not included in either category "a" or "b" above.
- d. City Council shall attempt to insure that at least one (1) of the above seven (7) members of the BAR shall have design expertise.

4. Residency

In considering appointments or reappointments to the BAR, the City Council shall give utmost consideration to applicants residing within the City of Centerville; however, applicants with professional, economic, or civic interests in the APD who reside outside the City of Centerville shall be eligible for membership on the BAR.

5. Term of Office

A member of the BAR serving an unexpired term of office under the ordinance repealed by this ordinance shall automatically be appointed by this ordinance to fulfill that unexpired term of office. The term of office for each newly appointed member of the BAR shall be three (3) years.

6. Compensation

Members of the BAR shall serve without compensation.

7. Vacancies

City Council shall appoint a new member to fill the unexpired term of any BAR member whose place has become vacant.

8. Removal from Office

Removal from office shall be in accordance with the provisions of the Charter of the City of Centerville, Ohio.

G. Rules of Procedure for the Board of Architectural Review (BAR)

1. Officers

A chairperson shall be appointed by City Council from the members of the BAR. The vice-chairperson shall be elected by the BAR from their own members.

2. Terms of Officers

The chairperson and vice-chairperson shall serve a one (1) year term of office.

3. Meetings

The members of the BAR shall hold as many meetings as may be necessary to carry out their duties.

4. Quorum

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

5. Minutes of the Meetings

The BAR shall keep a record, which shall be open to the public, of its resolutions, proceedings, substantive arguments, and actions.

6. 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.

7. Conflicts of Interest

No member of the BAR shall vote or participate in the 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 of Centerville Code of Ethics.

8. Additional Rules of Procedure

The BAR shall adopt additional rules of procedure as it deems necessary to conduct their business.

H. Duties and Powers of the Board of Architectural Review

1. Site Plan Review

The BAR shall have the power to approve or disapprove alterations to site plan element(s) within the APD in accordance with the requirements and procedures contained within this Zoning Ordinance.

2. Design Review Criteria Booklet

The BAR shall adopt, update, and make available to any interested persons a booklet containing architectural design guidelines for buildings, signs, landscaping, and screening within the APD. No information contained within this booklet shall be construed to be a legislative requirement for properties located within the Architectural Preservation Zoning District.

3. Demolitions

The BAR shall have the power to approve or disapprove the demolition of all buildings within the APD in accordance with the procedures and criteria established within this ordinance. However, staff may approve a demolition application where an extreme safety hazard exists.

4. Adoption of the BAR Color Chart

The BAR shall adopt a color chart of exterior building color schemes approved for use within the APD. This color chart and all adopted amendments to it shall be known as the BAR Color Chart and shall hereby be incorporated by reference and made a part of this ordinance.

5. Granting of a Variance

The BAR shall have the power to grant a variance from those provisions of the zoning ordinance which are subject to the approval of the BAR in accordance with the Variance Section (Section 32) of this ordinance.

6. Hiring of a Consultant

The BAR, with the approval of the City Manager or the City Council, may in special instances temporarily retain the services of a consultant to assist the BAR in performing its duties.

7. Establish Rules of Procedure

The BAR shall have the power to adopt rules of procedures as may be necessary to perform their duties.

8. Education of the Community

The BAR shall have the power and duty to inform the citizenry about the cultural and architectural history of the community.

9. Additional Powers

The BAR shall have all additional powers granted by the City Council.

I. Staff Assistance to the Board of Architectural Review (BAR)

The City Manager shall designate staff member(s) as necessary to assist the BAR.

Section 18. Reserved

Section 19. Reserved

Section 20. Supplemental Zoning District Requirements

A. District Requirements Applicable to All Zoning Districts

1. Accessory Building or Use

- a. An accessory use or building shall not be permitted prior to the establishment of a principal use or building on a premises.
- b. An accessory building shall:
 - 1) Not be located in the front yard of a lot
 - 2) Not be located in the required minimum side yard of a lot
 - 3) Not be located in the rear yard closer to a lot line than five (5) feet
 - 4) Not be located on a permanent foundation over an easement
 - 5) Not exceed eighteen (18) feet in height

2. Environmental Requirements

No land or building in any district shall be used or occupied in any manner creating dangerous, injurious, noxious, or otherwise objectionable conditions which could adversely affect the surrounding areas or adjoining premises, except that any use permitted by this ordinance may be undertaken and maintained if acceptable measures and safeguards are taken to reduce dangerous and objectionable conditions to acceptable limits as established by the following requirements:

a. Air Pollution

Air pollution shall be subject to the requirements and regulations established by the Ohio Environmental Protection Agency and the Regional Air Pollution Control Agency of the Montgomery County, Ohio Combined General Health District.

b. Electrical Disturbance

No activities shall be permitted which emit electrical disturbance affecting the operation of any equipment other than that of the creator of such disturbances. Any generated electrical disturbance shall comply with all applicable regulations of the Federal Communications Commission.

c. Erosion

No erosion, by either wind or water, shall be permitted which will carry objectionable substances onto neighboring properties.

d. Fire and Explosion Hazards

Adequate safety devices shall be provided where there are activities involving burning or storage of flammable or explosive materials, adequate safety devices shall be provided at any point. Adequate safety devices against the hazards of fire and explosion and adequate fire fighting and fire suppression equipment and devices, standard in the industry shall be provided. Burning of waste materials in open fire is prohibited.

e. Glare and Heat

- 1) Any operation producing intense light or heat, such as high temperature processes like combustion or welding, shall be performed within an enclosed building and shall not be visible beyond any lot line bounding the premises.
- 2) Welding that is required for exterior construction of a structure shall be exempt from these regulations.
- 3) No exterior lighting shall be positioned so as to extend glare onto an adjacent property or a public right-of-way.

f. Liquid or Solid Wastes

- 1) No discharge at any point into any public sewer, private sewerage disposal system, stream, or into the ground, of any materials of such nature or temperature as can contaminate any water supply, interfere with bacterial processes in sewage treatment, or otherwise cause the emission of dangerous or offensive elements, shall be permitted, except in accordance with minimum standards approved by the Montgomery County Health Department, the Ohio Department of Health, the Ohio Environmental Protection Agency, or such other governmental agency as shall have jurisdiction over such activities.

- 2) The use of dumpsters or other types of reasonably accessible waste containers for the disposal of potentially dangerous liquid or solid waste materials shall not be permitted.
- 3) The storage of large quantities of toxic material shall be prohibited.

g. Odors

No odor shall be emitted by any use permitted in any district in such quantities as to be readily detectable by a person not located on the premises.

h. Radioactive Materials

No activities shall be permitted which utilize fissionable or radioactive materials if their use results at any time in the release or emission of any fissionable or radioactive material into the atmosphere, the ground, or sewerage systems.

i. Sound

- 1) No premises shall emit, beyond any lot line bounding the premises, sound in excess of the maximum sound levels permitted by this ordinance, except that when the existing ambient sound level is at or above the maximum permitted sound level, a premises may not add more than three (3) dBA to the existing ambient sound level.
- 2) Sound level (dBA) - shall mean the "A" weighted measurement of a sound pressure level in decibels (referenced to 0.0002 dynes per square centimeter) in accordance with the American National Standard Specification for Sound Level Meters, ANSI-S1.4-1971.
- 3) Construction Noise

Temporary construction noise during the daytime shall be exempt from these sound level requirements.

Maximum Permitted Sound Levels (dBA)

Source of Sound and Time	Premises Receiving Sound		
	Residential	Commercial	Industrial
Residential			
Daytime	55	60	60
Night-time	50	50	50
Commercial			
Daytime	55	60	65
Night-time	50	50	55
Industrial			
Daytime	55	60	70
Night-time	50	50	60

Night-time shall mean the hours between 10:00 P.M. and 7:00 A.M.

j. Standards and Measurement Procedures

Standards and measurement methods and procedures for the determination of the existence of any dangerous and objectionable elements shall conform to applicable standards and measurement procedures published by the American Standards Association, Inc., New York, the Manufacturing Chemists' Association, Inc., Washington, D.C., the United States Bureau of Mines, the Ohio Environmental Protection Agency, Montgomery County Environmental Health District, and other similarly recognized organizations.

k. Storm Water Drainage

1) General

Due consideration shall be given to provisions for drainage, with particular reference to the effect on adjoining and nearby properties and on general drainage systems in the area. Where major drainage volumes appear likely and capacity of available systems is found marginal or inadequate, consideration shall be given to possibilities for recharge of ground water supply on the property, temporary retention with gradual discharge, or other remedial measures.

2) Standards

Storm water drainage improvements for lots shall be in accordance with the standards and criteria contained in the City Stormwater Runoff and Soil Erosion and Sedimentation Control Ordinance, the Improvements chapter of the Subdivision Regulations of the City of Centerville, and all other applicable ordinances.

1. **Trash Collection Facility**

1. A trash collection facility shall include a large container such as a dumpster or a small container such as a garbage can, bag or other similar container. No trash collection facility shall be located or stored in the front yard of a premises.
2. A small trash container(s) may be placed at the public right-of-way during the normal trash collection day.
3. A large trash collection facility shall be situated in a permanent location and placed on a concrete pad (3000 psi minimum). A dumpster pad shall be of a dimension that will allow a dumpster to sit entirely on the pad and to permit the front wheels of a trash disposal truck to rest on the pad while emptying said dumpster.

m. **Vibration**

Every use shall be so operated that ground vibration inherently and recurrently generated is not perceptible, without instruments, beyond any lot line bounding the premises. No vibration at any time shall produce an acceleration of more than 0.1G or shall result in any combination of amplitudes and frequencies beyond the "safe" range of the most recent edition of Table 7, U.S. Bureau of Mines Bulletin No. 442. The equation of said bulletin shall be used to determine the values for enforcement.

3. **Exceptions to Height Regulations**

The height limitations contained in the District Regulations do not apply to spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys, or other appurtenances usually required to be placed above the roof level and not intended for human occupancy.

4. Exterior Lighting Requirement

a. General Design

Due consideration shall be given to the number, size, character, location, and orientation of all exterior lighting fixtures; with particular reference to traffic safety, glare, and compatibility and harmony with adjoining and nearby property, and the character of the area.

b. Intensity

The level of illumination shall be low so as to present a soft and subdued appearance to the property.

c. Beam spread

The beam spread of light fixtures shall be designed so that the effect on adjacent properties shall be minimal.

d. Glare

No light fixtures shall be permitted which appear as glare from any public right-of-way.

e. Color

White and yellow shall be the only permitted illumination colors.

f. Movement

The movement of light fixtures while they are producing illumination shall be prohibited.

g. Sign Illumination

See the Sign section (Section 23) of this Zoning Ordinance.

5. Fences and Walls (excluding Hedges and Vegetation)

a. Agricultural Uses Exempt

Any premises whose principal use is agriculture shall be exempt from the following provisions except that no fence shall be constructed in the public right-of-way.

b. Fences in Public Right-of-Way Prohibited

No fence shall be located within a public right-of-way.

c. Front Yard

1) Maximum height permitted - four (4) feet

2) Style or type:

Permitted - Picket, split rail, and wrought iron fences.

Prohibited - Chain link, open wire mesh, solid board privacy fence, or brick or masonry walls.

Exempted - Retaining walls or short sections of walls or fences that are primarily of a decorative rather than an enclosing nature.

d. Side and Rear Yard

1) Maximum height permitted - seven (7) feet

2) Tennis court exception - twelve (12) feet maximum height (However, any part of a tennis court fence above seven (7) feet high must be constructed of an open material which minimally obstructs vision.

e. Dangerous Fences - Electrified, barbed wire, or other such fences designed to inflict pain or cause injury shall be prohibited.

6. Screening Requirement

Screening shall mean the provision of an eye-level barrier of living or non-living material in order to separate or obscure an adjacent view three hundred sixty-five (365) days of the year.

a. When Required

1) Non-Residential Abutting Residential

Any non-residential use shall be required to provide screening along any mutual property line shared with a residential use. A property having both residential and non-residential uses shall be considered a non-residential use property. A multi-family

residential use shall be required to screen to any adjoining single-family residential use.

2) Screening of Large Trash Collection Facilities

If a site plan contains a large exterior trash collection facility such as a dumpster, this area shall be screened so as to not be visible from a public right-of-way or an adjacent property.

3) Front Yard Screening Not Required

No screening shall be required in the front yard of a property.

b. Height

Screening, when required, shall be a minimum of six (6) feet high.

c. Traffic Hazard

Where located adjacent to a dedicated public right-of-way, screening shall not be permitted to obstruct clear vision so as to create a potential traffic hazard.

d. Materials

1) Natural Materials Required

Only natural materials such as stone, brick, wood, or thick evergreen plants, shall be used for screening.

2) Compatibility

Screening shall be visually compatible with buildings, walls, fences, or other structures in the immediate area.

7. Outdoor Storage, Sale or Display

Outdoor storage, sale, or display shall be prohibited in all zoning districts unless specifically permitted elsewhere by this ordinance.

8. Sidewalks for Multi-Family or Non-Residential Uses

The provisions for sidewalks, as stated in this section, (Section 20) shall only apply to non-residential or multi-family residential uses.

a. Location

Sidewalks, when required, shall be located within the public right-of-way adjacent to the premises.

b. When Required

The following building gross floor area changes to a property shall require the installation of new sidewalks and/or the upgrading of deteriorated sidewalks.

- 1) Construction of a new detached principal building
- 2) A major addition to a principal building containing more than twenty-five (25) percent of the gross floor area of the existing principal building to which the addition is attached or an addition exceeding one thousand (1,000) square feet in gross floor area.

c. When Not Required

Minor building additions containing twenty-five (25) percent or less of the gross floor area of the existing principal building and not exceeding one thousand (1,000) square feet in gross floor area, construction of accessory buildings, exterior alterations to existing buildings, and demolitions shall not require the installation of sidewalks.

d. Construction Specifications for Sidewalks

Sidewalks shall be constructed to standards and specifications as adopted by the City.

e. Handicapped Access to Sidewalks to be Provided

Handicapped access to sidewalks shall be provided in accordance with standards and specifications as adopted by the City.

9. Structures to have Access

Every building hereafter erected or moved shall be on a lot with access to a public street or with access to an approved private street, and all structures shall be so located on lots as to provide safe and convenient access for servicing, fire protection, and required off-street parking.

B. Requirements Applicable to Residential Zoning Districts

1. Average Depth of Front Yard

In the Agricultural or Residential Zoning Districts, where the average depth of at least two (2) existing front yards on lots within one hundred (100) feet of a lot in question and within the same block front is less or greater than the least front yard depth prescribed elsewhere in this Ordinance, the required depth of the front yard on such lot shall be modified. In such a case, the depth of the front yard shall not be less than the average depth of existing front yards, or the average depth of existing front yards of the two (2) lots immediately adjoining, or, in the case of a corner lot, the depth of the front yard immediately adjoining. The depth of a front yard on any lot shall be at least ten (10) feet but not required to be more than sixty (60) feet.

2. Erection of One (1) Principal Building on a lot

In no case shall more than one (1) principal building, and its accessory buildings, be located on one (1) lot unless granted by a Special Approval.

3. Erection of Private Garage Space on a Lot

A private garage or garages may be constructed on a residential lot providing:

1. A single-family lot may have a maximum of four (4) garage parking spaces.
2. Multi-family uses may have a maximum of two (2) garage parking spaces for each dwelling unit.

4. Garage Sale

A garage sale may be conducted on a residential premises for a period of time not to exceed three (3) days in any evenly divided quarter of a calendar year.

5. Home Occupation

A home occupation is that accessory use of a dwelling that shall constitute either entirely or partly the livelihood of a person living in the dwelling, subject to the following:

- a. No home occupation shall be permitted that:
- 1) Changes the outside appearance of the dwelling or is visible from the street
 - 2) Generates traffic, parking, noise, light, odor, sewerage or water use in excess of what is normal in the residential neighborhood
 - 3) Creates a hazard to person or property, results in electrical interference, or becomes a nuisance
 - 4) Results in outside storage or display of anything.
- b. The following uses are examples of permitted home occupations provided they do not violate any of the provisions of the previous paragraph:
- 1) Dressmaking, sewing, and tailoring
 - 2) Computer programming
 - 3) Home cooking and preserving
 - 4) Home crafts, such as model making, rug weaving, lapidary work, and cabinet making
 - 5) Home office
 - 6) Painting, sculpturing, or writing
 - 7) Pet grooming
 - 8) Photography
 - 9) Tax Examination
 - 10) Telephone answering or secretarial work
 - 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
- c. The following uses are prohibited as home occupations:
- 1) Barber shop or beauty salon
 - 2) Animal hospital

- 3) Dancing studio
- 4) Mortuary
- 5) School: Nursery, Kindergarten, Day Care
- 6) Private club
- 7) Repair shop
- 8) Restaurant
- 9) Commercial stable
- 10) Kennel
- 11) Tourist home
- 12) Automobile repair or paint shop

6. Outdoor Recreational Facilities Primarily for Persons Living on a Premises.

- a. Location - Outdoor recreational facilities shall be subject to the same location requirements as an accessory building with the exception that one basketball hoop, backboard, and pole may be located in the front or side yard of a lot.
- b. A swimming pool shall not be located underneath or in close proximity to an overhanging electric power line.
- c. Fencing of Swimming Pools - A swimming pool, or the entire rear yard of the premises on which it is located, shall be walled or fenced to prevent uncontrolled access by children from the street or from adjacent properties. The required fence shall be a minimum of five (5) feet in height and maintained in good condition with a self-locking gate.
- d. In the case of an above-ground swimming pool, the sides of the pool can serve as all of or a part of the fence height requirement, as long as any ladder or other device for scaling the fence to the swimming pool is blocked or removed to a position not allowing easy access to the swimming pool.
- e. Swimming pools twenty-four (24) inches or less in depth shall be exempt from the above fencing requirement.

- f. Natural or manmade ponds, lakes, or streams shall not be considered swimming pools under this provision.

7. Projection of Architectural Features

Certain architectural features may project into a required yard as follows:

- a. A cornice, canopy, eaves, or other architectural feature may project a distance not exceeding four (4) feet
- b. A bay window, balcony, or chimney may project a maximum distance of four (4) feet, provided such features do not occupy, in the aggregate, more than one-third (1/3) of the length of the building wall on which they are located.

8. Reduction of Minimum Lot Area and Minimum Lot Frontage Requirements by Dedication of Parkland

These provisions shall apply to single or two-family residential development.

- a. Upon approval by the City, in accordance with the Planning Commission Special Approval Procedure (See Section 31), where public parkland or public open space is dedicated to the Centerville-Washington Park District or the City of Centerville and where such parkland or open space is planned to properly serve a lot proposed for development, an area of up to sixteen (16) percent may be deducted from the minimum lot area and a distance of up to an equal percentage may be deducted from the minimum lot width, provided that for each lot so reduced below the minimum lot area, the park or open space is increased an amount equal to the area which said lot is reduced in area.
- b. In the case where more than one lot is to be reduced, the lot reduction requirement of lot area and lot width may be averaged over all or a portion of the lots in the proposed new development provided that the average lot area and the average lot width are not less than the requirements for a single lot as established in the above paragraph.
- c. Upon approval of the Planning Commission, a fee in lieu of dedication of parkland or open space may be substituted and held in safekeeping by the

Centerville-Washington Park District or the City of Centerville for the sole purpose of acquiring parkland or open space properly serving the lot or lots reduced. The fee shall be equal to the value of a neighborhood park equivalent in area to the aggregate area the lot or lots are reduced, said lot being complete with street, sidewalk and utilities across 400 feet of street frontage. The value shall be determined by appraisals acceptable to the Planning Commission.

C. Requirements Applicable to Non-Residential Zoning Districts

1. Architectural Design Requirement for Exterior Building Elevations

The general design requirement for exterior building architectural elevations shall be that the shape, materials, and architecture of all new or modified principal buildings, and accessory buildings shall create a unified design on the premises and shall be visually compatible with the surrounding buildings.

2. Erection of More than One Principal Structure on a Lot

More than one (1) structure, housing a permitted principal use or a use requiring special approval, may be erected on a single lot, in any non-residential zoning district, provided that all other requirements of this ordinance shall be met for each structure as though it were on an individual lot.

