# **NOTICE OF ADOPTION**

l, _	, do hereby certify:
1.	That I am the Clerk of Council of the Council of the City of Centerville, Ohio; and
2.	That on the day of, 20, Ordinance No was adopted by the Centerville City Council; and
3.	That a certified copy of Ordinance No was published in the posting locations prescribed by the City of Centerville Council.
	Davis
	Clerk of Council

# ORDINANCE NO. <u>6-20</u> CITY OF CENTERVILLE, OHIO

SPONSORED BY COUNCILMEMBER Johne Ran ON THE 14 DAY OF September, 2020.

AN ORDINANCE AMENDING ORDINANCE NO. 14-08, CHAPTER 1216, SECTIONS 9.05, 9.13, 9.23, 9.25, 9.29, 9.31, 9.39, 9.51, AND 11.02 OF THE CENTERVILLE MUNICIPAL CODE, THE UNIFIED DEVELOPMENT ORDINANCE FOR THE CITY OF CENTERVILLE, OHIO, TO AMEND REGULATIONS FOR DEVELOPMENT STANDARDS.

#### **PREAMBLE**

**WHEREAS,** on the 15th day of December, 2008, the City of Centerville enacted the Unified Development Ordinance (UDO) to establish zoning regulations and to provide for its administration, enforcement and amendment; and

WHEREAS, the City Council directed the City Manager to conduct an annual review of the UDO and amendments thereto to assure consistency with previous ordinances, to update it to reflect current policies and to eliminate duplicity; and

**WHEREAS,** revision of Sections 9.05, 9.13, 9.23, 9.25, 9.29, 9.31, 9.39, 9.51, and 11.02 of the UDO regulations for development standards is recommended at this time; and

**WHEREAS,** the amendments are in harmony with the City of Centerville's comprehensive plan, *Create the Vision*; and

**WHEREAS,** all requirements of Chapter 713 of the Ohio Revised Code, with regard to the adoption of the UDO and/or amendments thereto by the Planning Commission and subsequent action of the City Council have been met.

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

<u>Section 1.</u> Ordinance Number 14-08 passed on the 15<sup>th</sup> day of December, 2008 and as subsequently amended, be, and the same hereby is revised as follows with new language to be added in *italics* and text to be deleted in <del>strikeout</del> as provided in Section 5.02 of the Centerville Charter:

# By amending Article 9, Part 1, Zoning as follows:

### 9.05 Base Zoning Districts

#### A. Dimensional and Density Regulations

#### 9. Sidewalk Sale

The owner or operator of a business located in the B-1, B-2, B-PD and the APD Zoning Districts may conduct a sidewalk sale outside that business premises on private property in accordance with the following provisions:

- a. The merchandise for sale shall be limited to only that merchandise normally offered for sale by the business owner or operator conducting the sale.
- b. Each Sidewalk sales shall be limited to a maximum time period of 3 days 20 days per calendar year through either a single event or multiple events.
- c. The owner or operator of a business shall be limited to a maximum of 5 sidewalk sales in any one calendar year, and

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 6 separate sellers. either of the following:

- i. A planned program involving at least 6 separate sellers.
- ii. A Food Truck with a valid Mobile Food Vendor permit from the City Manager's Office.
- d. 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 6 separate sellers.

#### 10. Mobile Food Vehicle Vendors

- a. A Mobile Food Vehicle may operate as a Temporary Use in accordance with all requirements, contained in Chapter 844 of the Centerville Municipal Code.
- b. License Required. Any person desiring to operate a Mobile Food Vehicle shall make a written application for such License to the City Manager's Office in accordance with the licensing requirements contained in Chapter 844 of the Centerville Municipal Code.

