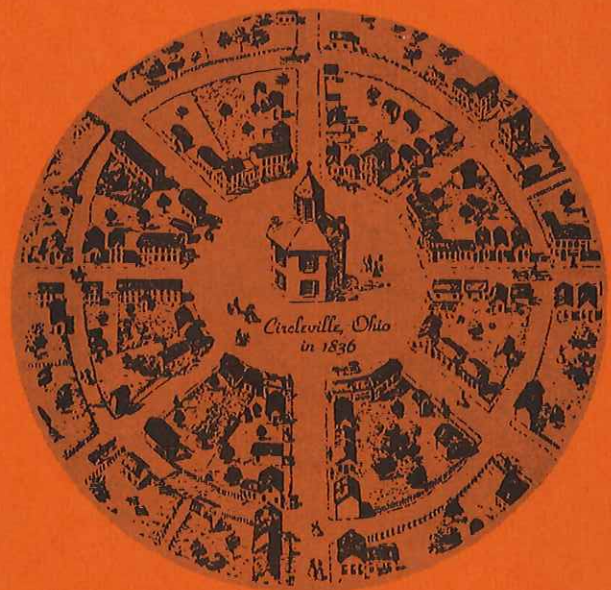


"City Auditor"

**COMPREHENSIVE DEVELOPMENT PLAN
CITY OF CIRCLEVILLE, OHIO**

**Z O N I N G
C O D E**



**PARKINS, ROGERS & ASSOCIATES, INC.
PLANNING & URBAN RENEWAL CONSULTANTS**

LIST OF OFFICIALS

CITY OF CIRCLEVILLE, OHIO

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Robert J. Shadley, Clerk

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Samuel Cook
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Wayne Griffith
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1903 LeVeque Lincoln Tower
Columbus, Ohio 43215

ZONING CODE
FOR THE CITY OF CIRCLEVILLE, OHIO

Prepared for the
Circleville Planning and Zoning Commission

By

Parkins, Rogers & Associates, Inc.
Planning and Urban Renewal Consultants
1903 LeVeque Lincoln Tower
Columbus, Ohio 43215
January, 1970

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Circleville, Ohio

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ABSTRACT: This report contains model regulations pertaining to the
zoning of land within the corporate boundaries of the
City of Circleville, Ohio.

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ORDINANCE NO. 55-70

AN ORDINANCE ESTABLISHING ZONING REGULATIONS AND A ZONING DISTRICT MAP FOR THE CITY OF CIRCLEVILLE, OHIO, ENACTED UNDER CHAPTER 713 OF THE OHIO REVISED CODE, TO REGULATE AND RESTRICT THE LOCATION AND USE OF BUILDINGS, STRUCTURES, AND LAND FOR TRADE, INDUSTRY, RESIDENCE, PUBLIC AND SEMI-PUBLIC OR OTHER SPECIFIED USES; AND TO REGULATE AND LIMIT THE HEIGHT AND BULK OF BUILDINGS AND OTHER STRUCTURES; TO REGULATE AND DETERMINE THE AREA AND DIMENSIONS OF YARDS, COURTS, AND OTHER OPEN SPACES; TO REGULATE AND LIMIT THE DENSITY OF POPULATION AND TO DIVIDE THE CITY INTO DISTRICTS, ESTABLISHING THE BOUNDARIES THEREOF; PROVIDE FOR CHANGES IN THE REGULATIONS AND BOUNDARIES OF SUCH DISTRICTS; DEFINE CERTAIN TERMS USED HEREIN; PROVIDE FOR THE ADMINISTRATION AND ENFORCEMENT OF THE ORDINANCE; AND TO ESTABLISH A BOARD OF ZONING APPEALS AND DEFINE THE POWERS AND DUTIES OF SAID BOARD OF APPEALS.

BE IT ORDAINED by the Council of the City of Circleville, Ohio:

SECTION I: That the Zoning Ordinance containing 72 pages, the sections of which are designated by numbers for codification purposes, be and the same is hereby adopted.

SECTION II: That the Zone Map of the City of Circleville, Ohio, described in Section 105.02 is hereby adopted as the Zone Map of the City of Circleville, and is attached hereto and marked Zone Map of the City of Circleville, Ohio.

SECTION III: That this Ordinance is hereby determined and declared to be an emergency measure necessary for the immediate protection of the public peace, health and safety of the residents of the City of Circleville, Ohio, and will go into effect immediately after passage and approval by the Mayor. The reasons for the urgency are that legislation

concerning the matters contained in this ordinance is needed for the proper protection of property values, to avoid public nuisances and health hazards and for the proper administration of city affairs, without unnecessary delay.

Passed: July 13, 1970

1st Joseph S. Bell
President of Council *by K.H.*

ATTEST:

1st Robert J. Shadley
Clerk *by K.H.*

APPROVED:
7-22-70

1st Richard S. Hubardt
Mayor *by K.H.*

APPROVED AS TO FORM:

Solicitor

ARTICLE 100: GENERAL PROVISIONS AND DISTRICTS

Section 101 – Title, Purpose and Application.

101.01 Title: This Code is the "Zoning Code for the City of Circleville, Ohio."

101.02 Purpose and Intent: The purpose of this Zoning Code and the intent of the legislative authority in its adoption is to promote and protect to the fullest extent permissible under Ohio Laws, the public health, safety, convenience, comfort, prosperity and the general welfare of the City of Circleville, Ohio; by regulating the use of buildings, other structures and land for residences, public facilities, business, services, industry, or other purposes; by regulating and restricting the bulk, height, design, per cent of lot coverage and location of buildings; by regulating and limiting population density; and, for the aforesaid purposes, to divide the land within the corporate limits of the City of Circleville, Ohio, into districts of such number and dimensions in accordance with the objectives of the Comprehensive Development Plan; and to provide procedures for the administration and amendment of said Zoning Code.

This Zoning Code is intended to achieve, among others, the following objectives:

- (a) To protect the character and values of residential, institutional and public uses, business, commercial and manufacturing uses; and to insure their orderly and beneficial development;
- (b) to provide adequate open spaces for light, air and outdoor uses;
- (c) to prevent overcrowding of the land;
- (d) to prevent sparse and uncoordinated development;
- (e) to regulate and control the location and spacing of buildings on lots and in relation to the surrounding property so as to carry out the objectives of the Comprehensive Development Plan for the City of Circleville;
- (f) to regulate the location and intensity of land uses in relation to the capacity of the street system so as to reduce traffic congestion and promote traffic safety;
- (g) to establish zoning patterns that insure economical extensions for sewers, water supply, waste disposal and other public utilities, as well as development of parks, schools and other public facilities; and
- (h) to guide the future development of the City of Circleville so as to bring about the gradual conformity of land and building uses in accordance with the objectives of the Comprehensive Development Plan for the City of Circleville.

101.03 Relation to Other Laws: The provision of this Zoning Code shall supplement any and all laws of the State of Ohio, ordinances of this municipality or any and all rules

and regulations promulgated by authority of such law or ordinance relating to the purpose and scope of such Zoning Code.

The provisions of this Code shall not annul or in any way interfere with existing deed or plat restrictions, easements or other agreements between persons, codes, laws, rules, regulations, or permits previously adopted or issued except those ordinances or sections thereof which are contrary to and in conflict with this Code.

Wherever this Code imposes greater restrictions upon the use of buildings or land, the heights or bulk of buildings, or requires larger land or building areas, yards or other open spaces than are otherwise required or imposed by other deed or plat restrictions, codes, laws, ordinances, rules or regulations, this Code shall control; and conversely, other regulations shall control where they impose greater restrictions that does this Code.

101.04 Interpretation: In interpreting and applying the provisions of the Zoning Code, such provisions shall be held to be the minimum requirements for the promotion of public health, safety, convenience, comfort, prosperity and general welfare and to accomplish the objectives set forth throughout the Code. Except as specifically provided herein, it is not intended by the Zoning Code to repeal, abrogate or annul any existing provision of any law or ordinance or any rule or regulation previously adopted or issued pursuant to law relating to the use of structures and land and the design, erection, alteration or maintenance of structures thereon.

101.05 Validity: Should any section or provision of this Zoning Code be declared invalid by a court of competent jurisdiction, such decision shall not affect the validity of the Code as a whole, or any part thereof, other than the section or provision so declared to be invalid; nor shall the decision affect its application to different facts or circumstances.

101.06 Compliance With Regulations: The regulations set by this Code within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land except as hereinafter provided:

(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:

- to exceed the height limits;
- to accommodate or house a greater number of families;
- to occupy a greater percentage of lot area; and
- to have smaller front, side and rear yards than are herein required by this Code.

101.07 Annexed Territory: All territory which may hereafter be annexed to the City of Circleville, Ohio, if already zoned, shall be continued in its existing zone classification until amended in conformance with the procedures outlined in this Code. All territory which is not zoned when annexed shall be placed in the "AG" district classification until such time as the Zoning Map is amended to include this territory.

Section 102 - Definitions.

102.01 Interpretation: Words in this Code are normally used in their ordinary English usage. Certain terms are, however, defined in this section and wherever used in this Zoning Code, they shall have the meaning as set forth in the subsections of this section except where the context clearly indicates a different meaning.

All words used in the singular shall include the plural, and all words used in the present tense shall include the future tense, unless the context clearly indicates the contrary.