Section 21. Off-Street Parking and Loading Areas

A. Purpose

The intent of this section is to:

1. Provide for off-street parking and loading areas to assure that all developments adequately and safely provide for the parking, loading, and movement of vehicles on a premises.
2. Off-street vehicle parking and loading space shall be required for all land uses as specified in the standards in this section (Section 21) of this ordinance.

B. Off-Street Parking Standards

1. General Standards

Off-street parking facilities as required on a premises by this ordinance shall be used solely for the parking of motor vehicles in operating condition by patrons, occupants, or employees of the premises.

2. Parking of an unlicensed vehicle, commercial vehicle, or trailer on a residentially zoned premises
 - a. A maximum of one (1) automotive vehicle or trailer of any kind or type without a current license plate may be parked or stored on any residentially zoned property other than in a completely enclosed building.
 - b. The parking of a utility trailer in the front yard of a residentially zoned premises shall be prohibited.
 - c. A maximum of one (1) commercial vehicle having an empty weight of less than 5,000 pounds and not more than seven (7) feet in height may be parked on any residentially zoned premises other than in a completely enclosed building.

C. Size and Design

1. Off-street parking spaces shall meet or exceed the minimum design standards for parking lot layouts as set forth in this section (Section 21) of the zoning ordinance. The minimum size for an off-street parking space as indicated in Table 21-1 shall be eighteen (18) feet in length by nine (9) feet wide.

2. Minimum Design and Construction Standards
 - a. Off-street parking may be open to the sky, or enclosed in a building or structure, either above or below ground. Off-street parking areas shall meet acceptable engineering standards as set forth by the Department of Development for such things as driveway widths, island design, curbs, barriers, grades, turning radii, vertical clearance, stacking and waiting areas and drainage.

 - b. Non-Residential Uses (including Multi-Family Residential Uses)
 - 1) Each off-street parking space shall open directly into an aisle or driveway of adequate width and design for safe and efficient vehicular access to the parking space. No parking space shall open directly onto any public street.

 - 2) An aisle or driveway shall not be used for parking of vehicles.

 - 3) All off-street parking areas shall be graded and have a paved surface.

 - 4) A driveway permit shall be required from the Department of Development for any new driveway opening onto a public street.

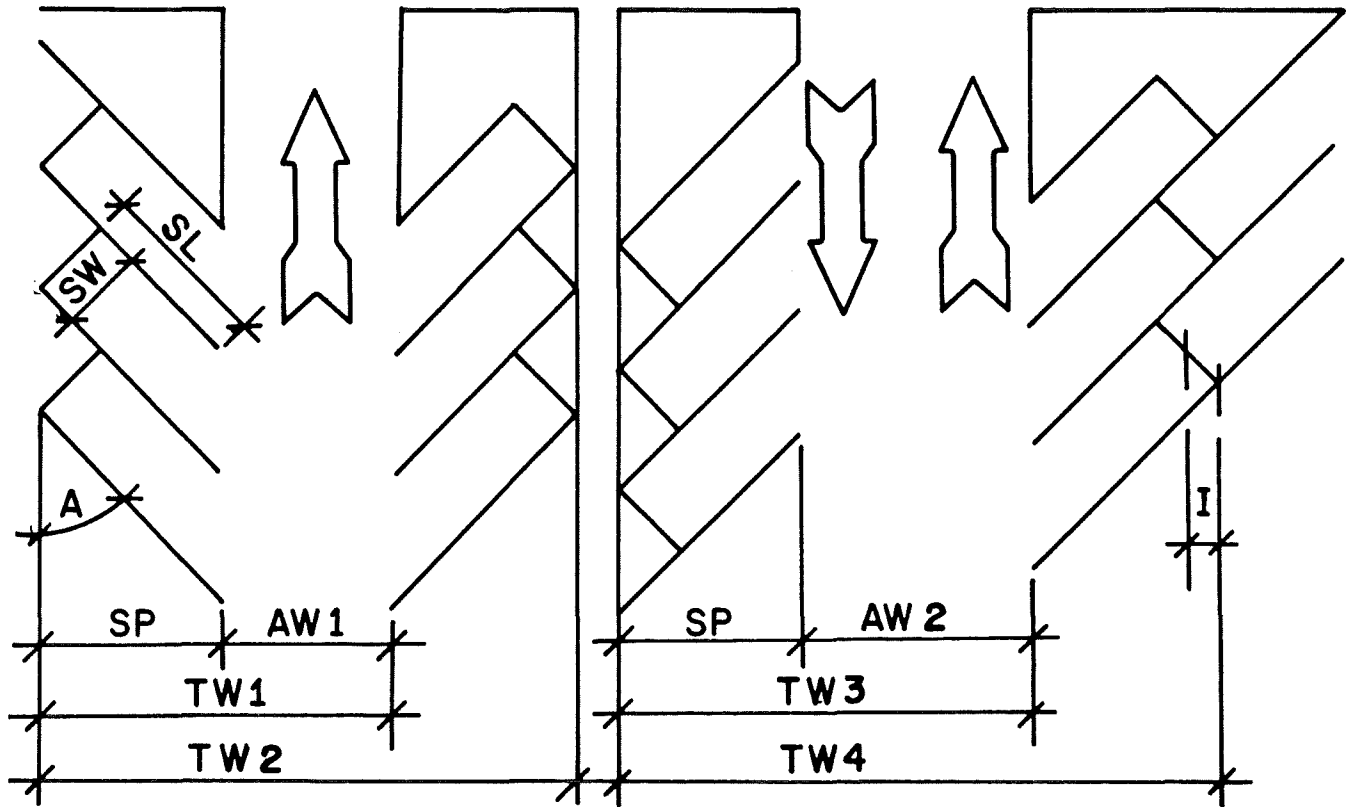
 - c. Single-Family and Two-Family Residential Uses
 - 1) A driveway for a single-family or two-family residence shall be counted as a parking space or spaces for such dwelling unit.

 - 2) Additional parking spaces in excess of the minimum required number of parking spaces shall not be required to have a paved surface when located in the side or rear yard of the lot.

d. Driveway Width

Refer to Access Control for Streets and Highways section (Section 22) of this ordinance for driveway width requirements.

Figure 21-1: Typical Parking Layout and Dimensions



Legend:

- A - Parking Angle
- SW - Stall Width on Angle
- SL - Stall Length on Angle
- SP - Stall Length Perpendicular to the Aisle
- AW1 - One-Way Aisle Width
- AW2 - Two-Way Aisle Width
- TW1 - Total Width of One (1) Stall with a One-Way Aisle
- TW2 - Total Width of Two (2) Stalls with a One-Way Aisle
- TW3 - Total Width of One (1) Stall with a Two-Way Aisle
- TW4 - Total Width of Two (2) Stalls with a Two-Way Aisle
- I - Reduction, Per Stall, in the Total Width for Interlocking Stalls

Refer to Table 21-1, Minimum Design Standards for Off-Street Parking Areas, for actual measurements used in the design of a parking area.

TABLE 21-1: MINIMUM DESIGN STANDARDS FOR OFF-STREET PARKING AREAS

Parking Angle (In Degrees) A	0° (Parallel)	30°	45°	60°	90°
Stall Width on Angle SW	24	9	9	9	9
Stall Length on Angle SL	8	18	18	18	18
Stall Length Perpendicular to Aisle SP	8	17	19	20	18
Aisle Width - One-Way AW1	12	12	12	18	24
Aisle Width - Two-Way AW2	20	20	20	22	24
Total Width - 1 Stall One-Way Aisle TW1	20	29	31	38	42
Total Width - 2 Stalls One-Way Aisle TW2	28	46	50	58	60
Total Width - 1 Stall Two-Way Aisle TW3	28	37	39	42	42
Total Width - 2 Stalls Two-Way Aisle TW4	36	54	58	62	60
Reduction in Total Width for Interlock (Per Stall) I	0	3.9	3.2	2.3	0

NOTE: All figures are measured in feet, unless otherwise noted

4. Curbing and Wheel Stops

a. Where Required

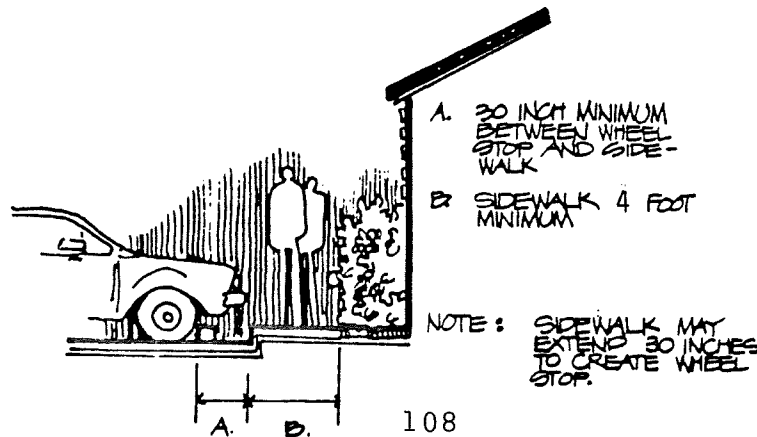
A continuous curbing and/or the installation of wheel stops shall be required for any parking lot or portion thereof, as determined by the Director of Development or his designee, where any of the following conditions exist:

- 1) Encroachment of a vehicle into any traffic aisle, pedestrian walkway or sidewalk;
- 2) Parking area abuts a wall, light standard, fence, or any other structure; or
- 3) A severe grade change or embankment at the edge of a parking area.

b. Standards

- 1) All curbing shall be six (6) inches in height and may be made of concrete, stone, timber or similar material. The use of asphalt as a curb material shall be prohibited.
- 2) Wheel stops shall be made of concrete at least six (6) feet in length and permanently affixed to the paved surface beneath it.
- 3) All curbing and wheel stops shall provide a minimum clearance of at least thirty (30) inches from any adjacent sidewalk, traffic aisle, embankment, wall, fence or other structure.
- 4) A sidewalk adjacent to a building may be used as a curb or wheel stop providing said sidewalk is a minimum of six and one-half (6-1/2) feet in width.

Figure 21-2: Space Separation Between Sidewalks and Wheel Stops



5. Drainage

All off-street parking areas shall meet the standards for stormwater runoff control as adopted by the City of Centerville.

6. Marking

Designated parking spaces shall be marked on the surface of the parking area with paint or permanent marking materials and maintained in a clearly visible condition. Where driveways intersect the public right-of-way, the paint lines dividing vehicle paths and other pavement markings shall be in accordance with the State of Ohio Uniform Traffic Control Manual.

7. Landscaping Required

All parking lots exceeding twenty (20) parking spaces shall include interior landscaped areas in the overall design. This requirement shall include only those landscaped areas encompassed by the perimeter of the parking lot. Required parking or paving setbacks, screening areas, or other landscaping required by this Ordinance shall not be utilized to meet any requirement of these landscaping provisions.

- a. Any parking lot having a capacity of at least twenty (20) parking spaces shall be required to have not less than five (5) percent of the interior of the parking lot landscaped.
- b. The landscaped area shall include living plantings aesthetically located and maintained. The use of concrete, asphalt or other paved surface inside the required landscape areas shall be prohibited.
- c. All landscaped areas shall be designed and located in a manner that clearly defines internal streets, traffic lanes and parking areas and to standards acceptable to the Department of Development.
 - 1) Landscaped areas shall have a minimum width of five (5) feet.
 - 2) A turning radius shall be constructed where a landscaped area defines an intersection of streets, traffic lanes, or parking stalls.
 - 3) Concrete curbing shall be placed around the perimeter of all landscaped areas.

- 4) Intersection sight distance shall be maintained at all entrance and exit points to a public street and all internal intersections of streets and traffic lanes.

8. Parking for Handicapped Persons

Any parking area to be used by the general public shall provide parking spaces designed and located to adequately accommodate the handicapped, and those spaces shall be clearly marked as such. The number, design and location of such spaces shall be consistent with the provisions of the City Building Code.

9. Mixed Uses

The total requirement for off-street parking facilities for mixed occupancies or for parking areas shared by two (2) or more buildings shall be the sum of the requirements for the various uses computed separately.

10. Joint Use of Parking Spaces

The Director of Development or his designee may authorize a reduction in the total number of required off-street parking spaces for two (2) or more non-residential uses providing their respective hours of operation do not normally overlap. Examples of these types of uses are restaurants, theaters, churches, school auditoriums, banks, business or professional offices, and retail or personal service establishments. Reduction of joint use parking shall be subject to the following conditions:

- a. Not more than fifty (50) percent of the total number of off-street parking spaces required may be located on another premises.
- b. The applicant shall submit data to indicate that there is no substantial conflict in the principal operating hours of the uses proposing to make use of the joint parking facilities.

E. Location

1. Single- or Two-Family Residential Uses
 - a. Front, side, or rear yard parking shall be permitted for single- or two-family residential uses.
 - b. The total paved area shall not cover more than thirty-five (35) percent of the required front yard of a single- or two-family residential use.
2. Multi-Family Residential or Non-residential Uses (Excluding the Architectural Preservation District)
 - a. All off-street parking shall be located behind the minimum front, side, or rear setback line for parking or paving.
3. Architectural Preservation District
 - a. All parking shall be located in the rear yard of all non-residential, multi-family or mixed residential and non-residential uses. Front yard or side yard parking for these uses shall be prohibited, however, side yard parking for a corner lot shall be permitted.
 - b. Side and front yard parking shall be permitted for single- and two-family residential uses.
4. Zoning District

All required off-street parking shall be located in the same zoning district as the use served or a zoning district where the use served is a principal permitted use or a use requiring special approval.
5. Proximity to the Use Served
 - a. All required off-street parking facilities shall be situated on the same lot as the use it is intended to serve. However, if the Director of Development or his appointed designee, determines that it is not feasible for a building or use to fulfill their total parking requirement on the premises, parking may be located off-premises provided that:
 - 1) The farthest public or customer parking space is not more than four hundred (400) feet away from the premises

2) The farthest employee parking space is not more than one thousand (1,000) feet away from the premises

3) Such parking area meets all other requirements of this ordinance.

b. In no event shall the required parking for a residential use be located elsewhere than on the premises for which such parking is required.

6. Parking Provided Under Separate Ownership

If a use requiring parking spaces is in one (1) ownership and all or part of the required parking spaces provided is in another ownership, the property owners involved shall submit a legal agreement, approved by the Law Director, guaranteeing that the required parking spaces shall be maintained so long as the use requiring parking is in existence or unless the required parking is provided elsewhere in accordance with the provisions of this ordinance. Such instrument shall be recorded by the property owner in the office of the Montgomery County Recorder and a copy filed with the Planning Department.

F. Computation

1. Number of Spaces

When determination of the number of off-street parking spaces required by this section (Section 21) results in a fraction less than one-half ($1/2$), may be disregarded and a fraction equal or greater than one-half ($1/2$), shall be counted as one (1) parking space.

2. Units of Measurement

For the purpose of determining off-street parking requirements, the following units of measurement shall apply:

a. Floor Area

Floor area for non-residential purposes shall be the sum of the gross horizontal area of all floors of a building measured from the exterior faces of the exterior walls.

b. Hospital Beds

In hospitals, bassinets shall not be counted as beds.

c. Places of Public Assembly

1) Benches

In stadiums, sports arenas, churches and other places of assembly in which those in attendance occupy benches, pews or other similar seating facilities, each twenty (20) inches of such seating facilities shall be counted as one (1) seat.

2) Fixed Seats and Assembly Areas

In cases where a place of assembly has both fixed seats and open assembly area, requirements shall be computed separately for each type and added together.

d. Employees on the Largest Work Shift

Employees on the largest work shift means the maximum number of employees which could be employed at a facility, regardless of the time period during which this occurs and regardless of whether any such person is a full-time employee. The largest work shift may be a particular day of

the week or a lunch or dinner period in the case of a restaurant.

e. Capacity

Capacity means the maximum number of persons which may be accommodated by the use as determined by its design or by fire code regulations, whichever is greater.

G. Number of Parking Spaces Required

1. Residential Uses
 - a. Single-family or two-family residential: three (3) spaces per dwelling unit
 - b. Multi-family residential: two (2) spaces per dwelling unit
2. Special Residential Uses
 - a. Dormitory, convent or monastery: one (1) space per six (6) residents plus one (1) space per employee
 - b. Corporate guest house: one (1) space per two (2) bedrooms, plus one (1) space per employee
 - c. Residence family or group home: one (1) space per four (4) residents plus one (1) space per employee
 - d. Retirement village or senior citizen housing: one (1) space per dwelling unit, plus one (1) space per employee
3. Institutional and Recreational Uses
 - a. Cemetery: one (1) space per employee, plus one (1) space per four (4) seats in any chapels
 - b. College, university or seminary: one (1) space for every three (3) student classroom seats, plus one (1) space per employee
 - c. Community center, library, museum, art gallery, botanical garden or other establishments of historical, educational and cultural interest: one (1) space per two hundred fifty (250) square feet of gross floor area, plus one (1) space per employee on the largest work shift
 - d. Day Care, Kindergarten, Nursery: one (1) space per employee, plus one (1) space per five (5) children at capacity, plus a drop-off area consistent with the provisions of this ordinance
 - e. Elementary or junior high school: one (1) space per employee, plus one (1) space per two (2) classrooms
 - f. High school: one (1) space per employee, plus one (1) space per six (6) students at capacity

- g. Hospital or medical center: one (1) space for every two (2) beds, plus one (1) space for every staff and employee on the largest work shift
- h. Place of worship: one (1) space per four (4) seats at maximum capacity in the main auditorium
- i. Public office or building: one (1) space for every two hundred fifty (250) square feet of gross floor area
- j. Nursing or personal care facility, including a nursing home, extended care facility, rest home or convalescent home: one (1) space per six (6) beds, plus one (1) space for each staff and employee on the largest work shift
- k. Recreational uses, indoor and outdoor:

In addition to the following requirements, all recreational uses shall provide one (1) space for every two (2) employees on the largest work shift.

All recreation uses shall provide the total number of spaces required for the specific combination of recreational facilities provided, based on the following:

- 1) Auditorium, arena, stadium, gymnasium, or a playing field with stands: one (1) space for every four (4) seats at capacity
- 2) Golf course: ten (10) spaces per hole, plus fifty (50) percent of the spaces otherwise required for any accessory uses (e.g., a bar, restaurant, pro shop)
- 3) Park, playground, nature area or open space: one (1) space for every five (5) users at maximum capacity. The Director of Development or his designee may waive any portion or all of this requirement for neighborhood parks, nature areas and open space providing there is adequate on-street parking
- 4) Recreation center: one (1) space for every two hundred fifty (250) square feet of floor area, except those designed for use exclusively by senior citizens or youth under age sixteen (16), in which case there shall be one (1) space for every seven hundred fifty (750) square feet

- 5) Skating rink: one (1) space per three hundred (300) square feet of gross floor area
- 6) Swimming pool: one (1) space for every seventy-five (75) square feet of water surface area
- 7) Tennis, racquetball or handball court: indoor - four (4) spaces for each playing court; outdoor tennis courts - two (2) spaces for each court

4. Business and Professional Offices

- a. Animal hospital or veterinary clinic: three (3) spaces for each examination room, plus one (1) space for each staff and employee
- b. Business, professional office or association: one (1) space per three hundred (300) square feet of gross floor area, but not less than two (2) spaces per office.
- c. Medical office or clinic: three (3) spaces per treatment or examination room or chair, plus one (1) space per staff and employee, but not less than five (5) spaces per practitioner.