- License Fee. All vendors licensed under this Chapter shall pay an annual license fee. The amount shall be in accordance with Chapter 1214.02
   Unified Development Ordinance Schedule of Fees 844 of the Centerville Municipal Code.
- d. A Mobile Food Vehicle may operate on private property provided: Permitted Locations
  - i. Temporary Use: A Mobile Food Vehicle is a temporary use to the premises as defined by the UDO. A Mobile Food Vehicle shall not be permitted as a principal use on a premises.
  - ii. Industrial Uses: A Mobile Food Vehicle may be temporarily parked on the premises of an industrial use or a premises zoned I-1 or I-PD to serve the employees of said premises and limited to a maximum of 1 hour per day during normal business hours of the industrial use.
  - iii. Sidewalk Sale: A Mobile Food Vehicle may be placed on the premises in conjunction with a sidewalk sale in accordance with the provisions contained in Article 9.05 of the UDO and the following:
    - 1) A Mobile Food Vehicle shall operate only during the dates and times when the Sidewalk Sale occurs.
    - 2) A Mobile Food Vehicle shall not be located on or within 100 feet of a business premises that dispenses gasoline or other fuel, or a restaurant.
    - 3) A Mobile Food Vehicle shall not be located on or within 100 feet of a residential premises.
    - 4) A Mobile Food Vehicle shall be legally parked within a parking lot having the capacity of at least 30 parking spaces.
    - 5) A License shall be required in accordance with part b. License Required, of this section.
    - 6) The licensee shall make application with the City and submit all necessary documentation, including a site plan, to demonstrate all requirements will be met.

- 7) An affidavit from the property owner and business owner of the premises where the owner/operator of the Mobile Food Vehicle intends to conduct business stating that the owner/operator has permission to conduct business there.
- iv. Public Parks: A Mobile Food Vehicle may operate in a public park or municipal facility in accordance with this ordinance, the Centerville Municipal Code and with the permission or license of the owner of the public park or municipal facility. (Ord 17-16)
- v. Community Event: A Mobile Food Vehicle may be parked on a premises in conjunction with a sidewalk sale per Article 9.03(A)(9) of the Centerville Unified Development Ordinance (UDO) or as part of a community event may be placed on the premises of such sidewalk sale or community event.
  - 1) Shall operate only during the dates and times when the event occurs.
  - 2) Shall not be located within 100 feet of a business that dispenses gasoline or other fuel.
  - 3) Shall not be located within 100 feet of a residential premises.
  - 4) Shall be legally parked within a parking lot having the capacity of at least 30 parking spaces.
  - 5) The licensee shall make application with the City and submit all necessary documentation, including a site plan, to demonstrate all requirements will be met.
- vi. Sound emanating from a Mobile Food Vehicle shall be in accordance with the sound requirements contained in UDO Article 9.53.

8)

- i. A Mobile Food Vehicle may operate within the public right-ofway, provided it meets all conditions of Chapter 844 of the Centerville Municipal Code. This use does not require a zoning permit.
- ii. A Mobile Food Vehicle may operate on private property as a Temporary Use to the premises as defined by the UDO. A Mobile

Food Vehicle shall not be permitted as a principal use on a premise and shall be an accessory or secondary use. The following are types of permitted Temporary Uses for mobile food vehicle vendors.

- 1) Industrial and Office Uses: A Mobile Food Vehicle may be temporarily parked on the premises of an industrial use or a premises zoned I-1, I-PD, and O-PD to serve the employees of said premises and limited to a maximum of 1 hour per day during normal business hours of the industrial or office use. The applicant may apply for one Temporary Use permit for the year for a designated daily, weekly, biweekly or monthly time.
- 2) General Commercial Use: A Mobile Food Vehicle may be placed on the premises of a property zoned B-1, B-2, B-PD, and the APD in conjunction with a Temporary Use or sidewalk sale in accordance with the provisions contained in Article 9.05.(A).(9) of the UDO, including the time limitations of the permit. The event shall meet the following guidelines for each mobile food vehicle:
  - i) A Mobile Food Vehicle shall operate only during the dates and times when the Temporary Use or Sidewalk Sale occurs. This event must follow all regulations of a Sidewalk Sale, as listed in Article 9.05.(A).(9).
  - *ii)* A Mobile Food Vehicle shall not be located on or within 100 feet of a business premises that dispenses gasoline or other fuel, or a restaurant.
  - *iii) A Mobile Food Vehicle shall not be located on or within 100 feet of residential premises.*
  - iv) A Mobile Food Vehicle shall be legally parked within a parking lot having the capacity of at least 20 parking spaces. An off-site parking agreement to an adjacent or nearby parking lot within 400' of the use for the designated time period would be alternatively permitted.
  - v) A License shall be required in accordance with part b. License Required, of this section for each mobile food vehicle.
  - vi) The licensee or property owner shall make application with the City and submit all necessary documentation, including a site plan, to demonstrate all requirements will be met.