102.02 General Terms:

- (a) "City", means the City of Circleville, Ohio.
- (b) "Code", means the Zoning Code of the City of Circleville, Ohio.
- (c) "County", refers to Pickaway County, Ohio.
- (d) "Criterion", means a principle or standard by which the planning of a development area shall be guided.
- (e) "Developer", means a person commencing proceedings under this Code to effect the development of land for himself or for another.
- (f) "May" is to be interpreted as giving permission or being allowed to carry out a provision.
- (g) "Performance Standard", means a criterion for the establishment of acceptable limits for dust, smoke emissions, fire and explosive hazards, glare, heat, noise, odor, toxic and noxious fumes, vibrations or other objectionable conditions created by or inherent in uses of land or buildings. See Sections 305.01 and 305.02.
- (h) "Person", means an individual, firm, association, corporation, trust or any other legal entity, including his or its agents.
- (i) "Planned Unit Development", means any development of a tract of land for a complex of buildings which are planned as an entity. This term is commonly applied to residential developments such as condominiums, townhouses and cluster developments, but it may also be applied to commercial and industrial developments or to any developments which combine residential, commercial and industrial land uses.

The typical residential planned unit development involves housing units which are clustered on smaller than usual lots while maintaining the same overall dwelling unit density as would otherwise be allowed by the zoning ordinance in the zoning district in which the development is located. The land which is not developed for house lots is reserved as open space under common ownership. The open space may be deeded to the local government, to a special governmental district with boundaries which coincide with those of the subdivision, to a non-profit corporation consisting of the homeowners or to a park board district. The special governmental district and the non-profit corporation would be empowered to levy assessments on the residents for the maintenance and development of the open space.

(j) "Regulation", means a rule, restriction or other mandatory provision in this Code intended to control, require or prohibit an act.

(k) "Shall" is to be interpreted as mandatory and to be complied with unless waived.

(l) "Should" is to be interpreted as expressing that the application of said criteria or standard is desired and essential unless commensurate criteria or standards are achieved.

(m) "Standard", means a test, measure, model or example of quantity, extent or quality.

(n) "Used for" shall include "arranged for", "designed for", "intended for", "maintained for", or "occupied for".

(o) "Variance", means a relaxation of the terms of the Zoning Code where such modification will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the ordinance would result in unnecessary and undue hardship. As used in this Code, a variance is authorized for use, height, area, and size of structure, of size of yards and open spaces.

(p) "Zoning Districts", refers to the administrative tracts designating the uses to which land can legally be utilized. Boundaries of the districts are shown on the Zoning Map which is a part of this Code.

102.03 Municipal Officials and Offices:

(a) "Administrative Officer", means the Service Director of the City of Circleville, Ohio or the city official acting in this capacity, who functions under the direction of the Commission to administer and enforce the provisions of this Code.

(b) "Auditor", means the Auditor of the City of Circleville, Ohio, or his duly authorized representative.

(c) "Board", means the Board of Zoning Appeals of the City of Circleville, Ohio, or their duly authorized representatives.

(d) "Board of Health", means the Board of Health of the City of Circleville, Ohio, or their duly authorized representatives.

(e) "Commission", means the Planning and Zoning Commission of the City of Circleville, Ohio, or their duly authorized representatives.

(f) "Council", means the City Council, the legislative body of the City of Circleville, Ohio, or their duly authorized representatives.

(g) "Mayor", means the Mayor of the City of Circleville, Ohio or his duly authorized representative.

(h) "Solicitor", means the Solicitor for the City of Circleville, Ohio or his duly authorized representative.

102.04 Zoning Permits:

(a) "Conditional Use Permit", means a document issued by the Board authorizing a conditional use and specifying the conditions under which the use is authorized.

(b) "Occupancy and Compliance Certificate", means the document issued by the Administrative Officer which certifies that a building, other structure or parcel of land is in compliance with the provisions of this Code and all other building and health codes or is a lawfully existing non-conforming building or use and hence may be occupied and used lawfully for the purposes designated thereon; sometimes termed a Zoning Certificate.

102.05 Buildings and Other Structures:

(a) "Accessory Building", means a subordinate building, including a private garage detached from but located on the same lot as the main building, the use of which is incidental and accessory to that of the main building or use.

(b) "Area of Building", means the area at the ground level of the main building and all accessory buildings, excluding unenclosed porches, terraces and steps, measured from the outside surface of exterior walls.

(c) "Basement", means the space of a building where the floor level is more than three feet below the adjoining finished grade.

(d) "Building", means a structure which is permanently affixed to the land, having one or more floors and a roof, being bounded by either open space or lot lines, and used as a shelter or enclosure for persons, animals, or chattel property. The term shall be used synonymously with "structure" unless otherwise noted, and shall be construed as if followed by the words "part or parts thereof".

(e) "Building Line", means a line established by this Zoning Code, which is generally parallel to and measured from the front lot line, defining the limits of a front

yard in which no building or structure may be located above ground except as may be provided in said Code.

(f) "Detached Building", means a building surrounded by open space.

(g) "End or Secondary Wall", means any exterior wall of a building other than a main wall and containing secondary windows required for ventilation and not intended to provide a direct view.

(h) "Group Development", means a development of more than one multi-family building on a parcel planned as a unit and coordinated with the surrounding neighborhood.

(i) "Height of Building", means the vertical distance measured from the average finished grade across the face of the building containing the principal entrance to the highest point of the coping of a flat roof, or to the deck line of a mansard roof, or to the mean height level (between eaves and ridge) for gable, hip or gambrel roofs.

(j) "Land or Lot Coverage", means that percentage of a lot covered by the main and accessory buildings.

(k) "Main or Principal Building", means the building occupied by the main or principal use or activity or intended for their occupancy. All parts of said building are to be connected in a substantial manner by common walls and a continuous roof.

(l) "Main Wall", means any exterior wall of a building containing the principal windows of a living, dining and/or sleeping room or rooms.

(m) "Nonconforming Building", means a building existing lawfully at the time this Zoning Code, or an amendment thereto, became effective but which does not conform to the area, height, or bulk of building, yard or other regulations of the district in which it is located.

(n) "Overlapping Walls", means that portion of the exterior walls which are directly opposing when two buildings, parallel or within 30 degrees of being parallel, face each other across an open yard or court.

(o) "Single Development", means a development of one multi-family building on one lot coordinated with the surrounding neighborhood and fronting on a public street.

(p) "Story", means that portion of a building other than a basement included between the surface of any floor and the surface of the floor next above it or, if there is no floor above it, then the space between the floor and the ceiling next above it. A basement shall be counted as a story if it is used for living quarters or if two-thirds of its volume is above the average level of the adjacent ground.

(q) "Structure", means that which is constructed on or under the ground or attached or connected thereto, including but not limited to: buildings, barriers, bridges,

bulkheads, chimneys, fences, garages, outdoor seating facilities, parking areas, platforms, pools, poles, streets, tanks, tents, towers, sheds, signs, walls and walks; and excluding mobile homes, trailers and other vehicles when on wheels.

(r) "Structural Alterations", means any changes in the supporting members of a building such as bearing walls, columns, beams, or girders.

(s) "Swimming Pool", means any pool, lake or open tank with an area exceeding 100 square feet which is designed to contain water at a depth exceeding one and one-half feet at any point, but not including farm ponds or pools located within completely enclosed building. A "private swimming pool" is an accessory use which is owned by a person while a "community or club swimming pool" may be either a main or accessory use which is owned by a municipality, association of property owners or by a private club.

102.06 Lot, Parcel and Land:

(a) "Area of Lot", means the total horizontal area within the lot boundary lines of a zoned lot.

(b) "Corner Lot", means a lot abutting on two streets at their intersection, if the interior angle of intersection is not more than 135 degrees.

(c) "Front Lot Line", means the lot line separating an interior lot from the street upon which it abuts; or the shortest lot line of a corner lot which abuts upon a street. Unless the context clearly indicates the contrary, it shall be construed as synonymous with the street line.

(d) "Interior Lot", means a lot other than a corner lot or through lot with only one frontage on a street.

(e) "Lot", means a parcel of land intended for transfer of ownership or for building development. For the purposes of this Code, a Lot is synonymous with Zoned Lot.

(f) "Lot Frontage", pertains to the front of a lot which shall be construed to be the portion nearest the street. For the purposes of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage, and yards shall be provided as indicated under Yards in this section.

(g) "Lot Coverage", pertains to the ratio of enclosed ground floor area of all buildings to the horizontally projected area of the lot, expressed as a percentage.

(h) "Lot Line", means the boundary of a lot separating it from adjoining public, common or private land, including a public street.

(i) "Lot Measurements", shall be as follows:

- The depth of a lot shall be considered to be the distance between the mid-points of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear; and
- The width of a lot shall be considered to be the distance between straight lines connecting front and rear lot lines at each side of the lot, measured across the rear of the required front yard, provided, that the width between side lot lines at their foremost points (where they intersect with the street line) shall not be less than 80 per cent of the required lot width except in case of lots on the turning circle of cul-de-sacs, where the 80 per cent requirement shall not apply.

(j) "Lot of Record", means 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.

(k) "Minimum Lot Area", means the area of a lot computed exclusive of any portion of the right-of-way of any public thoroughfare.

(l) "Nonconforming Lot", means a lot which was existing lawfully at the time this Code, or an amendment thereto, became effective but which does not conform to the lot area, width, access or other requirements for the district in which it is located.

(m) "Parcel", means a unit of land under single ownership.

(n) "Rear Lot Line", means a lot line parallel to or within 45 degrees of being parallel to the front lot line.

(o) "Side Lot Line", means a lot line which is neither a front nor rear lot line.

(p) "Through Lot", means a lot other than a corner lot with frontage on more than one street. Through lots abutting two streets may be referred to as double frontage lots.

(q) "Zoned Lot", means a parcel of land abutting a dedicated street which is occupied or intended to be occupied by a main and/or accessory use in a main or accessory building, as a unit together with such open spaces as are required by this Code. Unless the context clearly indicates the contrary, the term lot is used synonymously with zoned lot in this Zoning Code and it may or may not coincide with a lot of record.