5. Retail Commercial and Service Uses

- a. Commercial school or studio: one (1) space for every three (3) students at capacity and one (1) space for each employee
- b. Commercial Stable: one (1) space for every two (2) horses (or other riding animals), based on the number of horse stalls or maximum number of horses permitted on the property, plus one (1) space for each employee on the largest shift
- c. Cleaning service: one (1) space for every three hundred (300) square feet of sales and office area, plus one (1) space for every employee on the largest work shift, plus one (1) space for every company or service vehicle regularly parked on the premises.
- d. Financial establishment, bank or savings and loan association: one (1) space per two hundred (200) square feet of gross floor area, plus one (1) space per employee on the largest work shift, plus five (5) stacking spaces per drive-in window or drive-through machine

- e. Funeral home or mortuary: one (1) space for every fifty (50) square feet of public floor area, plus one (1) space for each employee, plus one (1) space for each business vehicle
- f. General merchandise store or supermarket: one (1) space for each one hundred fifty (150) square feet of gross floor area used for sales and display and one (1) space for every two hundred fifty (250) square feet of storage, warehouse and office area
- g. Home furnishing, home improvement or equipment store: one (1) space for each four hundred (400) square feet of indoor and outdoor sales and display area and one (1) space for each eight hundred (800) square feet of office, storage and warehouse area
- h. Nursery or garden supply store: one (1) space for each employee on the largest shift, one (1) space for each two hundred (200) square feet of gross floor area of inside sales or display and one (1) space for each one thousand (1,000) square feet of exterior sales and display area
- i. Pet store: one (1) space for every two hundred (200) square feet of gross floor area
- j. Restaurant, table service or cafeteria style: one (1) space per two (2) seats, plus one (1) space per two (2) employees on the largest shift with a minimum of fifteen (15) total spaces
- k. Specialty retail commercial, specialty food store, personal service and commercial center, shopping center: one (1) space for every two hundred (200) square feet of gross floor area less than two thousand (2,000) square feet and one (1) space for every two hundred fifty (250) square feet of gross floor area greater than two thousand (2,000) square feet, except that commercial entertainment uses in commercial centers shall provide additional parking as required in the Road Service and Commercial Entertainment Uses listed below

6. Road Service and Commercial Entertainment Uses

- a. Automobile accessories sale or installation: two (2) spaces for every service bay, plus one (1) space for each employee, plus one (1) space for every four hundred (400) square feet of sales area

- b. Automobile filling station and auto repair, painting and body shop: two (2) spaces for each service bay, plus one (1) space for each employee and service vehicle, with a minimum of six (6) spaces, plus one (1) space for every one hundred twenty five (125) square feet of retail floor area if a convenience store is an accessory use
- c. Automobile washing facility: one (1) space for each employee with a minimum of four (4) spaces, plus five (5) off-street waiting spaces for each car washing device or stall, or fifteen (15) off-street waiting spaces for an assembly line type washing establishment, and two (2) parking spaces at the end of each washing bay for drying and hand-finishing vehicles
- d. Commercial Entertainment:
 - 1) Bowling alley: five (5) spaces for each alley, plus any additional spaces required for a bar, restaurant or other accessory use
 - 2) Assembly or exhibition hall: one (1) space for every fifty (50) square feet of floor area
 - 3) Game room: one (1) space for every two (2) patrons at maximum capacity, plus one (1) space for every two (2) employees on the largest work shift
 - 4) Golf driving range: one (1) space per tee, plus one (1) space per employee on the largest work shift
 - 5) Miniature golf: one and one-half (1-1/2) spaces per hole, plus one (1) space per employee on the largest work shift
 - 6) Other outdoor commercial entertainment: one (1) space for every four (4) patrons at maximum capacity, plus one (1) space for every two (2) employees on the largest work shift
 - 7) Theatre, concert hall or meeting and banquet hall: one (1) space for every two and one-half (2-1/2) seats at capacity
- e. Convenience food store, mini-market or carry-out: one (1) space for every one hundred twenty-five (125) square feet of floor area

- f. Drive-through store, including a photo kiosk or freestanding automatic teller machine: one (1) space for each employee, plus stacking space for five (5) vehicles, plus one (1) space for each two hundred (200) square feet of sales area open to the public
 - g. Fraternal and social association or private club: one (1) space for every fifty (50) square feet of floor area in assembly or meeting rooms, plus one (1) space for every two hundred (200) square feet of other floor area
 - h. Hotel or motel: one (1) space per room or suite, plus one (1) space for every three (3) employees on the largest work shift, plus one (1) space per three (3) persons to the maximum capacity of each public meeting and/or banquet room, plus fifty (50) percent of the spaces otherwise required for accessory uses (e.g., restaurants and bars)
 - i. Restaurant, fast food: one (1) space per two (2) seats, plus one (1) space per two (2) employees on the largest shift with a minimum of fifteen (15) total spaces plus stacking space for eight (8) vehicles shall be provided for each drive-in window, with such stacking spaces to be located behind the point where a drive-in order is placed
 - j. Tavern, bar or nightclub: one (1) space for every fifty (50) square feet of gross floor area, plus one (1) space for each employee on the largest work shift
 - k. Vehicle sale or service: one (1) parking space for each eight hundred (800) square feet of floor area, plus one (1) space for each three thousand (3,000) square feet of open lot area devoted to the sale and display of motor vehicles
7. Light Industrial Uses
- a. Construction trade, contractor office or industrial craft shop: one (1) space for every three hundred (300) square feet of floor area, plus one (1) space for every business vehicle
 - b. Lumberyard or building materials sale: one (1) parking space for each eight hundred (800) square feet of floor area, plus one (1) space for every three thousand (3,000) square feet of lot area devoted to the storage and display of building materials

- c. Manufacturing, printing and publishing establishment and laundry and dry cleaning plant: one (1) space for each employee on the largest work shift, plus one (1) visitor parking space for every ten thousand (10,000) square feet of floor area, plus one (1) space for every company vehicle regularly stored on the premises
- d. Recycling center: one (1) space for each employee or volunteer on the largest work shift, plus one (1) parking space for each collection vehicle and two (2) drop-off spaces for each bay and/or collection vehicle and container
- e. Warehouse or mini-warehouse: one (1) space for every four thousand (4,000) square feet of gross floor area, plus one (1) space per employee on the largest work shift
- f. Wholesaling facility: one (1) space for every three hundred (300) square feet of office and sales area, plus one (1) space for every four thousand (4,000) square feet of warehouse and storage area, plus one (1) space per employee on the largest work shift
- g. Service yard or garage: one (1) space for each employee on the largest work shift, plus one (1) space for each business vehicle

H. Off-Street Loading

1. Off-Street Loading Spaces Required

Any building or structure constructed, structurally altered, enlarged or having a change of use, which requires the receipt or distribution of materials or merchandise by trucks or similar vehicles, shall provide off-street loading spaces or berths as required in this section (Section 21).

2. Design Standards

a. Dimension

Each off-street loading space shall be at least ten (10) feet in width by twenty-five (25) feet in length with a vertical clearance of fifteen (15) feet or more and adequate area for ingress and egress.

b. Access

- 1) Each required loading space shall be served by access to a street, service drive, or alley in a manner that will not interfere with traffic or parking lot circulation.
- 2) No loading space shall be located in such a manner as to allow a vehicle to back onto a public street or to extend into the right-of-way while being loaded or unloaded.
- 3) All access to loading spaces shall meet the access control requirements of this Ordinance.

c. Surfacing and Drainage

All loading areas shall be graded as necessary and improved with asphaltic concrete or portland cement and shall meet the standards for stormwater runoff control as adopted by the City of Centerville.

d. Location

Off-street loading areas shall not be located in any front yard or within twenty-five (25) feet of any street right-of-way, except for areas used for the occasional drop-off or pick-up of goods in vans, step vans, or panel trucks.

e. Marking

Designated loading areas shall be marked as such on the surface of the loading area with paint or permanent marking materials and shall be maintained in clearly visible condition.

3. Utilization

- a. No storage, motor vehicle repair work or service of any kind other than for an emergency shall be permitted within any required loading berth.
- b. Space allocated to a required loading berth shall not be used to satisfy any requirement of this ordinance for off-street parking spaces.

4. Number of Loading Spaces Required

a. Institutional, public assembly and residential buildings:

- 1) School, retirement community, hospital, nursing home or other similar institutional use: one (1) loading space for twenty thousand to two hundred thousand (20,000 to 200,000) square feet of gross floor area and one (1) space for each additional two hundred thousand (200,000) square feet or fraction thereof.
- 2) Auditoriums, gymnasiums, stadiums, theaters,, convention centers and other buildings for public assembly: one (1) space for ten thousand to twenty thousand (10,000) to 20,000) square feet of gross floor area and one (1) space for each additional one hundred thousand (100,000) square feet.

b. Offices and financial institutions:

One (1) space for five thousand (5,000) to seventy-five thousand (2,500 to 75,000) square feet of gross floor area and one (1) space for additional twenty-five thousand (25,000) square feet of gross floor area.

c. Retail commercial service, road service and commercial entertainment uses:

For each establishment, one (1) space for the first ten thousand (10,000) square feet of gross floor area and one (1) space for each additional

twenty-thousand (20,000) square feet of gross floor area.

d. Industrial uses:

One (1) space for the first ten thousand (10,000) square feet of gross floor area and one (1) space for each additional fifty-thousand (50,000) square feet of gross floor area.

I. Screening and Landscaping of Off-Street Parking and Loading Areas

See: Screening Requirement listed in the Supplemental Zoning District Requirements section (Section 20) of this ordinance.

J. Lighting of Off-Street Parking and Loading Areas

See: Exterior Lighting Requirement listed in the Supplemental Zoning District Requirements section (Section 20) of this ordinance.

Section 22. Access Control for Streets and Highways

A. Purpose

The intent of this section is to:

1. Regulate driveway access to public streets to lessen the impact of future development on the City's thoroughfare system. These standards are designed to minimize safety hazards, traffic congestion, and other adverse impacts thereby protecting the integrity of the thoroughfare system.
2. Minimize the number of driveways and access points onto public streets. These regulations should be interpreted to that end whenever possible.
3. Require that sidewalks be constructed along arterial and collector streets to provide for safe and convenient pedestrian access to neighborhoods, businesses and other community facilities.

B. Access to City by Driveway or Street Located Outside City

These requirements shall specifically apply to a situation where the driveway or street or a portion of the driveway or street to be constructed, altered or the access point for such a driveway or street is within the City of Centerville and the land or a portion of the land to be accessed by the driveway or street is outside the City of Centerville. A Department of Development Special Approval shall be required by the developer before any such construction within or access to the City of Centerville shall be permitted.

C. Roadway Access Standards

1. Driveway and Roadway Spacing
 - a. The minimum spacing of driveways and roadways in relation to other driveways and roadways shall be based on the posted speed limit as illustrated in Table 22-1. This distance shall be measured from the point formed by the intersection of extended curb lines of each driveway or street.
 - b. The minimum spacing distance between adjacent one-way driveways or roadways with the inbound drive upstream from the outbound drive may be reduced by one-half (1/2) the distance shown in Table 22-1.

- c. The minimum driveway spacing distance for single-family or two-family residential uses shall be a minimum of twenty (20) feet; driveways may, however, be joined together.

2. Alignment Across the Street

- a. Driveways or roadways shall either be directly opposite other driveway or street intersections or shall be offset by the minimum driveway spacing distances shown in Table 22-1, except in locations where there is a raised median in the street.
- b. Single-family and two-family residential uses shall be exempt from this provision.

Table 22-1: Minimum Driveway and Roadway Spacing Distances

<u>Posted Speed Limit</u> (mph)	<u>Driveway Spacing</u> (feet)	
25	105	
30	125	
35	150	
40	185	
45	230	
50	275	

3. Dimensions of a Driveway

- a. Non-Residential Uses (including Multi-Family Residential Uses)
 - 1) All driveways shall have a minimum width of twenty-four (24) feet. This provision may be modified by the Director of Development or his designee to allow for a second entrance lane and/or a left turn exit lane for a large or intensive non-residential or multi-family residential use. In no case shall any driveway exceed forty-eight (48) feet in width.
 - 2) Aisle widths for off-street parking areas shall be as provided in Table 21-1, Minimum Design Standards for Off-Street Parking Areas.

b. Single-Family and Two-Family Residential Uses

- 1) A driveway for a single-family or two-family residence shall have a minimum width of eight (8) feet and a minimum length of eighteen (18) feet.

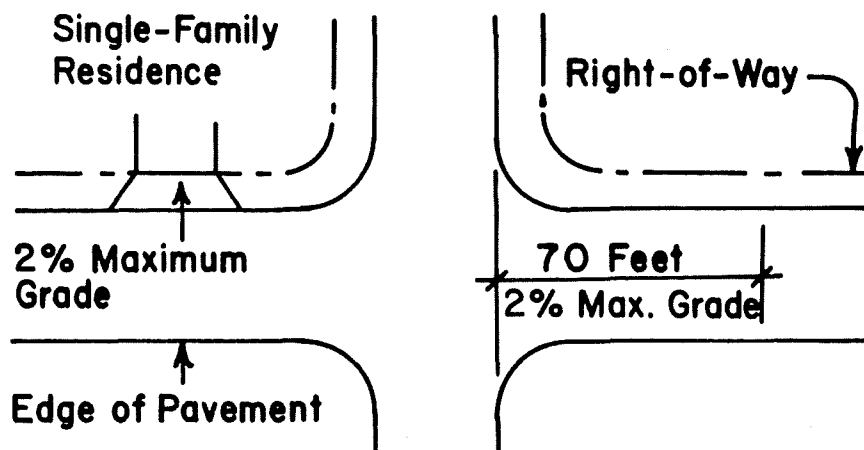
4. Intersection Angle

A driveway or roadway shall intersect a cross-street at, or nearly at, a right, ninety (90) degree angle. In no case shall any intersection have an angle less than seventy-five (75) degrees.

5. Grade at Intersection

- a. A driveway or roadway intersection shall have a maximum vertical grade of two (2) percent, for a distance of seventy (70) feet, for each leg of the intersection. This distance shall be measured from the edge of pavement of the cross-street back a distance of seventy (70) feet (See Figure 22-2).
- b. Single-family and two-family residential uses shall have a maximum vertical grade of two (2) percent for a distance of ten (10) feet or to the public right-of-way whichever is greater.

Figure 22-1: Diagram Illustrating Measurement of Grade at an Intersection



6. Horizontal Intersection Sight Distance

- a. In order to provide a clear view of intersecting streets to the motorist, there shall be a triangular area of clear vision formed by the two (2) intersecting streets and the driver's line of sight toward a car approaching the intersection. (See Table 22-2 and Figure 22-2 below to determine the dimensions of the required triangle of clear vision.)
- b. On any portion of a lot that lies within this triangular area, nothing shall be erected, placed, planted, or allowed to grow which impedes vision between a height of two and one-half (2.5) feet and ten (10) feet above the grade at any point within the triangle.

7. Vertical Intersection Sight Distance

Driveways or roadways shall intersect other roadways at a point where there shall be provided a line of clear vision that is free of hills or valleys that can obstruct the visibility of a motorist. A line of vertical intersection site distance shall be measured from a point located at centerline of the intersecting driveway or roadway at the edge of pavement of the cross-street, three and three-quarters (3.75) feet above the pavement to a point located at the center of the approaching lane of the cross-street (the distance to be determined according to the standards in Table 22-2, four and one-half (4.5) feet above the pavement. (See Figure 22-3)

Table 22-2: Intersection Sight Distance

When a motorist attempts to enter or cross a roadway, he must be able to observe the traffic at a distance that will allow him to make his desired movement safely. The distance required varies with the speed of the traffic on the roadway about to be entered or crossed. The following table lists the distances required for the various speed limits. (See figures 22-2 and 22-3)

<u>Speed Limit of Roadway to be Entered or Crossed</u> (mph)	<u>Intersection Sight Distance</u> (Feet)
55	710
50	650
45	575
40	525
35	450
30	375
25	325

Figure 22-2: Measurement of Horizontal Intersection Sight Distance

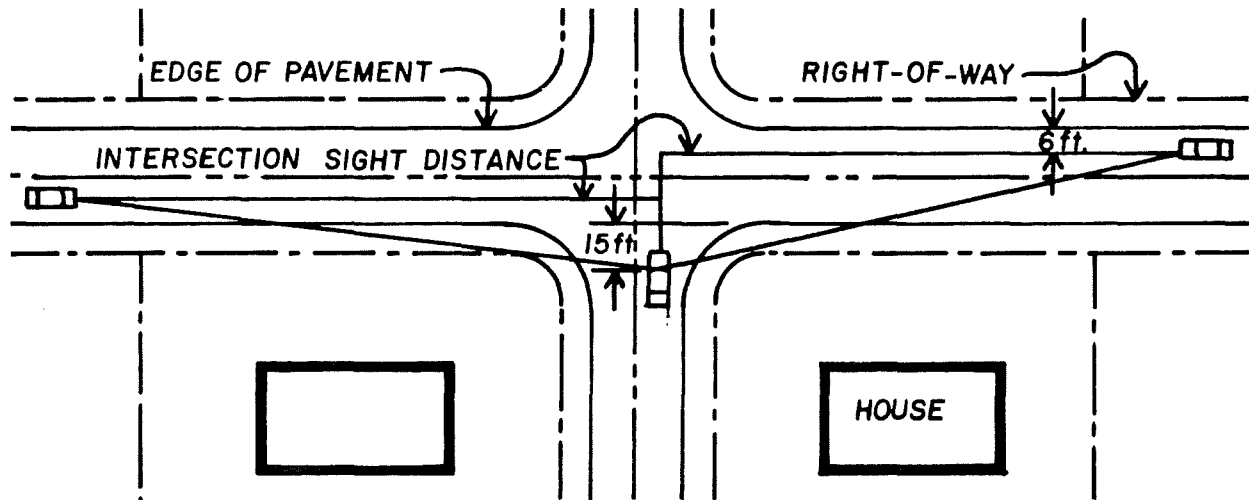
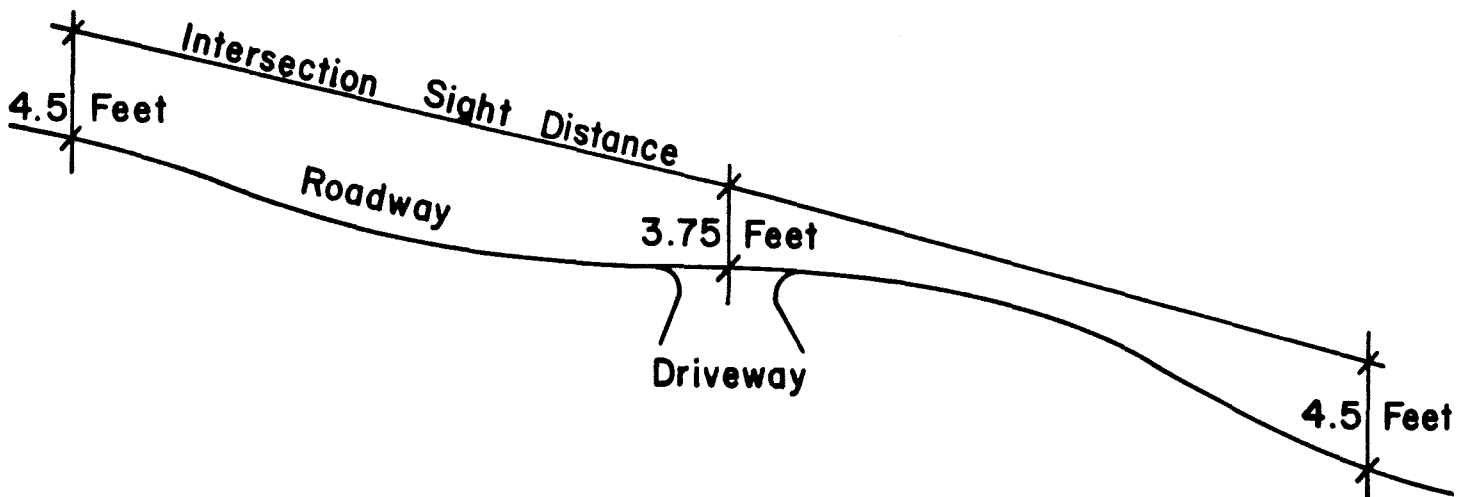


Figure 22-3: Measurement of Vertical Intersection Sight Distance



8. Median Openings

Openings to non-mountable medians with a width of four (4) feet or greater shall be permitted only as follows:

a. Residential Properties

A median opening will be permitted for one (1) driveway to each residential property when the alternate route that would be required when the gain access to the driveway is in excess of twenty six hundred (2600) feet.

b. Non-Residential Properties

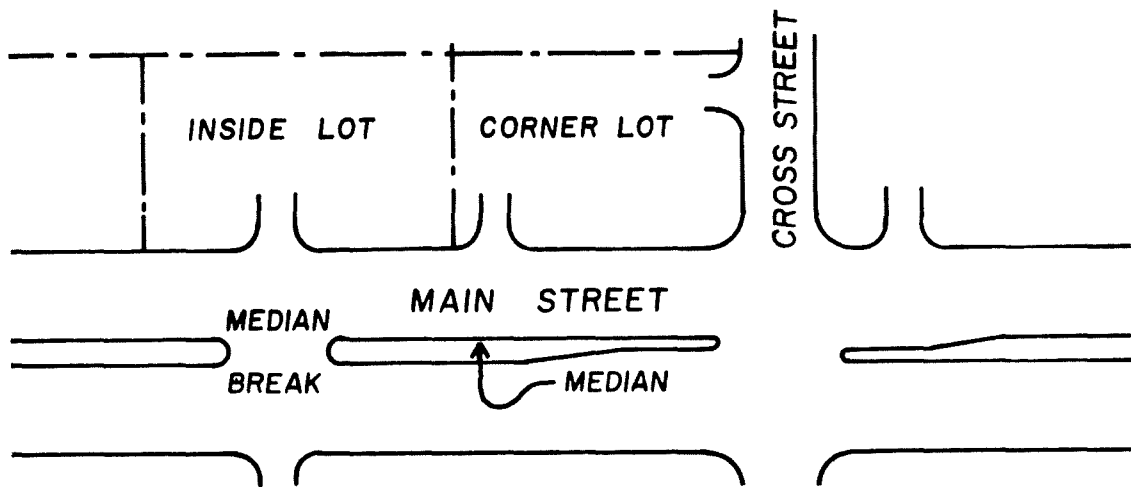
- 1) A median opening may be permitted for one (1) driveway to each non-corner property.
- 2) A median opening will not be permitted for driveways to corner properties where access can be gained by way of the cross-street, except as noted below (See Figure 22-4).
- 3) A median opening may be permitted to a corner property only if the alternate turn from the cross-street causes unnecessary delay or creates a traffic hazard.

c. Additional median openings may be permitted to serve high volume parking lot driveways as the need is demonstrated.

d. Crosswalks

To provide a minimum length of median at crosswalks, openings will not be permitted within twenty (20) feet of a crosswalk.