- vii) An affidavit from the property owner and business owner of the premises where the owner/operator of the Mobile Food Vehicle intends to conduct business stating that the owner/operator has permission to conduct business there.
- 3) Public Parks, Library and Civic Spaces: A Mobile Food Vehicle may operate in a public park or municipal facility in accordance with this ordinance, the Centerville Municipal Code and with the permission or license of the owner of the public park or municipal facility. Each mobile food vehicle shall have a valid City Manager's Mobile Food Vendor License, however a Temporary Use zoning permit is not required.
- 4) Carnival Event: A Mobile Food Vehicle may be parked on a premises in conjunction with a carnival event per Article 9.05(A)(9) of the Centerville Unified Development Ordinance (UDO) or as part of a Carnival, Circus, Other Community Event or Showcase. Each Mobile Food Vendor shall have a valid City Manager's Mobile Food Vendor License, however a Temporary Use zoning permit is not required. The event, as well as Mobile Food Vendors shall meet the following criteria:
  - i) A carnival permit shall be approved by the Centerville City Manager in accordance with Chapter 808 of the Centerville Municipal Code.
  - *ii)* Shall operate only during the dates and times when the event occurs.
  - *iii)* Shall be legally parked within a parking lot having the capacity of at least 30 parking spaces.
  - iv) The licensee shall make application with the City and submit all necessary documentation, including a site plan, to demonstrate all requirements will be met.
- 5) Unless specifically permitted in this section, Mobile Food Vendors are prohibited from operating on private property in residential, agricultural and O-S zoned districts.
- e. Sound emanating from a Mobile Food Vehicle shall be in accordance with the sound requirements contained in UDO Article 9.53.

# **Table 9.1**See Attachment

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

#### 9.13 Required Improvements

#### A. Purpose

The purpose of this Section is to provide site planning and design regulations for new subdivisions. Review procedures for minor and major subdivision plans and plats are found in Article 5, Section 5.11. Information required for submittal of an application is found in Section 5.13.

#### B. Streets

- 2. Minimum Right-of-way Widths. The typical standards shown herein are minimum only.
  - a. Official Thoroughfare Plan streets: see the Official Thoroughfare Plan.
  - b. Major Thoroughfare: 120 foot right-of-way.
  - c. Minor Thoroughfare: 82-90 foot right-of-way.
  - d. Major Collector Street: 70 foot right-of-way.
  - e. Minor Collector Street: 60 foot right-of-way.
  - f. Public access or service drives: 40 foot right-of-way.
  - g. Cul-de-sacs: fifty-foot right-of-way for access and 100-foot diameter right-of-way for turn-a-rounds.
  - h. Alleys: 20 foot right-of-way.
  - i. Rear or Side Property Line Easements shall be a minimum width of 10 feet, five feet on each side of the rear or side property line. The Planning Commission may increase, reduce, or eliminate any portion of this requirement as a part of the subdivision or site plan review based upon the needs of the agencies requiring the easement(s).

#### H. Improvements

10. Fiber Optics

The subdivider shall be responsible for providing a 2" minimum fiber optic conduit and pull box system as approved by the City Engineer, along all improved public streets and thoroughfares for the ability to connect to a current or future fiber optic provider.

#### K. Rear and Side Property Line Easements

Rear or Side Property Line Easements shall be a minimum width of 10 feet, five feet on each side of the rear or side property line. The Planning Commission may increase, reduce, or eliminate any portion of this requirement as a part of the subdivision or site plan review based upon the needs of the agencies requiring the easement(s).