102.07 Maps, Plans and Plats:

(a) "Community Facilities Plan", means the plan which shows the location and extent of existing, and planned parks, playgrounds, public land and buildings and other public facilities for the City of Circleville, Ohio, duly adopted and officially accepted, separately or as a part of the Comprehensive Development Plan.

(b) "Comprehensive Development Plan", means the plan and statement of the objectives and recommendations for the general location and extent of desirable future land development, community facilities and street plans for the City of Circleville, Ohio, duly adopted or officially accepted. This plan serves as a guide for future zoning districts.

(c) "Major Thoroughfare Plan", means the plan which shows the general location and extent of existing, and planned streets and other transportation facilities for the City of Circleville, duly adopted and officially accepted, separately or as a part of the Comprehensive Development Plan.

(d) "Map", means a drawing showing hydrographic, topographic, and/or man-made features of and on the land.

(e) "Plan", means a drawing of a proposed design or of work to be performed.

(f) "Plat", means a map, plan, or layout of a subdivision indicating the location and boundaries of individual properties.

(g) "Zoning Map", means the official Zoning Map of the City of Circleville, Ohio, dated July 21, 1970, together with all amendments subsequently adopted.

102.08 Signs:

(a) "Bulletin Board", means an announcement sign which directs attention to and is located on the lot of a public or semi-public institution.

(b) "Business Sign", means a sign which directs attention to the name of the business establishment, the goods or commodities sold, or services rendered, on the lot on which the sign is located.

(c) "Directional Sign", means a sign indicating the direction to which attention is called either on the lot on which the sign is located or which directs attention to another location.

(d) "Free Standing Sign", means a ground sign which is supported by one or more poles, posts or braces in or upon the ground.

(e) "Identification Sign", means a sign, indicating the name, owner, or manager of an existing project, structure, or building.

(f) "Informational Sign", means a sign which is designed to give general information to the public concerning the location of places for lodging or eating, vehicle service, natural phenomena, weather, time, historic sites, areas of natural scenic beauty or outdoor recreation facilities and similar information.

(g) "Nameplate", means a sign indicating the name, address or the profession of the person or persons occupying the lot or a part of a structure or building.

(h) "Off Site Sign", means a sign other than an on-site sign.

(i) "On Site Sign", means a sign relating in its subject matter to the premises on which it is located, or to products, accommodations, services, or activities on the premises. On-site signs do not include signs erected by the outdoor advertising industry in the conduct of the outdoor advertising business.

(j) "Outdoor Advertising Structure", means any outdoor display for the purpose of advertisement, notice, or announcement located apart from the premises or product referred to in the display.

(k) "Pole Sign", means a sign which is supported wholly by a pole or poles and is designed so as to permit pedestrian or vehicular traffic thereunder.

(l) "Project Sign", means a sign which directs attention to the promotion, development, and construction of the property on which it is located and which identifies the architects, engineers, landscape architects, contractors and other individuals or firms involved with the construction.

(m) "Real Estate Sign", means a sign advertising the sale, rental or lease of the premises or part of the premises on which the sign is displayed; includes subdivision signs.

(n) "Sign", means any device designated to inform or attract the attention of persons not on the premises on which the sign is located. For the purpose of determining number of signs, a sign shall be considered to be a single display surface or display device containing elements organized, related, and composed to form a unit. Where matter is displayed in a random manner without organized relationship of elements, or where there is reasonable doubt about the relationship of elements, such element shall be considered to be a single sign.

(o) "Surface Area of a Sign", means the entire area within a regular, geometric form or combination of regular, geometric forms comprising all of the display area of the sign and including all of the elements of the matter displayed. Frames and structural members not bearing advertising matter shall not be included in computation of surface area.

(p) "Temporary Sign", means a sign of any type to announce special events or sales to announce the sale, lease, or rental of property, and designed for use for a limited period of time.

102.9 Streets and Other Rights-of-way.

(a) "Arterial Street", means a public street which is primarily for moving fast or heavy traffic between large or intensively developed districts.

(b) "Collector Street", means a street supplementary to and connecting major streets to local streets; also referred to as a secondary street.

(c) "Cul-de-Sac", means a local street, one end of which connects with another street and the other end of which is a dead end and terminated by a vehicular turn-around.

(d) "Easement", means a grant by the property owner to a corporation, partnership, person or persons, or to the public of land, for a specific use. Easements are commonly granted for utilities, streets, crosswalks and drainage. An easement may be purchased or obtained through a dedication.

(e) "Local Street", means a street primarily for access to abutting residential properties and to serve local needs.

(f) "Marginal Access Street", means a local or secondary street providing access to lots which abut or are adjacent to a limited-access highway or major street.

(g) "Pedestrian Way", means a public or private right-of-way solely for pedestrian circulation.

(h) "Private Street", means a street held in private ownership.

(i) "Right-of-way", means all of the land included within an area which is dedicated, reserved by deed, or granted by easement for street purposes.

(j) "Roadway", means that portion of a right-of-way available for vehicular travel, including parking lanes.

(k) "Streets", means a public way for purposes of vehicular travel including the entire area within the rights-of-way. The term includes but is not limited to, avenue, alley, boulevard, drive, highway, road, and freeway.

(l) "Tree Lawn", means that portion of a vehicular right-of-way lying between the exterior line of the roadway and the outside right-of-way line.

(m) "Street Line", means the street right-of-way line.

102.10 Use, General:

(a) "Accessory Use", means a use located on the same zoning lot with the main use of the building, other structure or land, which is subordinate, and related to that of a main building or main use. In buildings restricted to residence use, the office of a professional man and workshops not conducted for compensation shall be deemed accessory uses. Parking lots are accessory uses when used in conjunction with main uses.

(b) "Conditional Use", means an uncommon or infrequent use which may be permitted in specific districts subject to the compliance with certain standards and explicit conditions set forth in this Code; as long as the use does not generate an undesirable amount of traffic noise, vibration, smoke, dirt, odor, fumes or glare, or otherwise impair the present or future value of the surrounding area.

(c) "Essential Services Use", refers to underground gas, electrical or water transmission or distribution systems, collection, communication, supply or disposal systems (including poles, wires, mains, drains, sewers, pipes, traffic signals, hydrants, and other similar equipment and accessories in connection therewith) which are reasonably necessary for the furnishing of adequate service by private or public utilities or by municipal or other governmental agencies for the public health or safety or general welfare. This category excludes buildings.

(d) "Main Use", means the principal use of an activity conducted in a building, other structure or on the land.

(e) "Nonconforming Use", means the use of a building or land existing lawfully at the time this Zoning Code, or an amendment thereto, became effective but which does not conform to the use, regulations, off-street parking and loading requirements, performance standards or other use regulations of the district in which it is located.

(f) "Public Use", refers to a public park, school, library or other publically owned and operated building used for administrative, cultural, educational or service purposes. Public lands and buildings used solely for the storage or maintenance of equipment and material are not included.

(g) "Public Utilities Use", means a power plant or substation, telephone exchange or other facility, water treatment plant or pumping station, sewage disposal plant or pumping station, or other similar public service structure used by a public or private utility.

(h) "Semi-Public Use", refers to a church, hospital, school, library, museums or other privately owned or operated institution of an educational, religious, charitable or philanthropic nature.

(i) "Use", means the specific purpose for which land or a building is designated, arranged, intended, or for which it is or may be occupied or maintained. The term "Permitted use" or its equivalent shall not be deemed to include any nonconforming use.

102.11 Uses, Automotive:

(a) "Accessory Parking Area", means an open or enclosed private area, other than a street, used for the free parking of passenger automobiles for occupants, their guests or customers, of a main building.

(b) "Automotive Repair Garage", means a main or accessory building used for the repair, rebuilding or reconditioning of motor vehicles or parts thereof, including collision service, painting and steam cleaning of vehicles; a service garage if accessory to an automobile salesroom.

(c) "Automobile Salesroom", means a main or accessory building used for the sale or rental of new or used motor vehicles or trailers.

(d) "Automotive Services", means any use which provides services to motorists such as are normally provided by service stations, repair garages, body shops, automobile washes and similar uses.

(e) "Loading Space", means an open or enclosed off-street space, used for the temporary parking of a commercial vehicle while its goods are being loaded or unloaded. Required off-street loading space is not to be included as off-street parking space in computing required off-street parking space.

(f) "Private Garage", means an accessory building designed or used for the storage of motor-driven vehicles owned and used by the occupants of the building to which it is accessory. Not more than one of the vehicles may be a commercial vehicle of more than two-ton capacity.

(g) "Public Parking Area", means an off-street area used for the parking of automobiles by the public, with or without a fee.

(h) "Sales Lot", means an open area used for the display, sales, or rental of new or used motor vehicles, on which no repair (except minor work) is performed.

(i) "Service Station", means a building and land including pumps, tanks and grease racks, used for the retail sales of gasoline, lubricants, batteries, tires and other automobile accessories, and for performing minor services and repairs. A service station is not a repair garage or a body shop.

(j) "Storage Garage", means a main or accessory building, other than a private garage, used for the parking or temporary storage of passenger automobiles.

102.12 Use, Residential:

(a) "Apartment Building", means a multi-family dwelling comprised of three or more dwelling units arranged one above the other and side by side.

(b) "Area of Dwelling Unit", means the sum of the gross floor areas above the basement level, including stairways, halls, and closets, meeting the minimum requirements for ceiling height, light and ventilation as specified in the Circleville Building Code, but not including basements, porches, garages, breezeways, or carports.

(c) "Dwelling", means a building designed or occupied exclusively for residential use and permitted accessory uses.

(d) "Dwelling Unit", means space within a dwelling comprising living, dining, sleeping room or rooms, storage closets, as well as space and equipment for cooking, bathing and toilet facilities, all used only by one family and its household employees.