Figure 22-4: Diagram Illustrating Median Openings



9. These access control standards may be modified and increased or decreased upon recommendation to the Director of Development or his designee, in order to accommodate unique safety or design situations or if indicated by a traffic impact analysis. In cases where these standards are recommended to be modified, the Director of Development or his designee shall make a report which documents the facts of the case and the rationale for modifying these requirements.

Section 23. Signs

A. Purpose

The purpose of this sign section of the Ordinance is to:

1. Protect each person's Constitutional right to freedom of speech;
2. Protect the public health, safety, convenience, comfort, prosperity, and general welfare.

B. Objectives

This section (Section 23) regulates the time, place, and manner in which signs are displayed to achieve the following:

1. Primary Objectives:
 - a. Permit non-commercial signs on any property within the City;
 - b. Permit signs without unconstitutionally regulating the information conveyed by each sign;
 - c. Permit signs which do not create a potential hazard to the public safety;
 - d. Permit commercial signs appropriate to the land use and/or zoning classification of each property within the City.
2. Secondary Objectives:
 - a. To create a more aesthetically-pleasing City;
 - b. To eliminate visual clutter within the City.

Commentary: A fundamental concept to understanding this sign section (Section 23) of the Zoning Ordinance is the classification of a sign into the following two broad categories: (1) permanent versus temporary; and (2) commercial versus non-commercial.

C. Definitions

1. Building Frontage - Shall mean the maximum horizontal width of the ground floor of a building that approximately parallels and faces an adjacent public right of way of at least fifty (50) feet in width. In the case of a building where an individual occupant would have no building frontage, the maximum horizontal width of the portion of the building where that occupant's main entrance is located shall be considered that occupant's separate and distinct building frontage. In the case where the ground floor of a building is occupied by two (2) or more different tenants, the portion of the building frontage occupied by each tenant shall be considered a separate and distinct building frontage. Corner lots and through lots shall be considered to have only one (1) distinct and separate building frontage.
2. Sign - Shall mean any visual communication device utilizing a letter, a word, a number, a symbol, a picture, an object, color, illumination, or motion, the major function of such device being to convey visual information to or attract the visual attention of:
 - a. A person within a public right-of-way; and/or,
 - b. A person not on the premises on which the visual communication device is located.

The term "sign" shall specifically include the following:

- a. Any localized background which is a part of or is placed in conjunction with a sign for the purpose of improving the visibility of the sign; and,
- b. Any material whose major function is providing structural support for a sign; and,
- c. Any artificial illumination device whose major function is to provide illumination of the visual information conveyed by a sign.

The following are types of signs:

- a. Ground Sign - A sign not attached to a building.
- b. Projecting Sign - A sign supported by a building wall or column and extending a distance exceeding twelve (12) inches from the wall.

- c. Wall Sign - A sign which is located on or formed by the surface of the wall of a building. A mansard roof facade on a building shall be considered part of the wall.
3. Sign Area - Shall mean the total area in square feet of all the visible information-conveying surface area(s) of a sign including all localized background(s), but excluding all material(s) not conveying significant visual information and whose major function is providing structural support for the sign. An irregular shaped sign surface area shall be measured by calculating the surface area of a simple plane or solid geometric shape which approximates the size and shape of the sign surface area. The area of individual elements of a sign placed against a non-localized background (such as letters placed against a wall or window) shall be measured by calculating the area of the smallest single rectangle which would completely enclose all elements of the sign.
4. Sign Face - The largest portion, in square feet, of a sign's area that is visible; measured at the location where the largest amount of the sign's area can be viewed by the eye at one point in time.
5. Sign Height - Shall mean the maximum vertical height in feet that the highest part of a ground sign extends above the surface of the ground underneath the sign. Any material whose major function is providing structural support for the sign shall be considered part of the sign.
6. Sign-Permanent - A sign permitted by this Ordinance to be located on a premises for an unlimited period of time.
7. Sign-Temporary - A sign permitted by this Ordinance to be located on a premises for a limited period of time.

D. Exempted Signs

The following signs are not subject to the provisions of this Ordinance:

1. Governmental

A governmental sign for traffic control or for other regulatory purposes, or a public service company sign indicating danger, aid to service, or safety.

2. Non-Commercial Flags

A flag conveying non-commercial information provided the number of flags does not exceed three (3) on any premises, and provided the sign face area of any flag shall not exceed sixty (60) square feet.

3. 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".

4. 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 twenty-five (25) percent of the area of any window is devoted to window signage.

E. Prohibited Signs and Sign Characteristics

1. Any sign or part thereof which is erected within or above a public right-of-way shall be prohibited. This provision shall specifically apply to any sign conveying a commercial or a non-commercial message including a political sign.
2. Any sign erected at or near any intersection of any streets in such a manner as to obstruct free and clear vision, or at any location where by reason of position, shape, or color, it may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal or device, or which makes use of the word "stop", "look", "danger", or other word phrase or symbol in such a manner as to interfere with, mislead, or confuse traffic shall be prohibited.
3. Any sign mounted onto, above, or incorporated into, the roof of any building shall be prohibited unless otherwise specifically permitted by this ordinance.
4. Any lighter-than-air or inflatable sign situated on, attached or tethered to a premises shall be prohibited.
5. Any sign which conveys at any time the visual sensation or appearance of motion, or presents a non-constant visual image to the eye of an observer shall be prohibited.
6. Any sign utilizing an artificial illumination device which radiates an intensity, beam spread, glare, or color which interferes with the vision of persons not located on the premises shall be prohibited.
7. Any sign utilizing a fixed or mobile beacon, strobe light, searchlight, signaling light, spotlight or similar apparatus, equipment or device, which is directed above or outside of a premises in such a manner so as to attract an unusual amount of visual attention of persons not located on the premises shall be prohibited.
8. Any sign or part thereof which utilizes flame as a source of light shall be prohibited.
9. Any sign utilizing an energized lamp bulb where the surface of the bulb is directly visible to persons not located on the premises shall be prohibited.
10. Any sign conveying misleading or unlawful commercial information shall be prohibited.
11. Any sign which conveys visual information that is

obscene, indecent, or immoral shall be prohibited.

F. General Provisions

A sign shall be designed, erected, altered, reconstructed, moved and maintained in accordance with the provisions of this Section (Section 23) of this Ordinance unless specifically modified by another Section of this Ordinance.

1. Permits Required

A Zoning Permit shall be obtained for erection, construction, relocation, or alteration of any sign unless exempted by the City Department of Development. A sign shall comply with all City zoning, building, electrical, and fire codes.

2. Nonconforming Signs

See: Non-Conforming Lots, Non-Conforming Uses of Land, Non-Conforming Structures, Non-Conforming Uses of Structures and Premises, and Non-Conforming Characteristics of Use Section (Section 24) of this Ordinance

3. Maintenance of Signs

Every sign, whether requiring a sign permit or not, shall be maintained in a safe, presentable, and good structural condition at all times, including the replacement of a defective part, painting, cleaning, and other acts required for the maintenance of said sign.

4. Dangerous or Defective Signs Not Permitted

A sign in dangerous or defective condition shall not be permitted on any premises. Any such sign shall be removed or repaired.

5. Removal of Dangerous or Defective Signs

The City Manager may immediately remove or cause to be removed any dangerous or defective sign which, in the opinion of the City Manager, creates an immediate or potential danger to persons or property due to structural deficiencies, inadequate maintenance, or because of the location of the sign.

6. Removal of Unlawful Sign in the Public Right-of-Way

The City Manager may remove or cause to be removed any unlawful sign in the public right-of-way.

7. Duration of a Permitted Sign

Any sign permitted in this Ordinance shall be considered to be a permanent sign unless otherwise stated in this Ordinance.

8. 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. Non-Commercial Messages

Non-commercial information may be conveyed by any sign permitted under this Ordinance.

10. Commercial Messages

All commercial information conveyed by any sign permitted under this Ordinance must pertain to the premises on which the sign is located.

11. 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 (2) square feet and the sign area shall not exceed four (4) square feet.
- b. Sign height shall not exceed three (3) feet if located within twenty-five (25) feet of a public right-of-way or eight (8) 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.

12. Ground Signs

a. Setback

Unless otherwise stated in this Ordinance, any temporary or permanent ground sign or any part thereof shall be set back a minimum distance of twenty-five (25) feet from any right-of-way or one-half (1/2) the dimension of the front yard where the sign is located, whichever is less.

b. Lot Frontage

Ground signs shall generate sign area based upon lot frontage on a public right-of-way of at least fifty (50) feet in width. Corner lots and through lots shall have only one (1) 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 thirty (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.

13. Projecting Signs

- a. Shall not be less than eight (8) feet in height above a sidewalk and fifteen (15) feet in height above a driveway.

- b. Shall be attached to the building wall at an angle of ninety (90) degrees and no part of the sign shall project more than four (4) 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.

14. Wall Signs

- a. Shall not extend more than twelve (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.

15. Temporary Signs

- a. Illumination of Temporary Signs Prohibited

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 (1) 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.

- 2) The sign area shall not exceed twelve (12) square feet and the sign face area shall not exceed six (6) square feet.
- 3) Sign height shall not exceed four (4) feet.
- 4) The sign shall be either a ground or a wall sign.
- 5) The sign area for undeveloped, non-residentially zoned land with a lot frontage greater than one hundred fifty (150) feet or agriculturally zoned land:
 - a) Shall not exceed thirty two (32) square feet in sign face area and sixty four (64) square feet in total sign area
 - b) Shall not exceed six (6) feet in height.

G. Signs Permitted for Undeveloped or Agricultural Land

1. Residential Zoned Land (Excluding the Architectural Preservation District)
 - a. Permanent Signs Prohibited
 - 1) Permanent sign(s) shall be prohibited.
 - b. Temporary Signs
 - 1) Only one (1) temporary sign shall be permitted on each premises.
 - 2) Shall not exceed twelve (12) square feet in sign area plus one (1) additional square foot of sign area for everyone-half (1/2) acre of land above six (6) acres not to exceed sixty-four (64) square feet in sign area. The sign face area shall not exceed one-half (1/2) the sign area.
 - 3) Shall be a maximum of six 6 feet in height.
 - 4) May be displayed a maximum of ninety (90) days out of each calendar year.
2. Non-Residential or Agriculturally Zoned Land (Excluding the Architectural Preservation District)
 - a. Permanent Signs Prohibited
 - 1) Permanent sign(s) shall be prohibited.
 - b. Temporary Signs
 - 1) Shall be limited to the same requirements for temporary signs for business, industrial, and other non-residential uses.
3. Architectural Preservation District (APD)
 - a. Permanent Signs Prohibited
 - 1) Permanent sign(s) shall be prohibited.
 - b. Temporary Signs
 - 2) Shall be limited to the same requirements that apply to temporary signs in the APD permitted for business and other non-residential uses.

H. Signs Permitted for Residential Uses

1. Single or Two-Family Residential Use

a. General

- 1) A sign permit for any permanent or temporary sign in this Section (Section 23) shall not be required.
- 2) No sign may be illuminated.
- 3) Projecting signs shall be prohibited.

b. Ground Signs (Temporary)

- 1) Only temporary ground signs shall be permitted. Permanent ground signs shall be prohibited.
- 2) A temporary ground sign advertising a garage sale to be held on the premises shall be displayed for a period of time not to exceed three (3) days maximum in any one (1) evenly divided quarter (1/4) of a calendar year for that premises.
- 3) The sign face shall not exceed six (6) square feet in area and the sign area shall not exceed twelve (12) square feet.
- 4) The sign height shall not exceed four (4) feet.
- 5) The sign shall be located outside any public right-of-way, but shall not be subject to the general ground sign setback provision.

c. Wall Signs

- 1) Only one (1) wall sign shall be permitted on each dwelling unit and each sign shall not exceed two (2) square feet in sign area.

2. Multi-Family Residential Use

a. General

- 1) Each sign may be illuminated with the exception that no temporary sign may be illuminated.

- 2) Projecting signs or wall signs with a sign area larger than two (2) square feet shall be prohibited.

b. Ground Signs

- 1) Only one (1) sign shall be permitted on each premises.
- 2) The sign height shall not exceed six (6) feet.
- 3) The permitted sign area shall not exceed one (1) square foot of sign area per ten (10) linear feet of lot frontage and shall not exceed thirty-two (32) square feet in sign face area or sixty-four (64) square feet in sign area.

c. Temporary Signs

- 1) Temporary projecting and wall signs shall be prohibited.
- 2) Only one (1) temporary ground sign shall be permitted for a period of time not to exceed thirty (30) days maximum in any evenly divided one-half (1/2) of a calendar year.
- 3) The sign height shall not exceed six (6) feet.
- 4) The sign area shall not exceed one-half (1/2) square foot of sign area per ten (10) linear feet of lot frontage and the area of the sign face shall not exceed twelve (12) square feet and the sign area shall not exceed twenty-four (24) square feet.

I. Signs Permitted for Business, Industrial, or Other Non-Residential Uses (Excluding the Architectural Preservation District)

1. General Provisions

- a. All permanent signs may be illuminated. Temporary signs shall not be illuminated.
- b. No sign shall be located in such a manner as to be primarily viewed from residential property.
- c. Signs for business, industrial, or other non-residential uses which are located in a residential zoning district and require a Special Approval in the zoning district where they are located, shall be subject to all the requirements that apply to signs located within the Architectural Preservation District with the exception of any procedural requirements that apply only to signs located within the Architectural Preservation District.

2. Ground or Projecting Signs

- a. Only one (1) ground or projecting sign shall be permitted on a premises.
- b. The ground or projecting sign shall not exceed one-half (1/2) square foot of sign area per one (1) linear foot of lot frontage not to exceed thirty-two (32) square feet in sign face area or sixty-four (64) square feet in sign area.
- c. Ground signs shall be a maximum height of six (6) feet at the minimum sign setback line and for every additional five (5) feet of sign setback, one (1) foot may be added to the sign height not to exceed a total sign height of sixteen (16) feet.

3. Wall Signs

- a. There is no restriction on the number of wall signs, however, the total sign area of all wall signs shall not exceed one and one-half (1-1/2) square feet of sign area per one (1) linear foot of building frontage.
- b. In the case of a building with a pitched roof that overhangs a wall at the ground floor level in a manner that precludes the practical placement of a wall sign on any part of the wall of the building, that portion of the roof surface that overhangs

the wall shall be considered part of the wall and a wall sign may be located on that overhanging roof surface provided that no part of the sign extends more than three (3) feet from the roof surface and that the sign height does not exceed two (2) feet. Before a sign permit may be issued for any sign under this provision, a Department of Development Special Approval shall be granted by the City in accordance with the provision of the Special Approvals Section (Section 31) of this ordinance.

4. Temporary Signs

a. Ground or Projecting Signs (Temporary)

- 1) Only one (1) temporary ground sign, for a period of time not to exceed thirty (30) days maximum in any one (1) calendar year, shall be permitted on each premises. The Planning Commission may approve a request for a temporary ground sign exceeding the above stated period of time.
- 2) The sign area shall not exceed one-quarter (1/4) square foot of sign area per one (1) linear foot of lot frontage not to exceed sixteen (16) square feet in sign face area or thirty-two (32) square feet in sign area.
- 3) The sign height shall not exceed six (6) feet.
- 4) Temporary projecting signs shall be prohibited.

b. Wall Signs (Temporary)

- 1) Only one (1) temporary wall sign, for a period of time not to exceed thirty (30) days maximum in any one (1) evenly divided quarter (1/4) of a calendar year, shall be permitted for anyone (1) building frontage of a premises.
- 2) The sign area shall not exceed twelve (12) square feet.

J. Signs Permitted for the Architectural Preservation District (APD)

1. Approvals Required (APD)

The Board of Architectural Review (BAR) may approve the erection, construction, location, or alteration (including repainting) of all permanent signs in the Architectural Preservation District (APD) in accordance to the provisions contained in the Special Approvals Section (Section 31) of this Zoning Ordinance.

The BAR or Planning Commission may approve signs as a part of any site plan in accordance to the provisions contained in the Special Approvals Section (Section 31) of this Zoning Ordinance.

The Staff Assistant to the BAR may approve any temporary sign in the APD in accordance with the provisions contained in the Special Approval Section (Section 31) of this Zoning Ordinance.

2. Variances (APD)

The Board of Architectural Review (BAR) may grant variances from any of the provisions contained in this Sign Section (Section 23) of the Zoning Ordinance applicable to signs in the APD. The BAR shall serve in the place of the Planning Commission and are subject to the procedures and requirements of the Variance Section (Section 32) of this Zoning Ordinance.

3. Permits (APD)

A Zoning Permit from the City Department of Development shall be required after zoning approval has been granted by the Planning Commission, BAR, or staff.

4. Board of Architectural Review Sign Color Chart (APD)

The Centerville Board of Architectural Review (BAR) shall adopt a color chart of color schemes for signs approved for use in the Architectural Preservation District (APD). This color chart and all adopted amendments to it shall be known as the "BAR Sign Color Chart" and shall hereby be incorporated by reference and made a part of this Ordinance.

5. General Design Standards (APD)

Sign designs within the Architectural Preservation District (APD) shall be simple graphic solutions to visual communication needs. The type, size, height, number, placement, materials, color, and illumination

of a sign shall complement the architecture of the buildings(s) located on the premises.

6. General Provisions (APD)

- a. Color schemes used on all ground, projecting, and wall signs shall comply with the "BAR Sign Color Chart".
- b. All signs shall be constructed of solid opaque materials such as wood or metal. The use of plastic shall not be permitted.
- c. No sign shall be internally illuminated. Only external artificial light sources directing light to the sign face shall be permitted. The color of any artificial lights used shall be white or yellow.
- d. Only one (1) permanent sign shall be permitted for any one (1) business on a premises.
- e. No sign shall utilize changeable letters.

7. Signs for Residential Uses (APD)

- a. All signs are subject to the standards and requirements contained in the sub-section entitled "Signs for Residential Uses" of this Sign Ordinance; however, the procedures contained in this sub-section shall apply.