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

#### 9.23 Required Improvements

- A. Streets (See Section 9.13 (B))
- B. Sidewalks (See Section 9.13 (D))
- C. Water System (See Section 9.13 (E))
- D. Sanitary Sewer (See Section 9.13 (F))
- E. Storm Sewer and Drainage (See Section 9.35)
- F. Monuments (See Section 9.13 (H)(5))
- G. Street Trees (See Section 9.25) (Ord. 16-13)
- H. Traffic Control Devices (See Section 9.13 (H)(7))
- I. Street and Walkway Lighting (See Section 9.13 (H)(8))
- J. Fire Protection (See Section 9.13 (H)(9))
- K. Other Development Improvements (See Section 9.13 (I))
- L. Guarantee of Construction and Installation of Improvements; Inspections (See Section 9.17)

M. Fiber Optics (See Section 9.13(H)(10))

## 9.25 Landscaping, Screening and Buffering Standards

B. Posting of Bond or Irrevocable Letter of Credit

A performance bond or irrevocable letter of credit from a banking institution or other such surety acceptable to the Municipal Attorney may be substituted for completion of the landscaping as shown on the approved landscaping plan, subject to the approval of the City Planner. After a bond or irrevocable letter of credit has been posted, the landscaping material required in the approved landscaping plan shall be installed within six months after the date of posting the bond or irrevocable letter of credit. A one month extension of the planting period may be granted by the City Planner upon a demonstration by the property owner or developer that such an extension is warranted because of adverse weather conditions or unavailability of required plant materials. No more than three such one-month extensions may be granted. within 12 months after the date of the posting of the bond or irrevocable letter of credit. The City Planner may authorize a longer period of time up to two years for multi-family units and other developments that expect construction to last more than twelve months. However any extension beyond two years must be approved by City Council. Foreclosure proceedings shall be brought against the performance bond or irrevocable letter of credit if the required landscaping plans have not been complied with by the end of the approved planting period.

#### 9.29 Parking and Loading Standards

- B. Off-Street Parking Standards
  - 2. Requirements applicable to a residential premises
    - c. Recreational Vehicle
      - A maximum of 1 recreational vehicle may be parked outdoors per dwelling unit.
      - *ii.* A recreational vehicle shall not exceed 8 feet in width, 12 feet in height, or 30 feet in length.
      - iii. Recreational vehicle shall be located in the side yard of a residential premises. Front or rear yard parking shall be prohibited except as provided in Section 9.29(B).
      - *iv.* No recreational vehicle shall be parked nearer to a side lot line than 5 feet.

- v. A recreational vehicle shall be stored on a hard paved surface such as asphalt or concrete at all times.
- vi. A recreational vehicle shall be screened in accordance to the Screening Requirements contained in Section 9.25, Table 9.6 of the UDO.
- vii. Refer to Article 3.13(H)(5) for provisions pertaining to non-conforming Recreational Vehicle Uses of this UDO.

## F. Number of Parking Spaces Required

- 1. The minimum number of parking spaces required per use is shown in Table 9.8.
- 2. The Parking requirements for accessible parking spaces through the American Disabilities Act should be used from the Ohio Building Code for the use and scale of the non-residential use.

# **Table 9-8**See Attachment

#### 9.31 Access Control for Streets and Highways

- C. Roadway Access Standards
  - 5. Dimensions of a Driveway
    - b. Single-Family and Two-Family Residential Uses
      - i. A driveway for a single-family or two-family residence shall have a minimum width of 8 feet and a minimum length of 20 feet from the public right-of-way. For a single-family or two-family residence on a private street, it shall be minimum length of 20' from the back of sidewalk or 30' from back of the curb if a sidewalk or path is not present. In no case shall any driveway exceed 24 feet in width at the public right of way.