(e) "Dwelling Unit Density", pertains to the number of dwelling units in an acre. Unless otherwise specified in this code, dwelling unit densities are given in terms of gross acres and lot sizes are given in net figures. A gross acre or lot includes public as well as privately owned land while a net acre or lot includes private land only.

(f) "Family", means one or more persons occupying a single dwelling unit, provided that unless all members are related by blood, adoption, guardianship or marriage, no such family shall contain over five persons, but further provided that domestic servants employed on the premises may be housed on the premises without being counted as a family or families.

(g) "Home Occupation", means a gainful occupation such as baking; dressmaking; millinery; weaving; home and furniture decorating; cosmetology; barbering; shoe, furniture jewelry, watch and radio and television repairing; tool sharpening, or conducting an office for real estate, insurance, selling or taking orders for merchandise or contracting work.

(h) "Home Professional Office", means a secondary office in a dwelling conducted by the occupant of the dwelling for one of the following recognized professions: accounting, architecture, landscape architecture, art, engineering, law, music, medicine, dentistry, osteopathy, chiropractic, podiatry, optometry, psychology and teaching.

(i) "Hotel", means a building in which lodging or boarding and lodging are provided and offered to the public for compensation and in which ingress and egress to and from all rooms is made through an inside lobby or office supervised by a person in charge at all hours.

(j) "Mobile Home", means any self-propelled or independently propelled vehicle not conforming to the requirements of the Circleville Building Code for a dwelling, which is designed, constructed or reconstructed for human habitation whether resting on wheels, jacks or other foundation. Dependent mobile homes do not have flush toilets, baths or showers, while independent mobile homes are provided with these facilities.

(k) "Motel", means a building or buildings providing overnight accommodations, principally for automobile travelers, in which access to each rental unit is provided directly through an exterior door.

(l) "Multi-Family Dwelling", means a building consisting of three or more dwelling units with varying arrangements for entrances and party walls.

(m) "One-Family Dwelling", means a building consisting of a single dwelling unit only, which is either separated from other dwelling units by open space or common fire-resistant walls.

(n) "Rooming House", means a building other than a hotel or motel, operated for compensation by a resident family in which a room or rooms are provided for living and sleeping facilities for one or more persons.

(o) "Townhouse", means a multi-family dwelling comprised of single dwelling units side by side or attached by common fire-resistant walls; each unit having at least two separate exterior entrances.

(p) "Two-Family Dwelling", means a building consisting of two dwelling units which may be either attached side by side or one above the other, and each unit having either a separate or combined entrance or entrances.

102.13 Use, Miscellaneous:

(a) "Agriculture", means any activity which includes farming, dairying, pasturage, agriculture, horticulture, floriculture, viticulture, animal and poultry husbandry and the necessary accessory uses for packing, treating, or storing the produce; provided that the operation of accessory uses shall be secondary to that of normal agricultural activities, and provided that the above uses shall not include the commercial feeding of garbage or offal to swine or other animals.

(b) "Business Services", means any activity conducted for gain which renders services primarily to other commercial or industrial enterprises, or which services and repairs appliances and machines used in homes or businesses.

(c) "Clinic" means a use where patients who are not lodged overnight are admitted for examination and treatment by a group of physicians and/or dentists practicing together.

(d) "Commercial Entertainment", means any activity conducted for gain which is generally related to the entertainment field, such as motion picture theaters, carnivals, nightclubs, and similar entertainment activities.

(e) "Commercial Recreational Use", means a recreational use open to the public, established and operated for a profit, such as commercial golf courses, golf driving ranges, swimming pools, ice skating rinks, riding stables, race tracks, ski areas, bowling alleys, rifle range and similar commercial enterprises.

(f) "Drinking Establishment", means any main or accessory use where intoxicating beverages of any type are sold for consumption either on or off premises. This category includes, but is not confined to, restaurants serving liquor, bars, carry outs and liquor stores.

(g) "Drive-in Use", means any use providing off-street parking and catering primarily to vehicular trade such as drive-in restaurants, drive-in theaters, drive-in banks and similar uses.

(h) "Industry", means any use which functions primarily to manufacture or process articles.

(i) "Junk Storage and Sales (Salvage Operation)", means any use including a lot, land or structure, or part thereof, used primarily for the collection, storage, and sale of waste paper, rags, scrap metal or discarded material, or for the collecting, dismantling, storage and salvaging of machinery or vehicles not in operating condition, and for the sale of parts thereof.

(j) "Mineral Extraction", means any use involving the removal of minerals from the ground such as coal or ore mining, oil drilling and sand and gravel quarries.

(k) "Noncommercial Recreational Use", means a private and semi-public recreational use which is not operated for commercial gain, such as private country clubs, riding and tennis clubs, golf courses, and swimming pools, and similar activities.

(l) "Personal Service", means any enterprise conducted for gain which primarily offers services to the public such as shoe repairing, watch repairing, barbering, dry cleaning and laundry pickup, and similar activities.

(m) "Professional Activities", means the use of offices and related space for such professional services as are provided by doctors, dentists, osteopaths, chiropractors, podiatrists, optometrists, psychologists, lawyers, accountants, architects, landscape architects, engineers, artists, and music and other teachers.

(n) "Social Activities", means a use involving any building and land used for private or semi-private club activity, including lodges, fraternities, and similar activities.

102.14 Yards:

(a) "Court", means an open space other than a yard, bounded on two or more sides by exterior walls of the building, or bounded by exterior walls of a building and lot lines.

(b) "Front Yard", means the yard extending from the front wall of the building to the front lot line across the full width of the lot.

(c) "Rear Yard", means the yard extending from the rear wall of the building to the rear lot line across the full width of the lot.

(d) "Required Yard", means the minimum yard required between a lot line and building line or the line of any parking area or any other use requiring a yard in order to comply with the zoning regulations of the district in which the zoning lot is located. A required yard shall be open and unobstructed from the ground upward except for projections on buildings, as permitted in the Zoning Code, and except for walks, landscaping and other yard or site features.

(e) "Side Yard", means the yard extending between a side lot line and the nearest wall of the building, and from the front yard to the rear yard, except that for a corner lot, the side yard extends from the front yard to the rear lot line on the street side.

(f) "Yard", means that portion of the open area on a lot extending between a building and the nearest lot line, or between an accessory use of building and the nearest lot line as established in the Zoning Code.

Section 103 - Establishment of Zoning Districts.

The City of Circleville is hereby divided into zoning districts in five general categories which shall be known as open area districts, residential districts, commercial and residential districts, commercial districts and industrial districts.

103.01 Open Area Districts: The open area districts provide land for agriculture, open space, recreation and other public and semi-public uses.

(a) AG Agriculture District. This district provides land for agriculture as defined in Section 102.13 and includes nurseries, greenhouses and residences and accessory structures.

(b) FP Flood Plain Districts. This district applies to low-lying areas along streams and other natural water courses which are subject to periodic flooding. Such areas may be developed for agriculture, parks and other recreational uses.

(c) SP Special District. This district is intended to provide land for large public and semi-public uses.

103.02 Residential Districts: The residential districts are intended to provide suitable land for predominantly residential uses.

(a) R-1 One-Family Residence District. This district provides land for primarily residential development at densities of less than one to two dwelling units per gross acre. Land which is either unsuited for more intensive development or has an established density which should be protected by these regulations is included. On site water and sewage facilities are permitted with an adequate lot size, at the discretion of the Commission and in accordance with state and local health requirements.

(b) R-2 One-Family Residence District. This district provides land for primarily residential development at a density of between two and three dwelling units per gross acre. Included in this district is land which is presently developed within this density range and/or is considered appropriate for this density. Off-site water and sewage facilities are required.

(c) R-3 One-Family Residence District. This district provides land for primarily residential development at densities of between three and four dwelling units per gross acre. Included in this district is land which is presently developed within this density range and/or is considered appropriate for this density. Off-site water and sewage facilities are required.

(d) R-4 One and Two-Family Residence District. This district provides land for primarily residential development at a density of between four and six dwelling units per gross acre. Land which appears to be appropriate for a mixture of one and two family dwellings is included. Off-site water and sewage is required.

(e) AR-1 Multiple-Family Residence District. This district provides land for primarily residential development at densities of between six and 12 dwelling units per gross acre. Apartments and townhouses are permitted in this district in addition to one and two family residences. Off-site water and sewage is required.

(f) AR-2 Multiple-Family Residence District. This district provides land for primarily residential development at densities of between 12 and 15 dwelling units per gross acre. Apartments and townhouses are permitted but one and two family residences are excluded from this district. Off-site water and sewage is required.

AR-2 districts are permitted close to the Central Business District and close to RD and LI districts where there is a need for pedestrian oriented housing and where the public welfare is not adversely affected by high dwelling unit densities or by proximity to primarily non-residential districts. Convenient access to major thoroughfares, schools and open spaces is required.

(g) MHP Mobile Home Park District. This district provides suitable land for the development of independent mobile homes. This district permits mobile homes to be located where the permitted dwelling unit density and character of the mobile homes will not be out of harmony with surrounding districts. Required are off-site water and sewage facilities and convenient access to major thoroughfares, schools and open spaces.

103.03 Commercial, Office and Residence Districts: A diverse mixture of residential, office and commercial uses are permitted in these districts where this blend is appropriate to and in keeping with present development or would be an acceptable combination for future development without having an adverse effect on the area.

(a) ARO Apartment, Residential and Office District. This district permits one and two-family and multi-family residences at densities of between six and 12 dwelling units per gross acre in addition to office occupancies. Off-site water and sewage facilities are required.

(b) AROC Apartment, Residential, Office and Commercial District. This district permits one, two and multi-family residential units at densities of from six to 15 dwelling units per gross acre in addition to office and commercial occupancies. Off site water and sewage facilities are required.