8. Signs for Business, Other Non-Residential, or Mixed Business and Residential Uses (APD)

a. Ground or Projecting Signs (APD)

- 1) Only one (1) ground or projecting sign shall be permitted on each premises.
- 2) A ground sign shall be located outside the public right-of-way, but shall not be subject to the general ground sign setback provision.
- 3) A ground or projecting sign area shall not exceed one-quarter (1/4) of a square foot in sign area per linear foot of lot frontage, nor sixteen (16) square feet in sign face area, nor thirty-two (32) square feet in sign area.
- 4) All ground signs shall be a maximum of six (6) feet in height.

b. Wall Signs (APD)

- 1) Only one (1) wall sign shall be permitted for any one (1) business on a premises.
- 2) Total wall sign area shall not exceed three-tenths ($3/10$) of a square foot of sign area per linear foot of building frontage, nor twenty-four (24) square feet in sign area for any one (1) sign.
- 3) The overall width of a wall sign shall not exceed more than sixty (60) percent of the width of the wall on which it is located.
- 4) A wall sign shall not extend higher on the wall than the bottom height of any second (2nd) story window.

c. Temporary Signs (APD)

- 1) Temporary signs shall be either a ground or a wall sign.
- 2) Temporary signs shall not exceed twelve (12) square feet in sign face area and twenty-four (24) square feet in sign area.
- 3) Only one (1) temporary sign for a maximum of thirty (30) days out of any one (1) evenly divided quarter ($1/3$) of a calendar year, shall be permitted for any one (1) business on a premises.
- 4) Ground sign height shall not exceed six (6) feet.

Section 24. Non-Conforming Lots, Non-Conforming Uses of Land, Non-Conforming Structures, Non-Conforming Uses of Structures and Premises, and Non-Conforming Characteristics of Use

A. Intent

1. Within the districts established by this ordinance or amendments that may later be adopted there may exist
 - a. lots,
 - b. structures,
 - c. uses of land and structures, and
 - d. characteristics of uses

which were lawful before this ordinance was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this ordinance or future amendment. It is the intent of this ordinance to permit these non-conformities to continue until they are removed, but not to encourage their survival. It is further the intent of this ordinance that non-conformities shall not be replaced, enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

2. Non-conforming uses are declared by this ordinance to be incompatible with permitted uses in the districts involved. After passage of this ordinance, a non-conforming use of a structure, a non-conforming use of land, or a non-conforming use of structure and land in combination shall not be extended or enlarged by the addition of other uses, of a nature which would be prohibited generally in the district involved.
3. Buildings Planned or Under Construction

To avoid undue hardship, nothing in this ordinance shall be deemed to require a change in the plans, construction, or designated use of any building, planned or under construction, which complies with all the following provisions:

- a. Any required building permit or zoning permit must have been lawfully issued prior to the effective date of adoption or amendment of this ordinance.
- b. Actual building construction must have begun within ninety (90) days of the effective date of adoption or amendment of this ordinance. Actual

construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner. Where excavation or demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such excavation or demolition or removal shall be deemed to be actual construction, provided that work shall be carried on diligently.

- c. All construction work authorized by the issuance of the building permit shall have been completed within three (3) years of the effective date of adoption or amendment of this ordinance.

B. Non-Conforming Lots of Record

1. In any district in which single-family dwellings are permitted, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this ordinance, notwithstanding limitations imposed by other provisions of this ordinance. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district, provided that yard dimensions and requirements other than these applying to area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located. Variance of yard requirements shall be obtained only through action of the Planning Commission.
2. If two (2) or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this ordinance, and if all or part of the lots do not meet the requirements established for lot width and area, the lands involved shall be considered to be an undivided parcel for the purposes of this ordinance, and no portion of said parcel shall be used or sold in a manner which diminishes compliance with lot width and area requirements established by this ordinance, nor shall any division of any parcel be made which creates a lot with width or area below the requirements stated in this ordinance.

C. Non-Conforming Uses of Land (Or Land with Minor Structures Only)

Where at the time of passage of this ordinance lawful use of land exists which would not be permitted by the regulations imposed by this ordinance, and where such use involves no individual structure with a replacement cost exceeding \$5,000, the use may be continued so long as it remains otherwise lawful, provided:

1. No such non-conforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this ordinance;
2. No such non-conforming use shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such use at the effective date of adoption or amendment of this ordinance;
3. If any such non-conforming use of land is voluntarily discontinued for a period of two (2) years or more, any subsequent use of such land shall conform to the regulations specified by this ordinance for the district in which such land is located.
4. No additional structure not conforming to the requirements of this ordinance shall be erected in connection with such non-conforming use of land.

D. Non-Conforming Structures (Including signs)

Where a lawful structure exists at the effective date of adoption or amendment of this ordinance that could not be built under the terms of this ordinance by reason of restrictions on area, lot coverage, height, yards, its location on the lot, or other requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. No such non-conforming structure may be enlarged or altered in a way which increases its non-conformity, but any structure or portion thereof may be altered to decrease its non-conformity.
2. Should such non-conforming structure or non-conforming portion of structure be destroyed by any means to an extent of more than fifty (50) percent of its replacement cost at time of destruction, it shall not be reconstructed except in conformity with the provisions of this ordinance;

3. Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

E. Non-Conforming Uses of Structures or of Structures and Premises in Combination

If lawful use involving individual structures with a replacement cost of more than \$5,000, or of structure and premises in combination, exists at the effective date of adoption or amendment of this ordinance, that would not be allowed in the district under the terms of this ordinance, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. No existing structure devoted to a use not permitted by this ordinance in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located;
2. Any non-conforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this ordinance, but no such use shall be extended to occupy any land outside such building;
3. If no structural alterations are made, any non-conforming use of a structure, or structure and premises, may as a variance be changed to another non-conforming use provided that the Planning Commission, either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing non-conforming use. In permitting such change, the Planning Commission may require appropriate conditions and safeguards in accord with the provisions of this ordinance;
4. Any structure, or structure and land in combination, in or on which a non-conforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district, and the non-conforming use may not thereafter be resumed;
5. When a non-conforming use of a structure, or structure and premises in combination, is voluntarily discontinued for two (2) years or more, the structure, or structure and premises in combination, shall not thereafter be used except in conformity with the regulations of the district in which it is located;

6. Where non-conforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the non-conforming status of the land. Destruction for the purpose of this section (Section 24) is defined as damage to an extent of more than fifty (50) per cent of the replacement cost at time of destruction.

F. Repairs and Maintenance

1. On any non-conforming structure or portion of a structure containing a non-conforming use, work may be done on ordinary repairs, or on repair or replacement of non-bearing walls, fixtures, wiring, or plumbing, provided that the cubic content existing when it became non-conforming shall not be increased.
2. If a non-conforming structure or portion of a structure containing a non-conforming use becomes physically unsafe or unlawful due to lack of repairs and maintenance, and is declared by any duly authorized official to be unsafe or unlawful by reason of physical condition, it shall not thereafter be restored, repaired, or rebuilt except in conformity with the regulations of the district in which it is located.
3. Nothing in this ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

G. Uses Requiring Special Approval Not Non-Conforming Uses

Any use which is permitted after receiving the required Special Approval in a zoning district under the terms of this ordinance (other than a change through Planning Commission action from a nonconforming use to another use not generally permitted in the district) shall not be deemed a non-conforming use in such district, but shall without further action be considered a conforming use.

Section 30. Administration

A. Administration and Enforcement

1. A Zoning Inspector, designated by the City Manager, shall administer and enforce this ordinance. He may be provided with the assistance of such other persons as the City Manager may direct.
2. If the Zoning Inspector finds that any of the provisions of this ordinance are being violated, he shall notify in writing the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. He shall order discontinuance of illegal use of land, buildings, or structures; removal of illegal buildings or structures or of illegal additions, alterations, or structural changes; discontinuance of any illegal work being done; or shall take any other action authorized by this ordinance to ensure compliance with or to prevent violations of its provisions.

B. Zoning Permits Required

No building or other structure shall be erected, moved, added to, or structurally altered without a permit therefor, issued by the Zoning Inspector. No zoning permit shall be issued by the administrative official except in conformity with the provisions of this ordinance, unless he receives a written order from the Planning Commission or City Council in the form of an administrative review, Special Approval, or variance as provided by this ordinance.

C. Application for Zoning Permit

All applications for zoning permits shall be accompanied by a site plan (See Definitions). One copy of the site plan shall be returned to the applicant by the administrative official, after he shall have marked such copy either as approved, approved with conditions attached, or disapproved. The original copy of the site plan, similarly marked, shall be retained by the Zoning Inspector.

D. Certificate of Zoning Compliance for New or Altered Uses

1. It shall be unlawful to use or occupy or permit the use or occupancy of any building or premises, or both, or part thereof hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure until a Certificate of Zoning Compliance shall have been issued therefor by the Zoning Inspector stating that the proposed use of the building or land conforms to the requirements of this ordinance.

2. No permit for erection, alteration, moving, or repair of any building shall be issued until an application has been made for a Certificate of Zoning Compliance, and the certificate shall be issued in conformity with the provisions of this ordinance upon completion of the work.
3. A temporary Certificate of Zoning Compliance may be issued by the administrative official for a period not exceeding six months during alterations or partial occupancy of a building pending its completion, provided that such temporary certificate may include such conditions and safeguards as will protect the safety of the occupants and the public.
4. The Zoning Inspector shall maintain a record of all Certificates of Zoning Compliance, and a copy shall be furnished upon request to any person.
5. Failure to obtain a Certificate of Zoning Compliance shall be a violation of this ordinance and punishable under the provisions contained in this ordinance.

E. Certificate of Occupancy Signed by the Zoning Inspector Equivalent to Certificate of Zoning Compliance

When a Certificate of Occupancy issued under other ordinances of the City contains the signature of the Zoning Inspector, this Certificate of Occupancy shall be considered to be the same as a Certificate of Zoning Compliance.

F. Expiration of Zoning Permits

1. If the work described in any zoning permit has not begun within one (1) year from the date of issuance thereof, said permit shall expire.
2. If the work described in any zoning permit has not been substantially completed within two (2) years of the date of issuance thereof, said permit shall expire and be cancelled by the Zoning Inspector, and written notice thereof shall be given to the persons affected, together with notice that further work as described in the cancelled permit shall not proceed unless and until a new zoning permit has been obtained.

G. Construction and Use to be as Provided in Applications, Plans, Zoning Permits, and Certificates of Zoning Compliance

A zoning permit or a Certificate of Zoning Compliance issued on the basis of plans and applications approved by the Zoning Inspector authorize only the use, arrangement, and construction set forth in such approved plans and applications. Use, arrangement, or construction at variance with that application authorized shall be deemed a violation of this ordinance and punishable as provided by this ordinance.

H. Schedule of Fees, Charges, and Expenses

1. The City Council shall establish a schedule of fees, charges, and expenses and a collection procedure for a Zoning Permit, Certificate of Zoning Compliance, Special Approval application, Variance, Appeal, application to amend this ordinance, Rezoning, and other matters pertaining to this ordinance. The schedule of fees may be altered or amended only by the City Council.
2. Until all applicable fees, charges, and expenses have been paid in full, no action shall be taken on any application or appeal.

I. Rezoning or Amendments to this Ordinance

1. This ordinance may be amended or changed at any time as to the number, shape, area, or regulations of any District(s) by the City Council upon application of any person.
2. No such amendment shall become effective unless the application shall first be submitted to the Planning Commission in such manner and following the procedures prescribed by the Planning Commission.
3. The Planning Commission shall hold a public hearing in accordance with the public hearing provisions contained in this ordinance.
4. The Planning Commission shall within sixty-five (65) days after the public hearing, recommend the approval or denial of the proposed amendment, or the approval of some modification of the amendment, or send the application forward to Council with no recommendation. The Planning Commission shall submit its recommendation in ordinance form to the City Council.

5. Regardless of the decision of the Planning Commission on the application, the City Council shall hold a public hearing on said application and render a decision.
6. The City Council shall introduce the proposed ordinance at a regular or special City Council meeting in accordance with the provisions of the City Charter.
7. During the thirty (30) day period preceding the City Council public hearing, a copy of the text of the proposed ordinance together with the maps, plans, or reports referred to or a part of the ordinance shall be on file for public examination in the office of the City Clerk of Council.
8. No such ordinance, measure, or regulation which violates, differs from, or departs from the recommendation, plan, or report submitted by the Planning Commission shall take effect unless passed by not less than a majority vote of the full membership of the City Council.

J. Public Hearings

1. Clerk of Council to Set Public Hearings

The City Clerk of Council or his or her designee shall set the time, date, and place for each public hearing.

2. Notice of a Public Hearing

A notice of a public hearing shall include the time, date, place, and a brief summary of the issue to be heard.

3. Public Hearing for a Rezoning or Amendment to the Zoning Ordinance

a. A public hearing for the Planning Commission shall be set not more than forty (40) days from the application filing date unless otherwise requested by the applicant.

b. A public hearing by City Council, shall be set after the Planning Commission recommends action to the Council.

c. A notice of the public hearing shall be published in a newspaper of general circulation within the City of Centerville, Ohio.

1) Notice of the Planning Commission hearing shall be published at least ten (10) days before the public hearing date.

2) Notice of the City Council hearing shall be published at least thirty (30) days before the public hearing date.

d. If the application proposes to rezone ten (10) or fewer parcels of land as shown on the county auditor's current property tax list, all property owners within the proposed area to be rezoned and all property owners within 500 feet of any portion of the rezoned land shall be sent by first class mail written notice of a public hearing. The failure of delivery of such notice shall not invalidate any such ordinance, measure, or regulation.

1) Planning Commission Public Hearing

Such written notice shall be placed in the mail at least ten (10) days prior to the hearing date.

2) City Council Public Hearing

Such written notice shall be placed in the mail at least twenty (20) days prior to the hearing date.

4. Public Hearings for a Special Approval, Variance, Appeal, or Council Review of a Special Approval

- a. The public hearing shall be held at least ten (10) days after the date on which the hearing was set.
- b. A notice of a public hearing shall be advertised by the following means:
 - 1) A notice shall be mailed to all property owners within five hundred (500) feet of the property in question. The mailing shall be made at least ten (10) days before the hearing date. The failure of delivery of such notice shall not invalidate any decision.
 - 2) A notice shall be published in a newspaper of general circulation in the City of Centerville, Ohio at least ten (10) days before the hearing.

Section 31. Special Approvals

A. Intent

The intent of this Special Approval System is to increase efficiency and expedite the approval process and related procedural requirements by categorizing applications based on the complexity and potential impact of the proposal on the community.

B. Special Approval Required Before Zoning Permit Issued

Where specified in this Zoning Ordinance, Special Approval in accordance with the procedures of this section (Section 31) of the Zoning Ordinance shall be required before a zoning permit may be issued by the City.

C. General Explanation

A Special Approval shall assure special examination, review, and findings by the City in connection with proposed actions specified in this Zoning Ordinance.

After consideration of the particular circumstances of each Special Approval, the City may require reasonable conditions and safeguards necessary for protection of the public interest generally, and of adjacent properties, the neighborhood, and the City.

A Special Approval is a grant of authority under the terms of this Zoning Ordinance from and by a designated agent, officer, or body of the City to an applicant for the use of property in the manner set out in the grant of the Special Approval. A premises requiring a Special Approval and the type of Special Approval required in each instance, are set out in this Zoning Ordinance.

D. Classes of Special Approvals

Four (4) classes of Special Approvals are hereby established:

Department of Development Special Approval

Planning Commission Special Approval

Conditional Use Special Approval

Major Use Special Approval

E. Department of Development Special Approval

1. When Required

It is intended that Department of Development Special Approvals shall be required for the following:

a. Temporary Uses or Uses Potentially Adverse to Adjacent Property

Certain temporary uses or where specified uses or characteristics of uses are likely to have adverse effects on adjacent properties unless specially controlled,

b. Uses Requiring Technical Determinations

Where specified uses or characteristics of uses are of a nature requiring technical determinations or reviews to establish special conditions and safeguards. In general, such determinations and reviews may involve matters such as design for traffic, parking and loading facilities, and health and environmental considerations,

c. Technical Issues Relating to Planning Policy

Where specified uses involve substantial technical issues relating to planning policy.

2. Public Hearing Not Required

No formal public notice or hearing is required in connection with the Department of Development Special Approval procedure.

3. Decisions on Department of Development Special Approvals

The Director of the Department of Development or his designee shall make such referrals to other officers or departments as are required by regulations relating to the particular Special Approval and may make other referrals deemed necessary by him before arriving at his decision; and he shall give full consideration to advice or information received as a result of such referrals in arriving at his decision.

The Director of the Department of Development or his designee shall be solely responsible for consideration of applications for Department of Development Special Approvals and may:

- a. Approve (with or without Conditions)

Approve the application with such conditions and safeguards attached thereto as are appropriate in the circumstances of the particular case,

- b. Deny

Deny the application for adequate cause, when the application does not demonstrate that required standards have been met,

- c. Refer Application to Planning Commission

Refer the application to the Planning Commission. The Planning Commission shall process the application under the Planning Commission Special Approval Procedure. No additional fee shall be charged to the applicant in such cases.

4. Maximum Decision Time

The Director of the Department of Development or his designee shall have a maximum of ten (10) City working days from the date of receipt of the application by the City within which to render a decision on the application.

Failure of the Director of Development or his designee to take action on the application within the maximum time limit shall be considered the same as a decision by the Director of Development or his designee to refer the application to the Planning Commission. The Planning Commission shall process the application under the Planning Commission Special Approval Procedure. No additional fee shall be charged in such cases.

If the application is referred to the Planning Commission, the maximum decision time shall be extended by sixty (60) days to allow the Planning Commission ample opportunity to make a decision on the application.

5. Zoning Permit and/or Certificate of Zoning Compliance Required

After the approval of an application for Department of Development Special Approval, the applicant shall obtain a Zoning Permit and/or a Certificate of Zoning Compliance in accordance with the requirements of this ordinance.

6. Role of the Board of Architectural Review (BAR) in the Department of Development Special Approval Procedure (for properties located in the Architectural Preservation District)

The Board of Architectural Review (BAR) shall serve in place of the Planning Commission when reviewing Department of Development Special Approval applications within the Architectural Preservation District (APD).

F. Planning Commission Special Approval

1. When Required

It is intended that Planning Commission Special Approvals shall be required for the following:

- a. Principal Permitted Uses with Potentially Adverse Effects on Adjoining Property and the Neighborhood

Within certain zoning districts, certain structures, principal permitted uses, and/or occupancies specified in this ordinance are of a nature requiring special and intensive review to determine the special limitations, conditions, and safeguards which should be applied as reasonably necessary to promote the general purposes of this Zoning Ordinance, and, in particular, to protect adjoining properties and the neighborhood from potentially adverse effects which could be otherwise avoided.

It is further intended that the expertise and judgment of the Planning Commission be exercised in making such determinations, in accordance with the rules, considerations, and limitations relating to Special Approvals generally, and to the particular class of approval involved.

2. Public Hearing Not Required

No formal public notice or hearing is required in connection with the Planning Commission Special Approval procedure.

Planning Commission Special Approvals, as specified in this ordinance, involve matters in which the expense and delay inherent in formal public notice and hearing appear unjustified in relation to substantial public purpose, and such formal public notice and hearing is not required generally in connection with actions involving such approvals.

Where the Planning Commission finds in particular cases, or under particular circumstances, that formal public notice and hearing is necessary to guide its considerations, it may require such notice and hearing prior to making its decision. No additional fee shall be charged to the applicant in such cases.

3. Decisions on Planning Commission Special Approvals

a. Planning Commission to Refer Applications to the Director of Development

1) All applications in this class of Special Approval shall be referred to the Director of the Department of Development or his designee for his recommendations, and the Director or his designee shall make any further referrals required by these regulations and may make other referrals he deems advisable before preparing such recommendations. The Planning Commission shall give full consideration to the recommendations of the Director or his designee in arriving at its determination.

b. The Planning Commission shall be solely responsible for determinations on applications for Planning Commission Special Approvals and may:

1) Approve (with or without Conditions)

Approve the application with such conditions and safeguards attached thereto as are appropriate in the circumstances of the particular case,

b. Deny

Deny the application for adequate cause, when the application does not demonstrate that required standards have been met,

c. Refer Application to the City Council

Refer the application to the City Council. The City Council shall process the application under the Planning Commission Special Approval Procedure with the role of the City Council substituted in place of the role of the Planning Commission. No additional fee shall be charged to the applicant in such cases.