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

#### 9.39 Accessory Buildings and Use Standards

#### C. General Provisions

The following general provisions shall apply to all accessory buildings or structures:

- 7. The gross floor area of all accessory buildings and structures on a single-family or two family residential premises shall be a maximum of 750 square feet or occupy no more than 20 percent of the rear yard, whichever is less lot shall be as follows:
  - a. A single-family or two-family residential premise within the R-1a zoning district, and larger than 1.0 acre in lot size, shall be maximum of 1,250 sq. ft.
  - b. All other single-family or two-family residential premises shall be a maximum of 750 square feet or occupy no more than 20 percent of the rear yard, whichever is less;

#### D. Private Swimming Pools and Hot Tubs

- 1. Location, Area and Height:
  - b. Any swimming pool or part thereof shall be setback a minimum of 10 feet to a side or rear lot line and outside of any required easement. The following are the setback requirements for a pool.
    - i. The pool structure shall be located a minimum of 10' from any side or rear property line and outside of any easement.
    - ii. The pool deck or concrete pad connected to the pool shall be a minimum of 5' from any side or rear property line and outside of any easement.

#### 9.51 Sign Standards

#### A. Purpose

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

 Protect the public from a traffic safety concern by addressing driver fatigue, impairment, judgment, error, risk taking, and traffic violations that could occur from the distraction of electronic, and changeable copy, or moving/rotating signs.

#### C. Prohibited Signs and Sign Characteristics

5. RESERVED Any sign with visible moving, revolving, rotating parts, visible mechanical movement or 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.

#### D. General Provisions

A sign shall be designed, erected, altered, reconstructed, moved and maintained in accordance with the provisions of Section 9.51 of this Ordinance unless specifically modified by another Section of this Ordinance.

15. . Static, fixed message. A sign must convey a static, fixed message. A static, fixed message under the provisions of this ordinance means a sign message must remain as a constant visual image for at least 10 minutes.

A permanent sign may have an internal rotation that does not extend beyond the sign area when in motion. A sign with any other external rotation with visible moving, revolving, rotating parts, visible mechanical movement or 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.

# 16. RESERVED. Electronic Message Center (EMC), Night-Time Illumination (Ord. 7-18)

a. Illuminance shall be measured with the EMC off, and again with the EMC displaying a white image for a full color capable EMC or a solid message for a single color EMC. All measurements shall be taken as close as practical to a perpendicular plane with the sign at a distance in accordance with the following formula:

Measurement Distance =  $\sqrt{EMCSignArea(sq.ft.)x100}$ . The difference between the off and solid measurements shall not exceed 0.3 Footcandles at night.

b. An Electronic Message Center shall have automatic illumination dimming technology to comply with the 0.3 Footcandle measurement requirement.

#### 21. Temporary Signs

- e. Any temporary sign with visible moving, revolving, rotating parts, visible mechanical movement or 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.
- f. Temporary Signs for New Businesses

  New businesses that have received a zoning certificate and building occupancy permits are allowed a temporary sign for 30 days. A permit is not required and this does not count towards the annual,

half-calendar or quarter of a calendar year time requirement. Only one sign is permitted per premise and it must meet the size, material and location requirements of the Unified Development Ordinance for the zoning district that it is located. This allowance is only valid for a period within six months of the opening of the business.

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

#### 1. General Provisions

a. No sign shall be located in such a manner as to be primarily viewed from residential property.

#### b. Sign Illumination

No sign shall incorporate movement or the illusion of movement. Any illuminated sign or lighting device shall employ only light emitting a light of constant intensity, and no sign shall be illuminated by or contain flashing, intermittent, rotating or moving lights, or incorporate reflective materials which imitate or create the illusion of flashing or moving lights. In no event shall an illuminated sign or lighting device be placed or directed so as to permit the beams and illumination therefrom to be directed or beamed upon a public thoroughfare, highway, sidewalk or adjacent premises so as to cause glare or reflection that may constitute a traffic hazard or other nuisance. Signs shall not be lighted in a manner which obstructs traffic control or any other public informational signs. Signs visible from sight lines along streets shall not contain symbols or words, or red and green lights that resemble highway traffic signs for devices. These regulations shall not apply to holiday display lighting.

- i. A permanent sign may be illuminated.
- ii. A permanent sign for a business, industrial, or non-residential use where such use is located in a residential zoning district and the parcel where the use is situated does not have frontage to a thoroughfare street as defined by the Centerville Thoroughfare Plan shall not be internally illuminated.
- iii. A temporary sign shall not be illuminated.
- iv. No temporary sign shall incorporate movement or the illusion of movement.