103.04 Commercial and Office Districts: The commercial and office districts are established to promote the convenient and efficient distribution of goods and services. Sufficient land for expansion loading and parking are provided. Community supplied water and sewage facilities are required. Residential and industrial land uses are not permitted.

(a) LB Local Business District. This district provides land for small individual retail establishments, including convenience goods and personal services, which are intended to serve the daily needs of the people in nearby residential areas and do not attract large volumes of traffic.

(b) CBD Central Business District. This district provides for a broad range of commercial uses including retail stores, services and offices.

(c) GB General Business District. This district provides land for a wide variety of business establishments. Because these districts service relatively large trade areas, they are located on major thoroughfares and must have ample off-street parking facilities. This category includes shopping centers.

103.05 Industrial Districts: The industrial districts provide suitable land for a wide variety of industrial activities, including processing, storage, and research and testing.

Convenient access to major thoroughfares, rail and air transportation facilities, and the availability of public utilities and adequate fire and police protection are essential. Other land uses, including residences, which are incompatible with industrial land uses are not permitted. Adequate on-site parking facilities shall be provided.

(a) RD Research and Development District. This district provides land for industrial users who are primarily engaged in research and development activities. This use is permitted in areas where other types of industry are likely to have a detrimental effect on the surrounding area by generating unacceptable levels of traffic, light, noise, vibrations, and/or air pollution, or having the potential for a serious fire or explosion.

(b) LI Light Industry District. This district provides land for industrial occupancies which are capable of meeting the standards for noise, vibrations, air pollution, light, traffic generated and fire and explosion protection, as specified by the performance standards in Section 305.01.

(c) HI Heavy Industry District. This district provides land for industrial occupancies which are not capable of meeting one or more of the standards for noise, vibrations, air pollution, light, traffic generated and fire and explosion protection as specified by the performance standards in Section 305.01.

Section 104 - Purposes of Zoning Districts and Regulations.

104.01 Open Area Districts. Open Area Districts and their regulations are established herein to satisfy the following primary purposes:

- (a) to prevent obstruction of the water channel and to protect structures and other property from flood damage;
- (b) to provide land for agricultural use where conditions of topography and soil structure indicate that this is the best use for the land; and
- (c) to provide land for parks and other recreational uses.

104.02 Residential Districts. Residential districts and their regulations are established herein in order to achieve, the following primary purposes:

- (a) to regulate the bulk and location of buildings in relation to the land in order to obtain proper light, air, privacy and usable open spaces on each zoning lot appropriate for the district;
- (b) to regulate the density and distribution of population in accordance with the objectives of the Comprehensive Development Plan in order to avoid congestion and to maintain adequate services;

- (c) to provide protection from noxious fumes, odors, dust, excessive noises, invasion of abnormal vehicular traffic and other objectionable influences; and
- (d) to protect the desirable characteristics of existing residential development through the promotion of the most desirable and beneficial use of the land and bringing about eventual conformity with the Comprehensive Development Plan and other plans for the city.

104.03 Commercial Office and Residential Districts. Districts are established which permit the mixing of commercial, office and residential uses when the purposes stipulated in Sections 104.02 and 104.04 are adhered to.

104.04 Commercial and Office Districts. Business districts and their regulations are established herein in order to achieve the following primary purposes:

- (a) to provide zoning districts of sufficient size for the provision of goods and services so as to promote convenience, safety and other amenities;
- (b) to protect adjacent residential neighborhoods by regulating the types and spacing of business uses, particularly at the common boundaries, which would create hazards, noise, odors, or other objectionable influences; and
- (c) to promote the most desirable land use and traffic patterns in accordance with the objectives of the Comprehensive Development Plan for the city.

104.05 Industrial Districts. Industrial Districts and their regulations are established herein in order to achieve the following primary purposes:

- (a) to provide in appropriate and convenient districts sufficient areas for carrying on research, providing commercial services, manufacturing and distributing goods to serve the community, to promote employment and to strengthen the economy of the community;
- (b) to protect manufacturing and related development against congestion insofar as is possible and appropriate in each area by limiting the bulk of buildings in relation to the land and by providing off-street parking and loading facilities;
- (c) to promote the most desirable use of land in accordance with the objectives of the Comprehensive Development Plan for the city;
- (d) to improve the general environment by prohibiting dwellings in the industrial districts, and by so doing, make land more readily accessible for industry;

- (e) to protect adjacent residential districts by restricting the types of manufacturing uses in the surrounding areas to only those not creating objectionable influences beyond their district boundaries.

Section 105 - Establishment of Zoning Code, Map and District Boundaries.

105.01 Establishment of Regulations. Any building or parcel of land may be used, the use of any building and any parcel of land may be changed or extended, and any existing building may be altered, converted, enlarged, reconstructed, moved or maintained only for the uses specifically enumerated or referred to as permitted or required in the district in which the building or parcel of land is located and for no other use. The enumeration of uses within a district shall not be construed as a ranking of the most desirable to less desirable uses.

105.02 Establishment of Zoning Map. The boundaries of the districts are 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 Code.

- (a) Identification: The official Zoning Map shall be identified by the signature of the president of the Council, attested by the clerk of the Council, approved by the Mayor, and bearing the seal of the City under the following words: "This is to certify that this is the official zoning map referred to in Sec. 102 of Ordinance Number _____ of the City of Circleville, Ohio", together with the date of the adoption of this Code.
- (b) Recording Changes: If, in accordance with the provisions of this Code and Chapter 713, 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 amendment has been approved by Council, with an entry on the official Zoning Map indicating the ordinance number and the date of adoption.
- (c) Replacement: 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, Council may (by resolution) 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 on the prior official Zoning Map, but no such correction shall have the effect of amending the original official Zoning Map or any subsequent amendment thereof. The new official Zoning Map shall be identified by the signature of the president of the Council, attested by the clerk of the Council, approved by the Mayor, 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 _____ of the City of Circleville, Ohio."

- (d) Preserving Records: 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.

105.03 District Boundaries. Where uncertainty exists as to the boundaries of districts as shown on the official Zoning Map, the following rules shall apply:

- (a) boundaries indicated as approximately following the center lines of streets, highways, or alleys shall be construed to follow such center lines;
- (b) boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines;
- (c) boundaries indicated as approximately following city limits shall be construed as following such city limits;
- (d) boundaries indicated as following railroad lines shall be construed to be midway between the main tracks;
- (e) 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 and boundaries indicated as approximately following the center lines of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such center lines;
- (f) boundaries indicated as parallel to or extensions of features indicated in subsections (a) through (f) above shall be so construed;
- (g) distances not specifically indicated on the official Zoning Map shall be determined by the scale of the map;
- (h) 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 (a) through (f) above, the Board shall interpret the district boundaries; and
- (i) where a district boundary line divides a lot which is in single ownership at the time of passage of this Code, the Commission may permit the extension of the regulations for either portion of the lot not to exceed 100 feet beyond the district line into the remaining portion of the lot.

ARTICLE 200: DISTRICT REGULATIONS

Section 201 – Permitted Buildings and/or Uses.

Buildings and land shall be used and buildings shall be erected, altered, moved and maintained only for the uses permitted in the following schedule:

District	Main Buildings and/or Uses	Accessory Buildings and/or Uses
AG	Agriculture, (including nurseries and green-houses), one-family dwellings in conformance with "R-1" district regulations; kennels, tourist homes, rooming houses, day care nurseries, churches and schools, provided that all uses or buildings used by or housing livestock shall be a minimum distance of 200 feet from any building used for human habitation or occupancy other than the residence of the owner of such animals	Private garages and parking areas, storage and maintenance buildings, private swimming pools, essential services
	<u>By Conditional Use Permit:</u> Cemeteries and mausoleums; roadside stands; golf courses, and other commercial and non-commercial recreation uses; hospitals, sanitariums and other public and semi-public uses, air fields, public utilities, and mineral extraction	Parking facilities, administrative, storage and maintenance buildings, essential services
FP	Parks, playfields and agriculture	Parking facilities, essential services
	<u>By Conditional Use Permit:</u> Commercial and non-commercial recreation, public utilities, and mineral extraction	Same as above
SP	Public and semi-public uses, non-commercial recreation	Parking facilities, administrative, storage and maintenance building, essential services
	<u>By Conditional Use Permit:</u> Commercial recreation, public utilities	Same as above
R-1	One-family dwellings, agriculture	Private garages and parking areas, storage buildings, private swimming pools, essential services, professional activities
	<u>By Conditional Use Permit:</u> Churches, schools, libraries, art galleries, municipal	Parking facilities, administrative, storage and maintenance

	buildings, hospitals, clinics, sanitariums, cemeteries and mausoleums and other public or semi-public uses; private clubs, tourist homes, rooming houses, day care nurseries, kennels for no more than five dogs; public utilities	buildings, essential services
R-2	Same uses permitted in "R-1" district <u>By Conditional Use Permit:</u> Same uses enumerated for "R-1" district	Same uses permitted in "R-1" district Same as above
R-3	Same uses permitted in "R-1" district <u>By Conditional Use Permit:</u> Same uses enumerated for "R-1" district	Same uses permitted in "R-1" district <i>& home occupations</i> Same as above
R-4	Same uses permitted in "R-1" district and two-family dwellings <u>By Conditional Use Permit:</u> Churches, schools, libraries, municipal buildings, hospitals, clinics, sanitariums, and other public or semi-public uses; private clubs, tourist homes, day care nurseries and public utilities	Same uses permitted in "R-1" district <i>& home occupations</i> Same as above
AR-1	Same uses permitted in "R-3" district: <u>By Conditional Use Permit:</u> Same uses enumerated for "R-4" district and apartment and townhouse dwellings	Same uses permitted in "R-1" district <i>& home occupations</i> Same as above
AR-2	Apartment and townhouse dwellings <u>By Conditional Use Permit:</u> Same uses enumerated for "R-4" district	Same uses permitted in "R-1" district Same as above
MHP	Mobile homes	Private parking facilities, storage and maintenance buildings, swimming pools and other recreational facilities, essential services