4. Maximum Decision Time

The Planning Commission shall have a maximum time limit of thirty (30) days from the date of receipt of the application by the City within which to render a decision on the application, unless the applicant agrees to an extension of the time limit. Failure of the Planning Commission to reach a decision within the maximum time limit shall be considered the same as an

approval of the application by the Planning Commission.

If the Planning Commission refers the application to the City Council, the maximum decision time shall be extended by thirty (30) days to allow City Council ample opportunity to make a decision on the application.

5. Role of the Board of Architectural Review in a Planning Commission Special Approval (for properties located in the Architectural Preservation District)

See the Architectural Preservation District Section (Section 17) of this ordinance.

6. Zoning Permit and/or Certificate of Zoning Compliance Required

After the approval of an application for Planning Commission Special Approval, the applicant shall obtain a Zoning Permit and/or a Certificate of Zoning Compliance in accordance with the requirements of this ordinance.

7. City Council May Request a Review, Hold a Public Hearing on that Review, and May Alter a Decision of the Planning Commission on a Planning Commission Special Approval Application

- a. A decision on a Planning Commission Special Approval application by the Board of Architectural Review (BAR), when serving in the place of the Planning Commission, shall not be subject to this review procedure.
- b. For a fifteen (15) consecutive day period of time beginning the day after the date of a Planning Commission decision on a Planning Commission Special Approval application, the City shall not issue any Zoning Permit, Certificate of Zoning Compliance, or any other City permit pertaining to the application.
- c. During that fifteen (15) day time period following the Planning Commission's decision on a Planning Commission Special Approval application, the City Council may, with no fee, request a review of the Planning Commission's decision.
- d. A favorable vote of at least three (3) members of Council shall be necessary for the Council to request a review of a Planning Commission decision on an application. Failure of Council to request a review within the fifteen (15) day time period

shall be an expiration of the Council's right to request a review of that decision under the provisions of this ordinance.

- e. Failure of the Council to request a review of a Planning Commission's decision shall in no way alter the right of any individual member of Council to file an appeal of the Planning Commission's decision under the Appeals Section (Section 33) of this ordinance.
- f. After the City Council has requested a review of the Planning Commission's decision, the City Council may withdraw its request for a review, or affirm, or alter the decision of the Planning Commission. However, the City Council shall not alter the decision of the Planning Commission on an application without holding a public hearing on the application. The public hearing shall be held in accordance with procedures contained in the administrative section (Section 30) of this Ordinance.
- g. The Council shall not alter a decision of the Planning Commission under this section (Section 31) of the ordinance without the favorable vote of not less than a majority of the full membership of Council.
- h. The City Council shall have a maximum time limit of forty-five (45) days from the date of the Planning Commission's decision on the application to make a decision, unless the applicant agrees to an extension of the time limit. Failure of the City Council to make a decision on the application within the maximum time limit shall be considered an affirmation of the Planning Commission's decision.

G. Conditional Use Special Approval

1. When Required

It is intended that Conditional Use Special Approvals shall be required for the following:

- a. Conditional Uses with Potentially Adverse Effects on Adjoining Property and the Neighborhood

Within certain zoning districts, certain structures, conditionally permitted uses, and/or occupancies specified in this ordinance are of a nature requiring special and intensive review to determine whether or not they should be permitted in specific locations, and if so, the special limitations, conditions, and safeguards which should be applied as reasonably necessary to promote the general purposes of this Zoning Ordinance, and, in particular, to protect adjoining properties and the neighborhood from avoidable potentially adverse effects.

It is further intended that the expertise and judgment of the City Council be exercised in making such determinations, in accordance with the rules, considerations, and limitations relating to Special Approvals generally, and to the particular class of approval involved.

2. Public Hearings by Planning Commission and City Council Required

- a. In connection with a Conditional Use Special Approval application, formal notice of public hearing shall be given as set out in the Administration Section (Section 30) of this ordinance.
- b. Public hearings shall be held by both the Planning Commission and the City Council in accordance to the provisions listed in the Administration Section (Section 30) of this ordinance.

3. Decisions on Conditional Use Special Approvals

- a. City Council to Refer Applications to the Planning Commission and the Director of Development
- 1) The City Council shall refer all applications for Conditional Use Special Approvals to the Planning Commission and to the Director of the Department of Development or his designee for recommendations, and may make referrals

to other agencies, bodies, or officers, either through the Department of Development or directly, for review, analysis, and/or technical findings and determinations and reports thereon, and shall give full consideration to advice or information received as a result of such referrals in arriving at its determination.

b. The City Council shall be solely responsible for determinations on applications for Conditional Use Special Approvals and may:

1) Approve (with or without Conditions)

Approve the application with such conditions and safeguards attached thereto as are appropriate in the circumstances of the particular case.

2) Deny

Deny the application for adequate cause, when the application does not demonstrate that required standards have been met.

4. Maximum Decision Time

a. The Planning Commission shall have a maximum time limit of sixty (60) days from the date the complete application is received by the City, within which to forward their recommendations on the application to the City Council. After this maximum time limit has elapsed, the City Council may take action on the application without a recommendation from the Planning Commission.

b. Upon receipt of an application by the City, the City Council shall have a maximum time limit of ninety (90) days from the date of receipt of the application by the City within which to render a decision on the application, unless the applicant agrees to an extension of the time limit. Failure of the City Council to reach a decision within the maximum time limit shall be considered the same as an approval of the application by the City Council.

5. Role of the Board of Architectural Review in a Conditional Use Special Approval (for properties located in the Architectural Preservation District)

The Planning Commission shall forward an application for Conditional Use Special Approval which pertains to a property located within the Architectural Preservation District (APD) to the BAR for their review and recommendation.

6. Zoning Permit and/or Certificate of Zoning Compliance Required

After the approval of an application for Conditional Use Special Approval, the applicant shall obtain a Zoning Permit and/or a Certificate of Zoning Compliance in accordance with the requirements of this ordinance.

H. Major Use Special Approval

1. When Required

- a. It is intended that major use Special Approvals shall be required where specified uses and/or occupancies involve matters deemed to be of city-wide or area-wide importance.
- b. Within certain zoning districts, certain structures, uses, and/or occupancies specified in this ordinance are of a nature requiring special and intensive review to determine the special limitations, conditions, and safeguards which should be applied as reasonably necessary to promote the general purposes of this Zoning Ordinance, and, in particular, to protect adjoining properties, the neighborhood, and the City from avoidable potentially adverse effects.
- c. It is further intended that the expertise and judgment of the City Council be exercised in making such determinations, in accordance with the rules, considerations, and limitations relating to Special Approvals generally, and to the particular class of approval involved.

2. Public Hearings by Planning Commission and City Council Required

- a. In connection with a Major Use Special Approval application, formal notice of public hearing shall be given as set out in the Administration Section (Section 30) of this ordinance.
- b. Public hearings shall be held by both the Planning Commission and the City Council in accordance to the provisions listed in the Administration Section (Section 30) of this ordinance.

3. Decisions on Major Use Special Approvals

- a. City Council to Refer Applications to the Planning Commission and the Director of Development
 - 1) The City Council shall refer all applications for Major Use Special Approvals to the Planning Commission and to the Director of the Department of Development or his designee for recommendations, and may make referrals to other agencies, bodies, or officers, either through the Department of Development or directly, for review, analysis, and/or technical findings and determinations and

reports thereon, and shall give full consideration to advice or information received as a result of such referrals in arriving at its determination.

- b. The City Council shall be solely responsible for determinations on applications for Major Use Special Approvals and may:

- 1) Approve (with or without Conditions)

Approve the application with such conditions and safeguards attached thereto as are appropriate in the circumstances of the particular case.

- 2) Deny

Deny the application for adequate cause, when the application does not demonstrate that required standards have been met.

4. A majority vote of the full membership of City Council

A majority vote of the full membership of City Council shall be required to render a decision on an application.

5. Maximum Decision Time

- a. The Planning Commission shall have a maximum time limit of sixty (60) days from the date the complete application is received by the City, within which to forward their recommendations on the application to the City Council. After this maximum time limit has elapsed, the City Council may take action on the application without a recommendation from the Planning Commission.

- b. Upon receipt of an application by the City, the City Council shall have a maximum time limit of ninety (90) days from the date of receipt of the application by the City within which to render a decision on the application, unless the applicant agrees to an extension of the time limit. Failure of the City Council to reach a decision within the maximum time limit shall be considered the same as an approval of the application by the City Council.

6. Zoning Permit and/or Certificate of Zoning Compliance Required

After the approval of an application for Major Use Special Approval, the applicant shall obtain a Zoning Permit and/or a Certificate of Zoning Compliance in accordance with the requirements of this ordinance.

I. Amendments and Modifications to Special Approvals

- a. Insignificant deviations from a Special Approval granted by the City (including approved plans) are permissible and the Administrative Officer of the City may authorize such insignificant deviations. A deviation is insignificant if it has no discernible impact on neighboring properties, the general public, or those intended to occupy or use the proposed development.
- b. Minor design modifications or changes from a Special Approval granted by the City (including approved plans) are permissible with the approval of the City Authority who originally granted the Special Approval. Such permission may be obtained without a formal application, public hearing, or payment of any additional fee. For the purposes of this provision, minor design modifications or changes are those that have no substantial impact on neighboring properties, the general public, or those intended to occupy or use the proposed development.
- c. All other requests for changes to a Special Approval (including changes to plans) will be processed as a new application for a Special Approval.
- d. The City Administrative Officer shall determine within which category set forth above an amendment(s) to or a modification(s) of a Special Approval falls.
- e. A developer requesting approval of changes shall submit a written request for such approval to the City Administrative Officer, and that request shall identify the changes. Approval of all changes shall be given in writing.

J. Variance Not Special Approval.

A variance granted under this Zoning Ordinance is not to be considered as a Special Approval and the requirements applicable to Special Approvals shall not govern the procedures or standards for grant of a variance. Procedures and standards for the grant of a variance are set out in the Variance Section (Section 32) of this Zoning Ordinance.

K. Relation of Special Approvals to Zoning Permits or Certificates of Zoning Compliance

Where zoning permits or certificates of zoning compliance are required by this Zoning Ordinance or other codes or ordinances of the City, no such zoning permits or certificates of zoning compliance shall be issued where this ordinance requires Special Approvals unless and until any and all Special Approvals required have been obtained. Where uses or occupancies do not require zoning permits or certificates of zoning compliance, but are otherwise subject to requirements of this Zoning Ordinance, no such use or occupancy shall be initiated or maintained unless and until any and all Special Approvals required herein in relation thereto have been obtained.

L. Special Approvals to be Approved or Denied in Accordance with Procedures, Standards, and Requirements of this Ordinance.

- a. Special Approvals relating to this Zoning Ordinance shall be required only where specific provision therefor is made by this Zoning Ordinance. No application for a Special Approval shall be accepted or approved unless specific provision for the particular Special Approval appears in this Zoning Ordinance.
- b. Special Approvals in relation to zoning shall be issued or denied only in accordance with the procedures, standards, and requirements of this Zoning Ordinance. Where applications for Special Approvals demonstrate that general and special standards and requirements for such Special Approvals are met, the agent, agency, or body of the City herein made responsible for the grant of such Special Approval shall grant such approval, subject to conditions and safeguards required in the particular circumstances of the case and as authorized and limited in Conditions and Safeguards section below.
- c. Where applications for Special Approvals indicate that actions proposed therein, or the manner in which they are proposed to be conducted, do not meet the standards and requirements of this ordinance, and could not practically and reasonably be made to do so by attachment of conditions and safeguards so authorized and limited, such applications and permits shall be denied.

M. Action to be Taken Within Time Limits Specified.

Unless an application is withdrawn or the applicant or his representative agrees to time extensions, actions on Special Approvals shall be taken within time limits specified in this Zoning Ordinance.

N. Applications for Special Approvals

1. Where to File Applications for Special Approvals

Except when specifically set out otherwise in this Zoning Ordinance, applications for Special Approvals shall be filed with administrative officials designated by the City Manager, and such designees are charged with responsibility for their receipt, fee collection, processing, and/or distribution.

2. Who May File an Application

For Special Approvals affecting a property, applications may be filed only by the property owner, his formally designated agent, or a lessee with formal and sufficient consent of the property owner, and applications may be made only for Special Approvals specifically authorized and/or required by this Zoning Ordinance.

3. Application Forms and Supplementary Materials.

Applications for Special Approvals shall be made on forms provided by the City for the purpose, and shall be accompanied by such plans, reports, or other information, exhibits, or documents as may be reasonably required to make the necessary findings in the case.

a. Application Forms: Materials that may be Required.

When this ordinance requires a Special Approval, any or all of the following information may be required on the application:

- 1) Statements of ownership and control of the proposed development or activity
- 2) Statement describing in detail the character and intended use of the development or activity
- 3) General location map, showing relation of the site or activity for which Special Approval is sought to major streets, schools, existing utilities, shopping areas, important physical features in and adjoining the project or activity and the like
- 4) A site plan containing the title of the project and the names of the project planner and developer, date, and a north arrow, and

shall be based on an exact survey of the property drawn to a scale of sufficient size to show:

- a) boundaries of the project, any existing streets, buildings, water courses, easements, and section lines
 - b) exact location of all buildings and structures
 - c) access and traffic flow and how vehicular traffic will be separated from pedestrian and other types of traffic
 - d) off-street parking and off-street loading areas
 - e) recreational facilities locations
 - f) all screens and buffers
 - g) refuse collection areas
 - h) access to utilities and points of utilities hookups
- 5) Tabulations of total gross acreage in the project and the percentages thereof proposed to be devoted to:
- a) the various proposed uses
 - b) ground coverage by structures
- 6) Tabulations showing:
- a) the derivation of numbers of off-street parking and off-street loading spaces shown on the site plan
 - b) total project density in residential dwelling units per acre
- 7) If common facilities (such as recreation areas or structures, private streets, common open space, etc.) are to be provided for the development, statements shall be included explaining how such common facilities are to be provided and permanently maintained. Such statements may take the form of proposed deed restrictions, deeds of trust, home owners associations, surety arrangements, or other legal instruments providing adequate

guarantees to the City that such common facilities will not become a future liability for the City

- 8) Storm drainage plans
- 9) Architectural elevations for buildings or other structures proposed in the development; exact number of residential dwelling units, sizes, and types
- 10) Plans for signs, if any
- 11) Landscaping plan, including types, sizes and locations of vegetation and decorative shrubbery
- 12) Plans for recreation facilities, if any, including location and general description of buildings for such use
- 13) Such additional data, maps, plans, or statements as may be required for the particular use or activity involved
- 14) Such additional data as the applicant may believe is pertinent to the proper consideration of the site and development plan.

b. Application Forms: Completion before Processing.

For purposes of establishing time limitations on processing, no application shall be deemed to have been filed unless and until the application shall have been completed, and all plans, reports, exhibits, or documents or other information required by this Zoning Ordinance or administrative rules adopted pursuant hereto shall have been provided, and all fees due at time of filing shall have been paid.

c. Application Forms: Supplementary Materials.

If during processing of any application, the designated agent, agency, or body of the City determines that in the particular circumstances of the case additional information is required to make necessary findings bearing on its approval, denial, or conditions and safeguards to be attached, such information may be requested. Failure to supply such supplementary information may be used as grounds for denial of the approval.

O. Considerations for Reviewing Applications

1. As appropriate to the nature of the Special Approval under review and the particular circumstances of the case, the following considerations and standards shall apply generally, in addition to any other standards and requirements set forth concerning the class of Special Approval being considered.
2. City agents, agencies, or boards charged with decisions concerning Special Approvals shall make, or cause to be made, findings and determinations concerning such of the following matters as are applicable in the case and shall be guided by such considerations and standards in their decisions pertaining to Special Approvals.

a. Ingress and Egress.

Due consideration shall be given to adequacy of ingress and egress to the property and structures and uses thereon, with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or other emergency.

b. Off-Street Parking and Loading.

Due consideration shall be given to off-street parking and loading facilities as related to adjacent streets, with particular reference to automotive and pedestrian safety and convenience, internal traffic flow and control, arrangement in relation to access in case of fire or other emergency, and screening and landscaping.

c. Refuse and Service Areas.

Due consideration shall be given to the location, scale, design, and screening of refuse and service areas, to the manner in which refuse is to be stored, and to the manner and timing of refuse collection, and of deliveries, shipments, or other service activities, in relation to the location and nature of uses on adjoining properties and the location and character of adjoining public ways.

d. Signs and Lighting.

Due consideration shall be given to the number, size, character, location, and orientation of proposed signs, and of proposed lighting for signs and premises, with particular reference to traffic safety, glare, compatibility and harmony with

adjoining and nearby property, and the character of the area.

e. Utilities.

Due consideration shall be given to utilities required, with particular reference to availability and capacity of systems, location of connections, potentially adverse appearance or other adverse effects on adjoining and nearby property, and the character of the area.

f. Storm Water Drainage.

Due consideration shall be given to provision for storm water drainage, with particular reference to the effect on adjoining and nearby properties and on general drainage systems in the area. A detailed grading plan and storm water drainage plan including storm water runoff calculations, detention provisions, and erosion protection during and after construction shall be submitted.

g. Control of Potentially Adverse Effects Generally.

In addition to consideration of detailed elements indicated above, as appropriate to the particular class or kind of Special Approval and the circumstances of the particular case, due consideration shall be given to potentially adverse effects generally on adjoining and nearby properties, the area, the neighborhood, or the City, of the use or occupancy as proposed, or its location, construction, design, character, scale or manner of operation. Where such potentially adverse effects are found, consideration shall be given to special remedial measures appropriate in the particular circumstances of the case, including screening or buffering, landscaping, control of manner or hours of operation, alteration of proposed design or construction of buildings, relocation of proposed open space or alteration of use of such space, or such other measures as are required to assure that such potential adverse effects will be eliminated or minimized to the greatest extent feasible, and that the use or occupancy will be compatible and harmonious with other development in the area to a degree which will avoid substantial depreciation of the value of nearby property.

P. Conditions and Safeguards

1. The agent, agency, or body of the City designated by this Zoning Ordinance as having responsibility for approval or denial of each of the classes of Special Approvals set out in this section (Section 31) shall have authority to attach to the grant of any such Special Approval such conditions and safeguards as may be necessary for the purposes of this Zoning Ordinance in the particular case.
2. Such conditions and safeguards, if attached to grant of Special Approval, shall be based upon and consistent with considerations and standards applicable to the class or kind of Special Approval under review as set out in this section (Section 31) of the Zoning Ordinance, and in other provisions relating to the particular class or kind of approval. The requirement for any such conditions or safeguards shall be supported by such considerations and standards, and no such condition or safeguard shall establish special limitations and/or requirements beyond those reasonably necessary for the accomplishment of the purpose for which attached.

a. Failure to Comply with Conditions and Safeguards to be Deemed Violation of Ordinance.

Failure to comply with conditions and safeguards, when attached to grant of Special Approval, shall be deemed a violation of this Zoning Ordinance.

Q. Actions Following Decisions on Special Approvals.

Following decisions on Special Approvals, the following actions shall be taken promptly:

1. Notification of Applicant in Cases of Approval.

Where Special Approvals are approved, with or without conditions and safeguards, the applicant shall be informed in writing of such decision.

2. Notification of Applicant in Cases of Denial.

Where Special Approvals are denied, applicants shall be so informed in writing.

R. Special Approvals Apply to Property, Not Person.

When granted, a Special Approval under any of the classes of Special Approvals set out in this section (Section 31), together with any conditions or safeguards attached thereto, shall apply to the land, structure, or use for which it was granted, and shall not apply to a particular person.

S. Withdrawal of Application for Certain Classes of Special Approvals

An application for any Special Approval may be withdrawn by the applicant or his representative at any time prior to the decision on the application without limitation on re-submittal. An application for a conditional use Special Approval or a major use Special Approval may be withdrawn at any time, but if withdrawn after the public hearing has been convened at which it was to be considered, a substantially similar application shall not be considered within twelve (12) months of withdrawal.