- c. A sign may include an *E*electronic *M*message *C*eenter subject to the following requirements:
  - i. The sign must be located in a non-residential zoning district.
  - ii. The Electronic Message Center shall be limited to a maximum of 25 60% of the *total* sign face area not to exceed 12 24 square feet in area *per side*.
  - iii. The surface area of the remaining portion of the sign face shall be a solid and opaque surface.
  - iv. A sign having an electronic message center shall only be placed along the frontage of a thoroughfare street as defined by the Centerville Thoroughfare Plan.
  - v. Static, fixed message. A sign must convey a static, fixed message. A static, fixed message under the provisions of this section of the ordinance means a sign message must remain as a constant visual image for at least one (1) minute. The transition time between images must be instantaneous without a transition period.
  - vi. Electronic Message Center (EMC), Night-Time Illumination
    - (a) Illuminance shall be measured with the EMC off, and again with the EMC displaying a white image for a full color-capable EMC or a solid message for a single-color EMC. All measurements shall be taken as close as practical to a perpendicular plane with the sign at a distance in accordance with the following formula:

Measurement Distance =  $\sqrt{EMCSignArea(sq.ft.)x100}$ . The difference between the off and solid-measurements shall not exceed 0.3 Footcandles at night.

(b) An Electronic Message Center shall have automatic illumination dimming technology to comply with the 0.3 Footcandle measurement requirements.

### 4. Temporary Signs

- a. Ground or Projecting Signs (Temporary)
  - Only one temporary ground or projecting sign, for a period of time not to exceed 30 45 days maximum in any one calendar year, shall be permitted for on each premises.

ii. For a premises having two (2) or more non-residential uses, only one temporary ground or projecting sign, for a period of time not to exceed 30 45 days maximum in any one calendar year, shall be permitted by any one non-residential use provided only one temporary ground or projecting sign is displayed on a premises at any one (1) time.

#### b. Wall Signs (Temporary)

- Only one temporary wall sign, for a period of time not to exceed 30 days maximum in any one evenly divided quarter of a calendar year, shall be permitted for anyone building frontage of a premises.
- ii. The sign area shall not exceed 12 the square footage of 3/10 of the building frontage not to exceed 40 square feet.

#### By amending Article 11, Definitions as follows:

#### 11.02 Definitions

Craft Breweries, Distilleries and Microwineries - A small-scale, licensed manufacturing establishment which produces, processes, bottles, cans, ferments, rectifies, or blends craft brews, wines or distilled spirits; may or may not offer tastings, and may or may not provide on-site sale and consumption of the products. Primary offerings are produced on site.

External Rotation – The rotation or movement of a sign that extends beyond the sign area when in motion.

*Internal Rotation* –The rotation of a sign that does not extend beyond the sign area when in motion.

**Pawnshop** - Any business that loans money on deposit of personal property or deals in the purchase or possession of personal property on the condition of selling the same back again to the pledger or depositor, or loans or advances money on personal property by taking chattel mortgage security thereon, and takes or receives such personal property.

Swimming Pool - Any swimming pool other than a private swimming pool, including publicly and privately owned pools open to the general public and pools owned and

operated in conjunction with membership organizations, hotels, motels, and other similar

Any swimming pool or hot tub constructed for recreation purposes either above or below grade and is larger than 150 square feet and more than 24 inches in depth.

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

PASSED THIS 14th DAY OF September, 2020.

But Street Continues

ATTEST:

Clerk of Council, City of Centerville, Ohio

# **CERTIFICATE**

The undersigned, Clerk of Council of the City of Centerville, Ohio, hereby certifies the foregoing to be a true and correct copy of Ordinance No. 16-20. passed by the Council of the City of Centerville, Ohio on the 14th day of September, 2020.

Approved as to form and consistency with existing ordinances, the charter and constitutional provisions. Department of Law Scott Liberman Municipal Attorney