	<p><u>By Conditional Use Permit:</u> Same uses enumerated for "R-4" district</p>	Same as above
ARO	<p>Same uses permitted in "AR-2" district and administrative, business and professional offices, except drive-in offices which require a Conditional Use Permit</p> <p><u>By Conditional Use Permit:</u> Same uses enumerated for "R-4" district</p>	<p>Same uses permitted in "R-1" district</p> <p>Same as above</p>
AROC	<p>Same uses permitted in "ARO" district and retail sales and personal and business services except those for which a Conditional Use Permit is required</p> <p><u>By Conditional Use Permit:</u> Same uses enumerated for "R-4" district, and funeral parlors, grocery, drug and dairy stores, carryouts, automotive services, eating establishments and drive-in uses</p>	<p>Same uses permitted in "R-1" district and customer parking and loading facilities</p> <p>Same as above</p>
LB	<p>Retail sales and personal and business services except for those which require a Conditional Use Permit; apartments over commercial uses; administrative, business and professional offices</p> <p><u>By Conditional Use Permit:</u> Funeral parlors, automotive services, eating and drinking establishments, laundromats, public and semi-public uses, public utilities and drive-in uses</p>	<p>Customer and employee parking and loading facilities, storage and maintenance buildings; essential services</p> <p>Same as above</p>
CBD	<p>Retail sales and personal and business services except for those which require a Conditional Use Permit; administrative, business and professional offices; eating establishments; public and semi-public uses, and private clubs</p> <p><u>By Conditional Use Permit:</u> Automotive services including repair and storage garages, parking lots, sales rooms and lots, and service stations; supermarkets, department stores, hotels and motels, commercial</p>	<p>Same uses permitted in "LB" district</p> <p>Same as above</p>

entertainment and recreation, drinking establishments, funeral parlors and drive-in uses

GB	Same uses permitted in "CBD" district <u>By Conditional Use Permit:</u> Same uses enumerated for "CBD" district, and wholesale and warehouse uses, laboratories, bakeries, laundries and laundromats	Same uses permitted in "LB" district Same as above
RD	Research, development and testing facilities for industry provided that the performance standards specified in Section 305.01 are adhered to; administrative and professional offices; public and semi-public uses, and agriculture <u>By Conditional Use Permit:</u> Light industry, wholesaling, warehousing, commercial recreation; automotive services and sales, eating and drinking establishments, public utilities, outdoor advertising, and kennels and veterinary hospitals, sanitariums and hospitals, and contractors' yards and shops	Same uses permitted in the "LB" district. Same as above
LI	Industrial uses provided that they are capable of meeting the performance standards specified in Section 305.01 administrative, business and professional offices; wholesaling, warehousing; public and semi-public uses and agriculture <u>By Conditional Use Permit:</u> Automotive services and sales, commercial recreation, eating and drinking establishments, outdoor advertising, kennels and veterinary hospitals, sanitariums and hospitals, contractors' yards and shops, woodworking and chemical plants, solvent extracting, paint and varnish manufacturers, and public utilities	Same uses permitted in "LB" district Same as above

HI	Industrial uses, administrative, business and professional offices, wholesaling, warehousing, public and semi-public uses, eating and drinking establishments, commercial recreation, grain elevators and feed mills, agriculture, commercial recreation, kennels veterinary hospitals and automotive service and sales	Same uses permitted in "LB" district
	<u>By Conditional Use Permit:</u> Same uses enumerated for "LI" district and mineral extraction, mineral products storage and processing, refuse disposal facilities and junk storage and sales	Same as above

Section 202 - Accessory Buildings and Uses.

202.01 Residential Districts. Accessory buildings and uses, as enumerated in Section 201 of this Code shall be permitted as a subordinate building or subordinate use if it is clearly incident to and located on the same zoning lot as the main building or use, and if located in a district in which it is specifically permitted. The use, change, extension, alteration, conversion, enlargement, reconstruction, relocation, or maintenance of accessory buildings and land may be subject to all area, yard, height, off-street parking and all other regulations set forth or referred to for the district in which the accessory building or parcel of land is located and to all other applicable regulations of this Code.

- (a) Private Garages and Storage Buildings: Private garages and storage buildings shall be permitted in all residential districts as accessory buildings to residences and other permitted uses provided that such buildings are set back a minimum of five feet from all side and rear lot lines; minimum front yard set backs to be the same as are required for main use.
- (b) Home Professional Offices: An office may be permitted in areas allowing residential uses in the home of a person practicing any of the recognized professions enumerated in Section 102, provided:
 - no more than one assistant other than members of the resident family work therein;
 - the residential character of the dwelling exterior shall not be changed;
 - equipment which will create any electrical disturbances beyond the premises shall not be utilized; and
 - parking facilities are provided in accordance with Section 301 of this Code.

- (c) Home Occupations: Home employment in any of the fields enumerated in Section 102 may be permitted in a residential district provided:
- only members of the family residing within the dwelling shall work therein;
 - the occupation is conducted wholly within a building and the space used for production and sale does not occupy more than 25 per cent of the floor area of a detached building;
 - no merchandise shall be sold except that which is produced or processed on the premises;
 - no mechanical equipment shall be used which will create any dust, noise, odors, glare, vibrations or electrical disturbances beyond the lot;
 - the residential character of the dwelling exterior or accessory building shall not be changed; and
 - parking facilities are provided in accordance with section 301 of this Code.
- (d) Renting of Rooms: The renting from a resident family, of not more than one room to not more than one person, shall be permitted in any residential district.

202.02 Commercial, Office and Industrial Districts. Any accessory use such as the storage of goods or processing operations is permitted in a commercial office or industrial district provided that the accessory use is clearly incidental to the main use and has no injurious effect on adjoining uses.

Section 203 - Area, Yard, Lot Coverage, Height and Floor Area Requirements.

Land and buildings shall be used only in accordance with the lot area regulations; and buildings shall be erected, altered, moved and maintained only in accordance with the following schedules for area, yard and building height regulations:

203.01 Area, Yard and Height Regulations for Dwellings. The schedule in Section 203.02 establishes area, yard and height regulations for dwellings in accordance with the following criteria:

- (a) The area of a zoned lot shall be not less than the area in square feet required for each dwelling unit as set forth in this schedule multiplied by the number of units in the building.
- (b) The width of a zoned lot shall be not less than the width required for the type of dwelling or other building permitted in the district in which the lot is located as set forth in this schedule or as modified in subsequent sections,

and shall be measured at the building line. Each one- and two-family zoning lot shall abut upon a dedicated street for the required lot width, except on curved streets, the width at the front line may be less provided the lot width at the building line meets the required lot width of the particular district.

- (c) The front yard depth, or setback, of a zoned lot shall be not less than the depth set forth in this schedule for the type of dwelling or other building permitted in the district in which it is located, and shall be measured from the front lot line.
- (d) Two side yards shall be provided for every one- and two-family dwelling on a zoned lot. Widths of side yards of a lot shall be not less than the respective dimensions as set forth in this schedule. In no case will the distance between detached one-family dwellings and between one- and two-family dwellings be less than 30 feet in "R-1" districts, 20 feet in "R-2" districts and 15 feet in all other districts. The minimum allowable distance between detached two-family dwellings shall be 20 feet.
- (e) The rear yard depth of a zoning lot for main buildings shall be not less than the depth set forth in the following schedule, for the district in which it is located, or not less than 25 per cent of the depth of the lot, whichever is the lesser.
- (f) Detached accessory buildings shall be located in accordance with yard regulations as set forth in Section 202.01(a).

203.02 Schedule of Area, Yard and Height Regulations for Dwellings.

District	Dwelling Type	Minimum Lot Area Per Dwelling Unit (sq.ft.)	Minimum Width of Lot (feet)	Minimum Yard Requirements (feet)				Maximum Height of Buildings	
				Depth		Width			
				Front Yard	Rear Yard	Either Side Yard	Sum of Side Yards	Stories	Feet
AG	One-Family on site water and sewage	40,000	150	40	60	25	60	3.5	45
	off site water or sewage	15,000	100	35	30	12	30	2.5	35
FP & SP	No Dwellings Permitted								
R-1	One-Family on site water and sewage	40,000	150	40	60	25	60	3.5	45
	off site water or sewage	15,000	100	35	30	12	30	2.5	35
R-2	One-Family	10,000	80	30	30	8	20	2.5	35
R-3	One-Family	7,500	65	25	30	5	12	2.5	35
R-4	One-Family	7,500	65	25	30	5	12	2.5	35
	Two-Family	5,000	80	25	30	8	20	2.5	35
AR-1	One-Family	7,500	65	25	30	5	12	2.5	35
	Two-Family	5,000	80	25	30	8	20	2.5	35
	Townhouse	2,900	90	25	30	*	*	2.5	35
	Apartment	2,500	100	25	30	*	*	3	40
AR-2	Townhouse	2,900	90	25	30	*	*	2.5	35
	Apartment	2,300	80	25	30	*	*	4	45
MHP	Mobile Home	(See Section 204 of this Code for requirements)							
ARO and AROC	One-Family	7,500	65	25	30	6	15	2.5	35
	Two-Family	5,000	80	25	30	8	20	2.5	35
AROC	Townhouse	2,900	90	25	30	*	*	2.5	35
	Apartment	2,500	100	25	30	*	*	3	40

*Yard dimensions for multi-family dwellings shall be determined by formulas in Section 203.03

203.03 Yard Regulations for Multi-Family Buildings. In order to encourage greater flexibility in design and more attractive arrangements of buildings and greater utilization of open spaces, yard regulations for multi-family dwellings are hereby established for locating buildings between and within group developments.