T. Appeals from Decisions on Special Approvals.

1. Any person or persons, jointly or severally, aggrieved by the decision of any agent, agency, or body of the City in granting, granting with conditions or safeguards, or denying a Special Approval, or, any officer, department, board, or commission, of the City, may seek review of such decision in the manner set out in this ordinance and the applicable laws of the State of Ohio for the class of Special Approval involved.
2. It is the intent of this Zoning Ordinance that there shall be a right to require review of the decision of the agent, agency, or body of the City responsible by the terms of this Zoning Ordinance for making such decision, in the manner set out by this Zoning Ordinance for the particular class of Special Approval involved and as provided by the applicable laws of the State of Ohio.

a. Review of Decisions for Department of Development Special Approvals.

Review of decisions made for Department of Development Special Approvals shall be by appeal to the Planning Commission in the manner set out in this Zoning Ordinance.

b. Review of Decisions for Planning Commission Special Approvals

- 1) Review of decisions made by the Planning Commission for Planning Commission Special Approvals shall be by appeal to the City Council in the manner set out in this Zoning Ordinance.
- 2) In the case where the City Council renders a decision on a Planning Commission Special Approval because of a decision by the Planning Commission to refer an application to the City Council, review of the decision made by the City Council shall be in the manner set out in the laws of the State of Ohio.

c. Review of Decisions for Conditional Use and Major Use Special Approvals.

Review of decisions made by the City Council for Conditional Use and Major Use Special Approvals shall be in the manner set out in the laws of the State of Ohio.

U. Expiration of Approvals After Two (2) Years

Any approval granted under this section (Section 31) of the Zoning Ordinance shall expire two (2) years after the date the application was approved unless one of the following conditions are met:

1. City permit(s) necessary for the implementation of all the actions proposed on the application have been issued and are still valid
2. All changes proposed on the application have been completed
3. The City authority who originally approved the application has agreed to extend their approval for an additional specified period of time.

Section 32. Variance

A. Purpose

The purpose of this section is to empower the Planning Commission to vary or adapt the literal application of the requirements of this ordinance where, by reason of exceptional narrowness, shallowness, or shape, or by reason of other exceptional topographic conditions or other extraordinary and exceptional situations or conditions on a piece of property, the strict application of any regulation enacted under this ordinance would result in peculiar, exceptional, and undue hardship on the owner of such property. A variance shall be granted only after the Planning Commission finds that all of the required procedures and standards for variances have been met as specified by this ordinance.

B. Application

An application for a variance shall be filed only after the applicant has been denied a Zoning Permit by the Zoning Inspector and it is determined that a variance is needed. Such application shall be made on an application form and the following shall be entered on the form or shall accompany it:

1. Owner's name, address, phone number and signature.
2. Applicant's name if different from the owner.
3. Parcel(s) location, address and lot number.
4. Site plan of property in question.
5. Specific section(s) of the Zoning Ordinance to be varied, explanation of variance needed, and reasons for variance.
6. A list of names and mailing addresses of all property owners within five hundred (500) feet of any part of the lot(s) in question.
7. The application fee, of an amount set by the City.
8. Such other information as the City may reasonably require.

C. Public Hearing

1. The Planning Commission shall conduct a public hearing on each application for a variance.
2. A public hearing shall be held for a variance application in accordance with the provisions listed in the Administration Section (Section 30) of this ordinance.

D. Maximum Decision Time

1. Upon receipt of an application by the City, the Planning Commission shall have a maximum time limit of sixty (60) days from the date of receipt of the application by the City within which to render a decision on the application, unless the applicant agrees to an extension of the time limit. Failure of the Planning Commission to reach a decision within the maximum time limit shall be considered the same as an approval of the application by the Planning Commission.
2. In rendering a decision on the application, the Planning Commission may approve the variance request, deny the variance request, recommend that the applicant modify and resubmit the request, or approve the request with conditions.

E. Limit on Re-Hearing of the Same Application

The Planning Commission shall not be required to hear and act upon any application for a variance which has been the subject of an application within the previous twelve (12) month period, unless the application has been modified at the request of the Planning Commission.

F. Standards for Variances.

1. Unless otherwise permitted in this ordinance, no variance in the strict application of the provisions of this ordinance may be granted by the Planning Commission unless all of the following requirements are satisfied:
 - a. The granting of the variance shall be in harmony with the general purpose and intent of the regulations imposed by this ordinance on the district in which it is located, and shall not be injurious to the area or otherwise detrimental to the public welfare.
 - b. The granting of the variance will not permit the establishment of any use which is not otherwise permitted in the district.

- c. There must exist unique circumstances or conditions applicable to the land or buildings where strict application of this ordinance would deprive the applicant reasonable use of his property. Mere loss in monetary value shall not justify a variance.
 - d. There must be proof of hardship resulting from the strict application of this ordinance that was not created by the property owner. Economic gain or profit is not sufficient proof that a variance should be granted.
 - e. The granting of the variance is necessary for the reasonable use of land or buildings and the variance as granted is the minimum variance that will accomplish this purpose.
 - f. The granting of the variance will not infringe on the rights of neighboring property owners to use their property, diminish property values, endanger the public safety, or create a public nuisance.
 - g. The granting of the variance will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structures, or buildings in the same zoning district.
- 2. The applicant must prove that the variance will not be contrary to the public interest and that practical difficulty and unnecessary hardship will result if it is not granted. In particular, the applicant shall establish and substantiate that the variance conforms to the aforementioned requirements.
 - 3. The Planning Commission may prescribe any conditions that it deems necessary to insure that the objectives of the regulations to which the variance applies will be met.

G. Role of the Board of Architectural Review in Reviewing Variances within the Architectural Preservation District

1. Where a variance application involves only questions concerning requirements that are subject to Planning Commission Special Approval review and approval by the BAR, the Board of Architectural Review (BAR) shall serve in the place of the Planning Commission in hearing and deciding such a variance application pertaining to property located within the Architectural Preservation District (APD).
2. The BAR shall be subject to all requirements and procedures of this Variance Section (Section 32) of the Zoning Ordinance in hearing and deciding on any such variance applications.

Section 33. Appeals

A. Right of Appeal

Any person aggrieved by a decision, interpretation, judgement, or determination from any City administrative official, board, commission, or council in regards to the enforcement of this Zoning Ordinance shall be granted the right to appeal in accordance with the provisions established by this ordinance.

B. Expiration of Appeal Time

An application for an appeal shall be filed with the City Clerk of Council no later than fifteen (15) days from the date of the ruling.

C. Application

1. An application to appeal a decision, interpretation, judgement, or determination from any City administrative official, board, commission, or council, the following information shall be provided on said application form:
 - a. Applicant's name, address, phone number, and signature.
 - b. Nature of the grievance stating:
 - 1) The decision, interpretation, judgement, or determination rendered by a City administrative official, board, commission, or council.
 - 2) The provision or requirement of the Zoning Ordinance from which said decision, interpretation, judgement, or determination is based upon.
 - 3) The date on which the ruling was rendered by the City.
 - 4) The basis for the appeal where the City allegedly erred in its ruling.
 - 5) The application fee, in an amount set by the City.
 - 6) Any other information the City may require.

D. Appeals to the Planning Commission or BAR

1. Appeal of a staff decision
 - a. The Planning Commission shall hear an appeal made by any person claiming to be aggrieved by a decision of a staff person administering the provisions of this ordinance.
 - b. The Planning Commission shall hear and decide an appeal where it is alleged there is error of law in any interpretation, judgement, decision, or determination made by an administrative officer in the enforcement of this Zoning Ordinance.
 - c. The BAR shall serve in the place of the Planning Commission for an appeal of a decision of a staff person administrating a provision of this ordinance applicable to the Department of Development Special Approval Section of the Architectural Preservation Zoning District regulations (Section 17).
2. Appeal of a Board of Architectural Review (BAR) Decision
 - a. The Planning Commission shall hear and decide an appeal made by any person claiming to be aggrieved by a decision of the BAR.
3. Interpretation of the Zoning Ordinance
 - a. The Planning Commission shall hear and decide questions of interpretation of the Official Zoning Map or the meaning of the text of the Zoning Ordinance.

E. Appeals to City Council

City Council shall hear an appeal made by any person claiming to be aggrieved by a decision of the Planning Commission.

F. Appeals of a City Council Decision

Appeals of a City Council decision shall be in a manner set out in the laws of the State of Ohio.

G. Powers of the City in Hearing Appeals

1. When an appeal is heard by the Planning Commission or BAR, the Chairman may administer oaths, and the Planning Commission or BAR may subpoena witnesses, documents or other information relevant to said appeals case.
2. When an appeal is heard by the City Council, the Mayor may administer oaths, and the City Council may subpoena witnesses, documents or other information relevant to said appeals case.

H. Public Hearing Required for All Appeals

An appeal, filed with the City under the provisions of this ordinance, shall require that the appropriate City board, commission, or council, having jurisdiction over the appeal, hold a public hearing, in accordance with the provisions listed in the Administration Section (Section 30) of this ordinance, before making a decision regarding that appeal.

I. Vote of Majority of Full Membership Required to Alter a Decision Being Appealed

A favorable vote of not less than a majority of the full membership of the board, commission, or council hearing an appeal shall be required to alter the decision that is being appealed to that board, commission, or council.

Section 34. Penalties for Violation

It shall be unlawful to violate any provision of this ordinance.

Violation of any provision of this ordinance or failure to comply with any requirement of this ordinance (including a violation of a condition or safeguard established in connection with a grant of a variance or a Special Approval) shall constitute a misdemeanor of the fourth (4th) degree. Each day such violation continues shall be considered a separate offense.

The owner or tenant of any building, structure, premises, or part thereof, and any architect, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided.

Nothing herein contained shall prevent the city from taking such other lawful action as is necessary to prevent or remedy any violation.

Section 35. Provisions of Ordinance Declared to be Minimum Requirements

In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements, adopted for the promotion of the public health, safety, convenience, comfort, prosperity, or general welfare. Wherever the requirements of this ordinance are at variance with the requirements of any other lawfully adopted rules, regulations, ordinances, deed restrictions, or covenants, the most restrictive or that imposing the higher standards, shall govern.

Section 36. Separability Clause

Should any section or provision of this ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.

Section 37. Definitions

For the purposes of this ordinance, certain terms or words used herein shall be interpreted as follows:

The word person includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.

The present tense includes the future tense, the singular number includes the plural, the plural number includes the singular, and the masculine pronoun includes the feminine pronoun.

The word shall is mandatory, the word may is permissive.

The words used or occupied shall include the words intended, designed, or arranged to be used or occupied.

The word lot includes the words plot or parcel.

Accessory Use or Structure - A use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.

Administrative Officer - Employee(s) of the City of Centerville, Ohio, empowered by the City Manager, to administer, enforce, or interpret the provisions, requirements, and procedures of this ordinance.

Agriculture - The production, keeping or maintenance, for sale, lease, or personal use of plants and animals useful to man, including but not limited to: forages and sod crops; grains and seed crops; dairy animals and dairy products, poultry and poultry products; livestock, including beef cattle, sheep, swine, horses, ponies, mules, or goats, or any mutations or hybrids thereof, including the breeding and grazing of any or all such animals; bees and apiary products; fur animals; trees and forest products; fruits of all kinds, including grapes, nuts and berries; vegetables; nursery, floral, ornamental and greenhouse products; or lands devoted to a soil conservation or forestry management program. Small gardens and fruit bearing trees or shrubbery that are associated with residential uses where the harvests are consumed or used exclusively by persons residing on the premises, shall not be considered as part of the definition of agriculture.

Architectural Elevation - A scale drawing of the front, side, or rear of a building or structure.

Basement - A space having one-half (1/2) or more of its floor-to-ceiling height above the average level of the adjoining ground and with a floor-to-ceiling height of not less than six and one-half (6 1/2) feet.

Board of Architectural Review (BAR) - The Board of Architectural Review of the City of Centerville, Ohio.

Board of Architectural Review (BAR) Color Chart - A color chart of exterior paint color schemes approved for use within the Architectural Preservation District by the Board of Architectural Review.

Boarding, Lodging, or Tourist Home - A dwelling or part thereof, in which lodging is provided by the owner or operator to more than three (3) boarders.

Buildable Area - The portion of a lot remaining after required yards have been provided. See figure 29-2.

Building - A structure designed for the support, enclosure, shelter, or protection of persons, animals, chattel, or property.

Building Frontage - See: The Sign Section (Section 23) of this Ordinance.

Building Height - The vertical distance of a building measured from the average elevation of the finished grade within twenty feet of the structure to the highest point of the roof.

Building, Principal - A building in which is conducted the main or principal use of the lot where the building is situated and including areas such as garages, carports, and storage areas that are attached to the principal building.

Carport - A roofed shelter, open on at least two (2) sides, designed as a shelter for automobiles or other vehicles. A carport may be freestanding or may be formed by extension of a roof from the side of a building. A carport shall not be considered a private garage.

Church - A building, together with its accessory buildings and uses, where persons regularly assemble for religious worship, and which, together with its accessory buildings and uses, is maintained and controlled by a religious body organized to sustain public worship. Nursery, kindergarten, day care, and compulsory (grades 1-12) schools shall be permitted accessory use(s) to a church.

City - The City of Centerville, Ohio.

City Council - The City Council of the City of Centerville, Ohio.

Clinic - A place for the care, diagnosis, or treatment of persons who are ailing, sick, injured, or are in need of medical attention, but are not provided room, board or kept overnight on the premises.

Comprehensive Development Plan - A plan including all attachments adopted by the City Council showing the general location and extent of present and proposed physical facilities, including housing, commercial, and industrial uses, major streets, parks, schools, and other community facilities. This plan serves as a guide for future development and the enactment of zoning and other growth related legislation.

Convenience Store - A retail store that caters to the motoring public where the sale of food items such as hot or cold drinks, prepackaged foods, and tobacco, road maps, magazines and other publications, automotive maintenance items such as brake fluid, oil, polishes, anti-freeze, and similar products, and other retail items that may be readily purchased. A convenience store does not sell gasoline or other fuels.

Curb Cut - The opening along the curb line at which point vehicles may enter or leave the roadway.

Density, Gross - The total gross area in acres of land in a residential development divided by the total number of dwelling units in that residential development. The gross area of land shall include all public or private streets, public or private open space, ponds, lakes, streams, stormwater retention or detention basins, floodplain, easements, rental offices, community facilities, and recreational facilities within the residential development.

Design Review Criteria (APD) - A booklet containing architectural design guidelines for buildings, signs, landscaping, and screening which is formally titled the "Design Review Criteria for the Architectural Preservation District, City of Centerville, Ohio".

Developer - Any individual, subdivider, firm, association, syndicate, partnership, corporation, trust or any other legal entity commencing proceedings under this ordinance to effect the development of land.

Development Plan - See: Site Plan

Dwelling, Single-Family - A detached residential dwelling unit other than a mobile home, designed for and occupied by one (1) family only.

Dwelling, Mobile Home - A detached residential dwelling unit designed for transportation after fabrication on streets or highways on its own wheels or on flatbed or other trailers, and arriving at the site where it is to be occupied as a dwelling complete and ready for occupancy except for minor and incidental unpacking and assembly operations, location on jacks or other temporary or permanent foundations, connections to utilities, and the like. A travel trailer is not to be considered as a mobile home.

Dwelling, Two-Family - A detached residential building containing two (2) dwelling units, designed for occupancy by not more than two (2) families.

Dwelling, Multiple-Family - A residential building designed for or occupied by three (3) or more families, with the number of families in residence not exceeding the number of dwelling units provided.

Dwelling Unit - One (1) room, or connected rooms, constituting a separate, independent housekeeping establishment for owner occupancy, or for rental or lease on a weekly, monthly, or longer basis, and physically separated from any other rooms or dwelling units which may be in the same structure, and containing independent cooking and sleeping facilities.

Easement - A right given by the property owner for specific limited use of that land by a public agency, governmental body, corporation or another person or entity.

Family - One (1) or more persons living together as a single housekeeping unit.

Farm or Farmland - A parcel of land used for agricultural activities.

Filing Fee - A fee established by the City Council of the City of Centerville, Ohio charged to an applicant to cover the administrative cost to process an application including, but not limited to, a zoning permit, rezoning or amendment to the Zoning Ordinance, request for Special Approval, Variance, or an Appeal

Floor Area, Gross - The sum of the gross horizontal areas of all floors of a building measured from the exterior face of exterior walls, or from the centerline of a wall separating two buildings, but not including interior parking spaces, loading space for motor vehicles, or any space where the floor-to-ceiling height is less than six feet.

Floor Living Area of a Dwelling Unit - The total square feet of all floor living area of a dwelling unit measured using the outside dimensions of the building. Only enclosed, finished, and heated living floor area shall be included in the total area, with the exception that a garage or a porch shall be excluded regardless of whether or not it is enclosed, finished, and heated.

Frontage, Building - See: The Sign Section (Section 23) of this ordinance.

Garage, Public - A principal or accessory building other than a private garage, used for parking or temporary storage of passenger vehicles and in which no other service shall be provided for remuneration.

Garage, Private - A detached accessory building or a portion of the principal building of a residence for the parking or temporary storage of vehicles of the residents thereof.

Garage Sale - The sale of used household items by the occupant of a premises.

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.

Hospital - A facility providing medical, psychiatric, or surgical services for sick or injured persons primarily on an in-patient basis, and including ancillary services for out-patient and emergency treatment, training, research, administration, and services to patients, employees, and visitors.

Junk Yard - A lot, land, parcel, building or structure or part thereof where used, scrapped or discarded materials such as wood, wastepaper, rags, machinery, two or more unregistered, inoperable motor vehicles are stored, for collection, processing, purchase, sale abandonment or conversion into usable stock.

Kennel - A premises on which four (4) or more dogs, or small animals, at least four (4) months of age are kept.

Loading Space, Off-Street - Space logically and conveniently located for bulk pickups and deliveries, scaled to delivery vehicles expected to be used, and accessible to such vehicles when required off-street parking spaces are filled. Required off-street loading space is not to be included as off-street parking space in computation of required off-street parking space.

Lot - For purposes of this ordinance, a lot is a parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage, and area, and to provide such yards and other open spaces as are herein required. Such lot shall have the minimum required frontage on an improved public street, or on an approved private street, and may consist of a single parcel of land or a combination of parcels of land when the parcels of land are adjacent to one another and used as one (1), provided that in no case of division or combination shall any residual lot or parcel be created which does not meet the requirements of this ordinance. Each parcel of land shall be described by either metes and bounds on a document recorded at the county recorders office or a plat recorded at the county recorders office.

Lot, Corner - A lot or parcel of land abutting upon two (2) or more streets at their intersection, or upon two (2) parts of the same street forming an interior angle less than one hundred thirty five (135) degrees. See figure 37-1.

Lot Depth - The distance measured from the front lot line to the rear lot line. See figure 37-1.

Lot, Flag - A lot not fronting on or abutting a public right-of-way and where access to the public right-of-way is by a narrow, private strip of land. See figure 37-1.

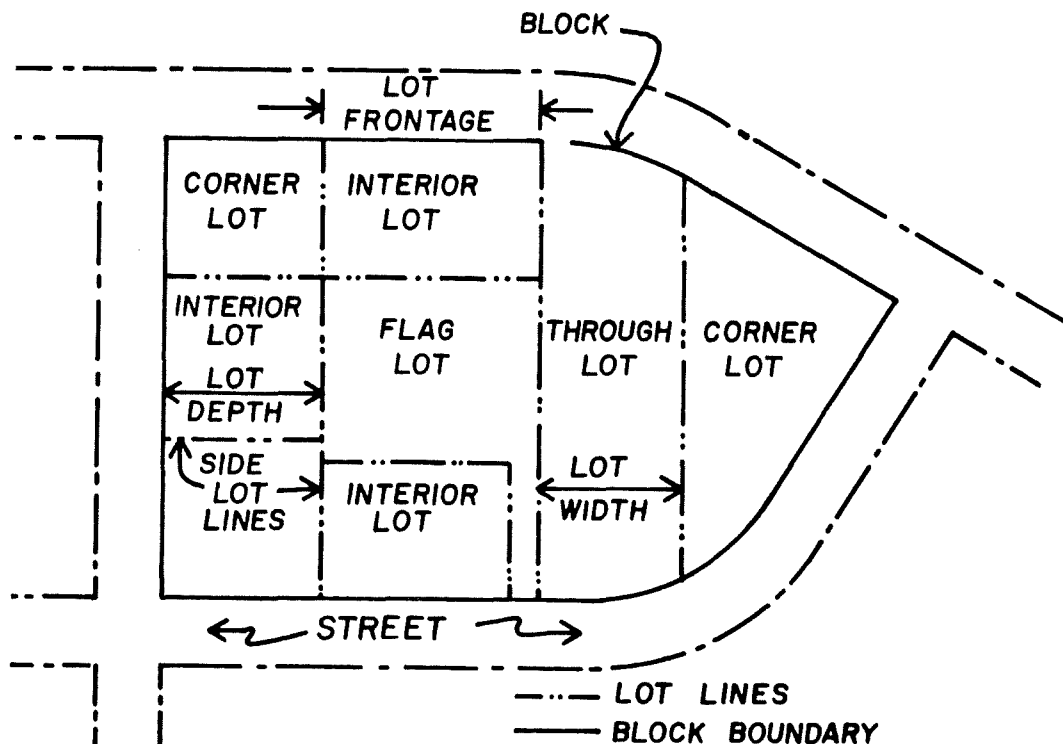
Lot Frontage - The length of the front lot line measured at the street right-of-way line. See figure 37-1.

Lot, Interior - An interior lot is defined as a lot other than a corner lot with only one (1) frontage on a street. See figure 37-1.

Lot line - A line of record bounding a lot which divides one lot from another lot or from a public or private street or any other public space. See figure 37-2.

Lot line, Front - A lot line separating a lot from a street right-of-way. See figure 37-2.

Figure 37-1: Diagram Illustrating the Various Types of Lots



Lot Line, Rear - The lot line opposite and most distant from the front lot line; or in the case of triangular or otherwise irregularly shaped lots, a line ten (10) feet in length entirely within the lot, parallel to at a maximum distance from the front lot line. A corner lot as defined in this ordinance shall have no rear lot line. See figure 37-2.

Lot Line, Side - Any lot line other than a front or rear lot line. See figure 37-2.

Lot of Record - A lot which is part of a subdivision recorded in the office of the County Recorder, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

Lot, Reversed Frontage - A lot which is not accessible from one of the parallel or non-intersecting streets upon which it fronts.

Lot, Through - A through lot is defined as a lot other than a corner lot with frontage on more than one (1) street. Through lots abutting two (2) streets may be referred to as double frontage lots. See figure 37-1.

Lot Width - The horizontal distance between the side lot lines of a lot measured at right angles to its depth along a straight line parallel to the front lot line at the minimum required building setback line. See figure 37-1.

Master Plan - See: Comprehensive Development Plan

Median - A strip of land, centered in a roadway, that is used to separate vehicular traffic traveling in opposite directions.

Mining - The process or business of extracting solids such as coal, minerals or ores, liquids such as crude petroleum, and gases, such as natural gas from the earth. The term also includes quarrying, well operation, milling, such as crushing, screening, washing and floatation, and other preparation customarily done at the mine site or as part of a mining activity.

Non-Conformities - For purposes of this ordinance, a non-conforming lot, structure, use or a characteristic of a use are those that were lawful before this ordinance was passed or amended, but which could be prohibited, regulated, or restricted under the terms of this ordinance or future amendment. It is the intent of this ordinance to permit these non-conformities to continue until they are removed, but not to encourage their survival. It is further the intent of this ordinance that non-conformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

Nursing Home - An extended or intermediate care facility licensed or approved to provide full-time convalescent or chronic care to individuals who, by reason of advanced age, chronic illness or infirmity, are unable to care for themselves.

Occupancy Permit - A required permit allowing occupancy of a building or structure after it has been determined that the building meets all the requirements of applicable ordinances.

Owner - Any person who, alone or jointly or severally with others, shall have legal title to any land or structure, with or without accompanying actual possession thereof; or shall have charge, care or control of any land or structure as owner or agent of the owner; or as executor, administrator, conservator, trustee, or guardian of the estate of the owner. Any such person thus representing the actual owner shall be bound to comply with the provisions of this Ordinance and of rules and regulations adopted pursuant thereto, to the same extent as if he were the owner.

Parking Area, Off-Street - An off-street parking area is that portion of a parcel that is designated for the parking of vehicles. Off-street parking areas shall be so designed, maintained, and regulated in accordance to the provisions of this ordinance so that no parking or maneuvering incidental to parking shall be on any public street, walk, or alley, and so that any automobile may be parked and unparked without moving another.

Parking Space, Off-Street - For the purposes of this ordinance, an off-street parking space shall consist of a space adequate for parking an automobile with room for opening doors on both sides, together with properly related access to a public street or alley and maneuvering room.

Paved Surface - A hard, smooth surface made principally of asphaltic concrete, portland cement, or brick that will bear travel.

Permit - Written governmental permission issued by an authorized official, empowering the holder thereof to do act not forbidden by law, but not allowed without such authorization.

Planning Commission - The Planning Commission of the City of Centerville, Ohio.

Planned Development - A development by which either residential, office, commercial, or industrial uses are accommodated in a pre-planned environment that permits greater flexibility, and consequently, more creative and imaginative design than would be possible under conventional zoning regulations.

Policy Plan - A plan adopted by the City Council to serve as a guide for public decision-making in regards to future development by establishing goals, objectives, and policies for the City.

Premises - A lot and all the use(s) conducted thereon.

Residence Family Home - A home licensed by the State of Ohio or Montgomery County, if required by law, which provides residential services and supervision for six (6) or fewer individuals who need not be related to the resident houseparent(s) or non-resident supervisor(s) and who are foster children, developmentally disabled persons or aged persons (60 years or older). The number six (6) shall not include houseparent(s) or non-resident supervisor(s).

Residence Group Home - A home licensed by the State of Ohio or Montgomery County, if required by law, which provides residential services and supervision for more than six (6) but not more than sixteen (16) individuals who need not be related to the resident houseparent(s) or non-resident supervisor(s) and who are foster children, developmentally disabled persons or aged persons (60 years or older). The requirement of more than six (6), but not more than sixteen (16) individuals shall not include houseparent(s) or non-resident supervisor(s).

Restaurant, fast food - An establishment whose principal business is the sale of food and/or beverages in a ready-to-consume state for consumption:

- A. within the restaurant building;
- B. within a motor vehicle parked on the premises; or
- C. off the premises as carry-out orders;

and whose principal method of operation includes the following characteristics: Food and/or beverages are usually served in edible containers or in paper, plastic, or other disposable containers.

Restaurant, table service or cafeteria-style - An establishment whose principal business is the sale of food and/or beverages to customers in a ready-to-consume state, and whose principal method of operation includes one (1) or both of the following characteristics:

- A. customers, normally provided with an individual menu, are served their foods and beverages by a restaurant employee at the same table or counter at which food and beverages are consumed;
- B. a cafeteria-style operation where food and beverages generally are consumed within the restaurant building.

Right-Of-Way - The strip of land, dedicated for public use, through which facilities such as roadways, sidewalks, electric power lines, sanitary sewer lines, stormwater drainage lines, natural gas lines, telephone lines, cable television lines and other infrastructure are placed.

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.

Screening - A physical barrier of living or non-living material that separates and/or obscures vision from a higher intensity land use to a residential use.

Setback - The distance between the public right-of-way line and the front line of a building or any projection thereof, excluding uncovered steps.

Setback Line - That line that is the required minimum distance from a public right-of-way line or any other lot line that establishes the area within which the buildings, structures, parking areas or other physical features of a parcel as stated by this ordinance must be erected or placed.

Sign - Refer to the sign section (Section 23) of this ordinance for the definition of a sign and for other definitions pertaining to signs.

Sign Area - Refer to the sign section (Section 23) of this ordinance for the definition of sign area.

Site Plan - A site or development plan shall refer to a set of to-scale drawings and associated text containing the following elements of information regarding the proposed and/or existing use(s) for a premises.

- A. Use - A statement of the general nature of the proposed and/or existing use(s) on a premises.
- B. Structures - The location, size, and height of all structures on the property (including buildings, signs, walls, fences, waste collection facilities, and works of art).
- C. Setbacks and Yards - The location, size, and dimensions of all yards, setbacks, and spaces between structures.
- D. Architectural Elevations - The exterior architectural elevations of all structures proposed and/or existing on the site showing the general design, architectural features, color, and building materials. The architectural elevations of structures immediately adjacent to the applicant's property may be required.
- E. Paving - The location, dimensions and method of improvement of all driveways, parking areas, walkways, and other means of access, ingress, and egress.
- F. Parking and Loading - The location, dimensions, and layout of all areas to be used for parking or loading.
- G. Screening - The location, height, and materials for all required screening.
- H. Lighting - The location, design, intensity, color, and beam spread of all exterior lighting.
- I. Signs - The location, size, and architectural elevations of all signs.
- J. Storm Water Drainage - The design of the storm water drainage system for the property.
- K. Other Relevant Information - Any additional relevant information requested by the City.

Special Approval - The review process(es) through which certain development plans, amendments to development plans, uses, or characteristics of uses must receive approval from the appropriate City department, board, commission or council before a zoning permit can be issued. Department of Development Special Approval, Planning Commission Special Approval, Conditional Use Special Approval, and Major Use Special Approval are the four classes of Special Approvals.

Stable, commercial - A building or land where a horse, a pony, a mule, a donkey, or other riding animal is kept for remuneration, hire, sale, boarding, riding, or show.

Stable, private - Any building, incidental to an existing residential principal use, that shelters a horse, a pony, a mule, a donkey, or other riding animal used for the exclusive use of the occupants of the premises.

Stacking - The area of a parking lot used for the temporary storage of vehicles at ingress and egress points of a premises or drive-thru aisles for uses such as drive-thru banking, fast food restaurants, and convenience stores.

Staff - An employee of the City of Centerville designated by the City Manager to perform certain functions designated within this ordinance.

Structure - A combination of materials to form a construction for use, occupancy, or ornamentation whether installed on, above, or below the surface of land or water including, but not limited to, buildings, mobile homes, walls, fences, and ground signs.

Toxic Material - A solid, liquid or gas which can be injurious to the public safety as defined in U.S. Government Regulations.

Trailer - A structure standing on wheels, towed or hauled by another vehicle and used for short-term human occupancy, carrying materials, goods or objects, or as a temporary office.

Use - The specific purpose(s) for which land or a building is designated, arranged, intended, or for which it may be occupied or maintained.

Use, Accessory - See: Accessory Use or Structure.

Use, Permitted - Any use allowed in a zoning district and subject to the restrictions applicable to that zoning district.

ORDINANCE NO. 12-86
CITY OF CENTERVILLE, OHIO

Sponsored by Councilman Jeffrey Siler on the
21st day of July, 1986.

AN ORDINANCE ESTABLISHING A SCHEDULE OF FEES FOR CERTAIN APPLICATIONS AND PERMITS REQUIRED BY THE ZONING ORDINANCE OF THE CITY OF CENTERVILLE, OHIO, AND OTHER ORDINANCES OF THIS MUNICIPALITY WHICH MAY BE SPECIFIED HEREIN

Whereas, the City Council has adopted a Zoning Ordinance and other ordinances requiring the establishment of a schedule of fees, charges and expenses to help defray the cost of the necessary review and administration required by these ordinances, now therefore;

THE MUNICIPALITY OF CENTERVILLE HEREBY ORDAINS:

Section 1. Schedule of Fees for the City Zoning Ordinance

This ordinance shall establish a schedule of fees, charges, and expenses and a collection procedure for zoning permits, sign permits, certificates of zoning compliance, Special Approval applications, variances, appeals, applications to amend this ordinance, rezonings, and other matters pertaining to this ordinance.

- A. Zoning Permit - Ten Dollars (\$10)
- B. Certificate of Zoning Compliance - Zero Dollars (\$0)
- C. Department of Development Special Approval - Five Dollars (\$5)
- D. Planning Commission Special Approval -

Only one of the following two fees shall be charged.

- 1. A New Principal Building or a Major Addition to a Principal Building - Two Hundred Dollars (\$200)

If the application proposes a new principal building, an addition to a principal building containing more than twenty-five percent (25%) of the gross floor area of the existing principal building to which the addition is to be attached, or an addition exceeding

one thousand (1000) square feet of gross floor area this fee shall apply.

- 2. Any Other Application Under This Procedure - Twenty Dollars (\$20)
- E. Conditional Use Special Approval - Three Hundred Dollars (\$300)
- F. Major Use Special Approval - Four Hundred Dollars (\$400)
- G. Rezoning or Amendment to the Zoning Ordinance - Five Hundred Dollars (\$500)
- H. Variance - Seventy-Five Dollars (\$75)
- I. Appeal - No Fee (\$0)

Section 2. Fees to Paid at the Time the Application is Filed

An application filed pursuant to the provisions of this ordinance shall be accompanied by the filing fee hereinafter specified. For each application, petition or appeal the fee shall be paid to and collected by the Administrative Officer, the receipt of which shall accompany the application, petition or appeal.

Section 3. Fees Paid are not Refundable

No part of any filing fee paid pursuant to this ordinance shall be returnable to the applicant.

Section 4. Only City Council may Change Fees

This schedule of fees may be altered or amended only by the City Council.

Section 5. Effective Date of Ordinance

This ordinance shall become effective the 16th day of September, 1986.

PASSED THIS 21st DAY OF July, 1986.



Mayor of the City of Centerville, Ohio

ATTEST:

Maile J. Saugli
Clerk of the Council
City of Centerville, Ohio

CERTIFICATE

The undersigned, Clerk of the Council of the City of Centerville, Ohio, hereby certifies the foregoing to be a true and correct copy of Ordinance No. 12-86, passed by the Council of the City of Centerville, Ohio, on the 21st day of July, 1986.

Maile J. Saugli
Clerk of the Council

Approved as to form, consistency
with existing ordinance, the charter
and consitutional provisions.

Department of Law
Robert N. Farquhar
Municipal Attorney



ORDINANCE NO. 13-86
CITY OF CENTERVILLE, OHIO

Sponsored by Councilman J. V. Stone on the
21st day of July, 1986.

AN ORDINANCE ESTABLISHING A PLANNING COMMISSION FOR THE CITY OF CENTERVILLE, OHIO IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 713 OF THE OHIO REVISED CODE. THIS ORDINANCE REPEALS ORDINANCE NO. 2-39, TO CREATE A CITY PLANNING COMMISSION FOR THE VILLAGE OF CENTERVILLE, MONTGOMERY COUNTY, OHIO, AS AMENDED BY ORDINANCE NO. 6-60, ORDINANCE NO. 25-69, ORDINANCE NO. 51-69, ORDINANCE NO. 16-74, ORDINANCE NO. 76-75, AND ALL AMENDMENTS THERETO.

Whereas the Centerville City Council, pursuant to the provisions of Chapter 713 of the Ohio Revised Code and the Charter of the City of Centerville, Ohio, deems it necessary to create a Planning Commission, therefore;

THE MUNICIPALITY OF CENTERVILLE HEREBY ORDAINS:

Section 1. Establishment of the Planning Commission

A. Creation

In order to execute the purposes declared in the Ohio Revised Code, the Charter of the City of Centerville, Ohio, the City Zoning Ordinance, Subdivision Ordinances, and all other applicable ordinances of this municipality, there is hereby created a commission to be called the Planning Commission.

B. Number of Members

The Planning Commission shall consist of seven (7) members that are appointed by City Council.

C. Residency

In considering appointments or reappointments to the Planning Commission, the City Council shall consider only those applicants residing within the City of Centerville.

D. Term of Office

A member of the Planning Commission serving an unexpired term of office under an ordinance repealed by this ordinance shall automatically be appointed by this ordinance to fulfill that unexpired term of office. The term of office for each newly appointed member of the Planning Commission shall be four (4) years.

E. Compensation

Members of the Planning Commission shall serve without compensation.

F. Vacancies

City Council shall appoint a new member to fill the unexpired term of any Planning Commission member whose place has become vacant.

G. Removal from Office

Removal from office shall be in accordance with the provisions of the Charter of the City of Centerville, Ohio.

Section 2. Rules of Procedure for the Planning Commission

A. Officers

A chairperson shall be appointed by City Council from the members of the Planning Commission. The vice-chairperson shall be elected by the Planning Commission from their own members.

B. Terms of Officers

The chairperson and vice-chairperson shall serve a one (1) year term of office.

C. Meetings

The members of the Planning Commission shall hold as many meetings as necessary to carry out their duties.

D. Quorum

1. Four (4) members of the Planning Commission shall constitute a quorum for the transaction of business.
2. Five (5) members of the Planning Commission shall constitute a quorum to recommend to City Council amendments to the City Zoning Ordinance.

E. Minutes of the Meetings

The Planning Commission shall keep a record, which shall be open to the public, of its resolutions, proceedings, substantive arguments, and actions.

F. 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.

G. Conflict of Interest

No member of the Planning Commission shall vote or participate in the 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 of Centerville Code of Ethics.

H. Additional Rules of Procedure

The Planning Commission shall adopt additional rules of procedure as they deem necessary to conduct their business.

Section 3. Duties and Powers of the Planning Commission

A. Powers and Duties, General

The Planning Commission shall have all the duties and powers prescribed by the Ohio Revised Code, the Charter of the City of Centerville, Ohio, and all other applicable Ordinances of this Municipality.

B. Recommend Ordinances to the City Council

The Planning Commission shall have the power to draft a new ordinance, or an amendment to an existing ordinance. The Planning Commission shall recommend action to the City Council on a new ordinance or an amendment to an existing ordinance.

C. Hiring of a Consultant

The Planning Commission, with the approval of the City Manager or the City Council, may in special instances temporarily retain the services of a consultant to assist the Planning Commission in performing its duties.

D. Establish Rules of Procedure

The Planning Commission shall have the power to adopt Rules of Procedure as may be necessary to perform their duties.

E. Additional Powers

The Planning Commission shall have all additional powers granted by the City Council.

Section 4. Staff Assistance to the Planning Commission

The City Manager shall designate staff member(s) as necessary to assist the Planning Commission.

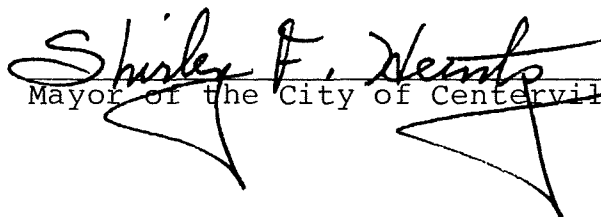
Section 5. Repeal of the Existing Planning Commission Ordinance

Ordinance No. 2-39, To Create a City Planning Commission for the Village of Centerville, Montgomery County, Ohio, as Amended by Ordinance No. 6-60, Ordinance No. 25-69, Ordinance No. 51-69, Ordinance No. 16-74, Ordinance No. 76-75, and all Amendments thereto is hereby repealed.

Section 6. Effective Date of Ordinance

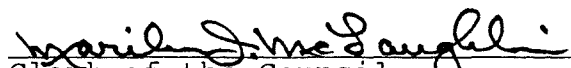
This ordinance shall become effective the 16th day of September, 1986.

PASSED THIS 21st DAY OF July, 1986.



Mayor of the City of Centerville, Ohio

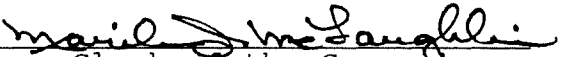
ATTEST:



Clerk of the Council
City of Centerville, Ohio

CERTIFICATE

The undersigned, Clerk of the Council of the City of Centerville, Ohio, hereby certifies the foregoing to be a true and correct copy of Ordinance No. 13-86, passed by the Council of the City of Centerville, Ohio, on the 21st day of July, 1986.


Clerk of the Council

Approved as to form, consistency
with existing ordinance, the charter
and consitutional provisions.

Department of Law
Robert N. Farquhar
Municipal Attorney