- (a) Distance between facing and overlapping buildings, or parts thereof; in a group development or multi-family buildings shall vary in direct relation to the length and height of buildings. Such minimum distance shall be determined by the formula:

$$\text{Minimum Distance} = \frac{LA + LB + HA + HB}{F}$$

The elements of the formula, illustrated on a following page, are defined as follows:

- "Minimum Distance", means the required minimum horizontal distance between any wall of building "A" and the nearest wall of building "B" or the horizontal extension of either.
- "LA", means the total length of building "A" which, for the purposes of the formula, is defined as the maximum length of the portion or portions of any wall or walls of building "A" from which lines drawn perpendicular to the face of such wall or walls will intersect any wall of building "B".
- "LB", means the total length of building "B" which, for the purposes of this formula, is defined as the maximum length of the portion or portions of any wall or walls of building "B" from which lines drawn perpendicular to the face of such wall or walls will intersect any wall of building "A".
- "HA", means the height of building "A".
- "HB", means the height of building "B".
- "F", means the divisor factor. "F" is "4" provided, however, the minimum distance between any main wall of any other building shall not be less than 20 feet.

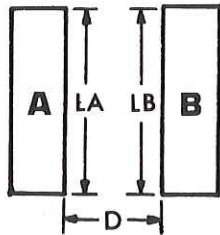
- (b) Distance in angular arrangements of 30 degrees to 60 degrees; such minimum distances are determined by the formula:

$$\text{Minimum Distance} = \frac{2LB + HA + HB - k}{F}$$

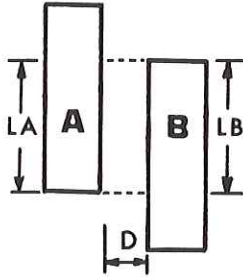
The elements of the formula are defined in 203.02(a) and are shown in the illustration. "k" in the formula varies as the sine of 2n where "n" is the angle from building "B" to building "A" or extensions thereof.

ILLUSTRATIONS OF YARD REGULATIONS FOR MULTIFAMILY DWELLINGS

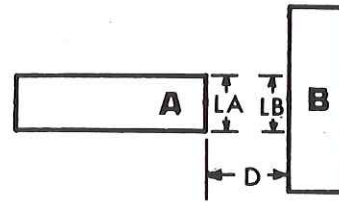
MINIMUM DISTANCES BETWEEN FACING AND OVERLAPPING BUILDINGS



main walls facing

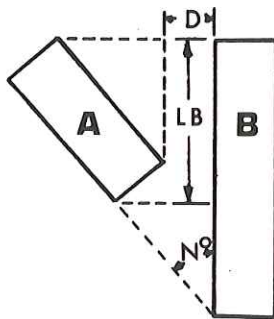


overlapping walls
 $D = \frac{LA + LB + HA + HB}{F}$



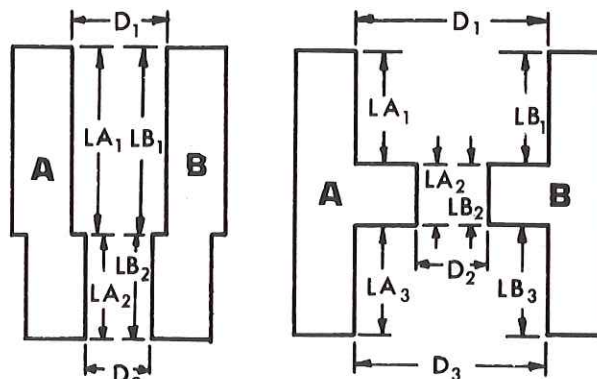
main to end walls

MINIMUM DISTANCE IN ANGULAR ARRANGEMENTS



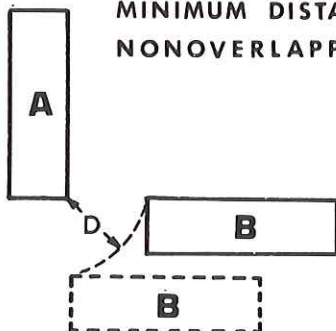
$$D = \frac{2LB + HA + HB - K}{F}$$

MINIMUM DISTANCES BETWEEN WALLS OF COURT ARRANGEMENTS



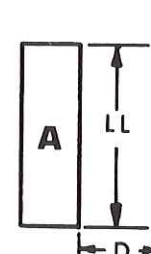
$$D = \frac{LA + LB + HA + HB}{F}$$

MINIMUM DISTANCE BETWEEN NONOVERLAPPING WALLS



$$D = \frac{HA + HB}{2}$$

MINIMUM DISTANCE BETWEEN BUILDING AND BOUNDARY LINES



$$D = \frac{2LL + HA}{4}$$

Where "n" is:	30° to 34° - k = 10 feet
	35° to 39° - k = 20 feet
	40° to 50° - k = 25 feet
	51° to 55° - k = 20 feet
	56° to 60° - k = 10 feet

- (c) Distances between walls of court arrangements; such minimum distances shall be determined by applying the formula set forth in Section 203.02(a), to each set of facing walls. In arrangements of parallel walls with offset sections, the distance between the corresponding parallel walls shall be determined by said formula.
- (d) Distance between nonoverlapping walls; where walls of two buildings do not directly face each other or do not overlap- that is where lines drawn perpendicular from the face of any wall or any one building will not intersect the face of any wall of another building - the minimum horizontal distance between such buildings shall be not less than one-half of the combined height of the two buildings. Such minimum distances shall be determined by the formula:

$$\text{Minimum Distance} = \frac{HA + HB}{2}$$

The elements of the formula are defined in Section 203.02(a) and are shown in the illustration.

- (e) Distance between building and boundary lines of a multi-family building or part thereof; in a single development or group development and any side or rear lot line of the parcel of a development area shall vary in direct relation to the length and height of the building. Such minimum distance shall be as determined by the formula:

$$\text{Minimum Distance} = \frac{2(LL) + HA}{4}$$

The elements of the formula are shown in the illustration and are defined as follows:

- "Minimum Distance", means the minimum required horizontal distance between any wall of a building and the nearest side or rear lot line, or boundaries of the parcel or development area.
- "LL", means the maximum length of the side or rear lot which can be intersected by lines drawn perpendicular from the face or faces of any wall or walls of the building.
- "HA", means the height of the building "A".

Where any multi-family development abuts a one- or two-family residential district along any rear property line, the minimum distance from any property line in such districts and any main building shall be not less than the height of the main building.

203.04 Maximum Lot Coverage for Dwellings. The maximum per cent of lot coverage by all buildings shall be as follows where the main use is a dwelling. The area of the buildings shall be as defined in Section 102.05.

- (a) "AG" or "R-1" districts with on-site sewage disposal - 20 per cent.
- (b) "AG" or "R-1" districts with off-site sewage disposal - 25 per cent.
- (c) "R-2", "R-3" and "R-4" districts - 30 per cent.
- (d) Single and two-family dwellings, "AR-1", "ARO" and "AROC" districts 30 per cent;
- (e) Multi-family dwellings, "AR-1", "AR-2", "ARO" and "AROC" districts 20 per cent.

203.05 Schedule of Area, Yard, Lot Coverage and Height Requirements for Buildings Other Than Dwellings.

District	Minimum Lot Requirements		Minimum Yard Requirements (feet)			Maximum % of Lot Coverage by all Buildings	Maximum Height of Buildings	
	Lot Width (feet)	Lot Area (sq. ft.)	Depth		Width Each Side Yard		Stories	Feet
			Front Yard	Rear Yard				
AG	(All uses, buildings, or premises used by or housing livestock shall be a distance of at least 200 feet from any lot in any "R" or "AR" district, or any lot occupied by a dwelling other than a farm dwelling, or any school, church or any institution for human care).							
FP	(No buildings permitted except as prescribed by development standards subject to the approval of the Commission and Council).							
SP	200	80,000	50	50	50	15	4	45
R-1	200	40,000	50	50	50	20	3	40
R-2	150	40,000	40	40	30	20	3	40
R-3	150	40,000	40	40	30	20	3	40
R-4	100	20,000	35	35	20	25	3	40
AR-1	100	20,000	35	35	20	25	3	40
AR-2	100	20,000	35	35	20	25	4	45
MHP	(See separate provisions for mobile home parks - Section 204).							
ARO	100	20,000	35	35	20	25	4	45
AROC	100	20,000	35	35	20	25	4	45
LB	150	40,000	25	30	None	60	2	35
CBD	None	None	NONE	30	None	50	5	55
GB	150	40,000	60*	50	None	60	2	35
RD	150	40,000	60*	50	25	30	3	45
LI	200	60,000	60*	50	25	30	3	45
HI	200	60,000	60*	50	25	30	3	45

* Setbacks may be required to be a minimum of 100 feet along thoroughfares which have been designated as Primary or Minor Arterials on the Major Thoroughfare Plan, at the discretion of the Commission. The greater setbacks are especially important where it is planned to have these uses serviced by a marginal access street.

203.06 Side and Rear Yard Requirements for Nonresidential Uses Abutting Residential Districts. Nonresidential buildings or uses shall not be located nor conducted closer to any lot line of a residential district than the distance specified in the following schedule, except that the minimum yard requirements may be reduced to 50 per cent of the requirements if acceptable landscaping or screening approved by the Administrative Officer is provided. Such

screening shall be a masonry or solid fence between four and six feet in height maintained in good condition and free of all advertising or other signs. Landscaping provided in lieu of such wall or fence shall consist of a strip of land not less than 15 feet in width planted with an evergreen hedge or dense planting of evergreen shrubs not less than four feet in height at the time of planting. Either type of screening shall not obscure traffic visibility within 50 feet of an intersection.

203.07 Schedule of Side and Rear Yard Requirements For Nonresidential Uses Abutting Residential Districts.

<u>Minimum Side or Rear Yard Abutting Any Residential District</u>	<u>Use</u>
25 feet	Off-street parking spaces and access drives for nonresidential uses
50 feet	Churches, schools and public or semi-public buildings
60 feet	Recreational facilities, entertainment facilities, motels, mobile home parks, all commercial uses and billboards
100 feet	Outside sale or storage of building material or construction equipment, all industrial uses, except those listed below
500 feet	Auto and metal salvage operations; mineral, sand and gravel extraction, storage or processing.

203.08 Exceptions to Height Regulations. The height limitations contained in Sections 203.02 and 203.05 for apartments, offices, institutions and industrial buildings may be increased to a maximum height of five stories or 55 feet provided that the required front, side and rear yards are increased by two feet for each foot of building height in excess of the limits specified in these sections.

- (a) The height regulations prescribed herein shall not apply to television and radio towers, spires, belfries, cupolas, antennas, monuments, water tanks, ventilators, chimneys, or other appurtenances usually required to be placed above the roof level and not intended for human occupancy, except where the height of such structures will constitute a hazard to the safe landing and take-off of aircraft at an established airport.
- (b) The maximum number of stories prescribed in sections 203.02 and 203.05 may be exceeded in institutional, industrial, and apartment buildings,

provided that the height regulations are met and provided further that the additional interior space so gained is used for utilities or services in connection with the use of the building.

203.09 Projections Into Yards. A projection is that part or feature of a building which extends or projects outside of the enclosing walls. It is intended that certain building features may project into required yards but they shall be regulated so as not to substantially interfere with the reception of sun, light, air and the use of adjacent lots as follows:

- (a) Architectural features, belt courses, balconies, cornices, gutters, or chimney may project into a front, side, or rear yard for a distance of six feet provided no part is less than three feet from any side lot line.
- (b) Entrance features, open platforms or porches, landings, steps, terraces, or other features not extending above the first floor level of a building, may extend six feet into a front or rear yard and three feet into a side yard.
- (c) Enclosed shelters, an enclosed entry or porch shall not project into any required yard area.

203.10 Visibility at Intersections in Residential Districts. On a corner lot in any residential district, nothing shall be erected, placed, planted, or allowed to grow in such a manner as to impede vision of a motorist, between a height of three and ten feet above the center line grades of the intersecting streets in the area bounded by the street lines of such corner lots and a line joining points along said street lines 50 feet from the point of the intersection. Therefore, no fence, wall or hedge, capable of obstructing a motorist's vision, shall be permitted in yards along streets at heights exceeding three feet for a distance of 50 feet from a street intersection.

203.11 Schedule of Floor Area Requirements for Dwellings. The floor area per dwelling unit shall be not less than the areas specified in the following table. Floor area is total floor area less basements, garages, car ports and porches.

One Family Dwelling:	One Story with basement	900 sq. ft.
	One Story without basement	1,000 sq. ft.
	One & One-half Story with basement	1,050 sq. ft.
	One & One-half Story without basement	1,200 sq. ft.
	Two Story with basement	1,200 sq. ft.
	Two Story without basement	1,300 sq. ft.
Two Family Dwelling:	One Story with basement	750 sq. ft.
	One Story without basement	850 sq. ft.
	Two Story with basement	900 sq. ft.
	Two Story without basement	1,000 sq. ft.
Townhouse:	One Story with basement	750 sq. ft.
	One Story without basement	850 sq. ft.
	Two Story with basement	900 sq. ft.
	Two Story without basement	1,000 sq. ft.

Apartments:	Efficiency Unit (No Bedroom)	550 sq. ft.
	One Bedroom Unit	650 sq. ft.
	Two Bedroom Unit	750 sq. ft.
	Three Bedroom Unit	850 sq. ft.

203.12 Setback Requirements for Corner Buildings. On a corner lot the main building and its accessory structures shall be required to set back the same distance from all street right-of-way lines.

Section 204 - Mobile Home Park Districts.

204.01 Mobile Home Park Regulations. Mobile Home Parks or House Trailer Parks shall conform to the regulations adopted by the Public Health Council of the State of Ohio pursuant to the authority of Section 3733.02 of the Revised Code of Ohio. The regulations adopted by the Ohio Public Health Council are found in "Regulations 260 to 290, inclusive, of the Ohio Sanitary Code relative to the location, layout, construction drainage, sanitation, safety and operation of House Trailer Parks", which is incorporated and made a part of this ordinance.

204.02 Licensing of Mobile Home Park Operator. No person, firm or corporation shall maintain or operate a mobile home park within the City of Circleville, Ohio without a license issued by the Board of Health of the City of Circleville, Ohio. The license shall be issued for a period not to exceed one year and may be suspended or revoked at any time for failure to comply with the regulations contained in Sections 3733.01 to 3733.07, inclusive, of the Ohio Revised Code or Regulations 260 to 290, inclusive, of the Ohio Sanitary Code.

ARTICLE 300: SPECIAL PROVISIONS

Section 301 - Off-street Parking and Loading Requirements.

In all districts, in connection with every industrial, commercial, institutional, recreational, residential, or other use, there shall be provided, at any time any building or structure is erected or is enlarged or increased in capacity, off-street parking spaces for automobiles in accordance with the following requirements:

- (a) Each off-street parking space shall have an area of not less than 200 square feet exclusive of access drives or aisles, and shall be surfaced with a sealed surface pavement and maintained in such a manner that no dust will be produced by continuous use.
- (b) Adequate provision shall be made for ingress and egress to all parking spaces. Access drives of not less than eight feet in width shall be provided in the case of dwellings and not less than 20 feet in width for two-way traffic and 12 feet in width for one-way traffic in all other cases.

301.01 Number of Spaces Required. The number of off-street parking spaces to be provided shall not be less than the following:

<u>Building and Use</u>	<u>Minimum Spaces Required</u>
<u>(a) Residential</u>	
- One-family dwellings	Two spaces per dwelling unit
- Two-family dwellings	Two spaces per dwelling unit
- Townhouses	Two spaces per dwelling unit
- Apartments	Two spaces per dwelling unit
- Rented rooms	One-half space per rented room plus one space for resident family; minimum of two spaces
- Hotels, motels, tourist homes	One space per guest room plus one space for each employee
- Mobile homes	One and one-half space per mobile home space
<u>(b) Governmental</u>	
- Municipal, county, state and federal buildings, principally administrative functions	One space per 300 square feet of floor area used by the public, plus one space for each two employees
<u>(c) Civic</u>	
- Libraries, museums, club and community centers	One space per 500 square feet except one space for each four seats or one space for each six square feet of assembly floor areas
<u>(d) Educational</u>	
- Primary and junior high schools	One space for each six seats in auditorium or main assembly room or one for each classroom, whichever is greater, plus space to accommodate all school buses
- Senior high schools and colleges	One space for each teacher and employee, and one space for each five students, plus space to accommodate all buses and other vehicles used in connection therewith

(e) Places of Assembly

- Theaters or auditoriums (except school auditoriums), sports arenas, stadiums or gymnasiums One space for each four seats or each ten lineal feet of bench seating spaces
- Private clubs or lodges One space for each five members
- Churches or temples One space for each five seats in main auditorium

(f) Recreation

- Skating rinks, swimming pools dance halls One space per 50 square feet of area devoted to the activity
- Bowling alleys Four spaces for each lane plus one additional space for each 200 square feet of the area used for eating, drinking, or other recreation

(g) Health and Welfare

- Hospitals One parking space for each two beds plus one for each two employees
- Medical and dental offices and clinics Five parking spaces for each physician or dentist plus one for each two employees
- Sanitariums, convalescent homes, homes for the aged, nursing homes, or similar institution One parking space for each five beds plus one for each two employees

(h) Business and Offices (including Home Professional Offices and Home Occupations)

- Supermarkets, dairy stores and carryouts One space for each 100 square feet of sales floor area
- Furniture, appliance, machinery or equipment sales and hardware stores One space for each 300 square feet of sales floor area
- Other retail stores One space for each 150 square feet of sales floor area
- Restaurants, night clubs and cafes One space for each 200 square feet of public floor area

- | | |
|--|---|
| - Offices other than medical or dental | One space for each 250 square feet of floor area |
| - Mortuaries or funeral homes | One space for each 50 square feet of floor space in slumber rooms, parlors, or individual funeral service rooms |

(i) Service and Manufacturing

- | | |
|--|---|
| - Manufacturing plants and wholesale, distribution, research and testing laboratory, warehouse, printing or similar establishments | One space for each employee on the maximum working shift plus space to accommodate all trucks and other vehicles used in connection therewith |
|--|---|

301.02 Interpretation. The following rules shall govern the determination of spaces required:

- (a) "Floor area" shall mean the gross floor area of the specified use.
- (b) Fractional numbers shall be increased to the next whole number.
- (c) The parking space requirement for a use not specifically mentioned herein shall be the same as required for a use of similar nature.
- (d) Whenever a building or use constructed or established after the effective date of this ordinance is changed or enlarged in floor area, number of employees, number of dwelling units, seating capacity, or otherwise, to create a need for an increase of ten per cent or more in the number of existing parking spaces, such spaces shall be provided on the basis of the enlargement or change. Whenever a building or use existing prior to the effective date of this Code is enlarged to the extent of 50 per cent or more in floor area or in the area used, said building or use shall then and thereafter comply with the parking requirements set forth herein.

301.03 Special Parking Provisions. Every parcel of land hereafter used as a public, commercial, or private parking lot shall be developed and maintained in accordance with the following requirements.

- (a) Screening and landscaping. Off-street parking areas for more than ten vehicles should be effectively screened on each side which adjoins or faces premises situated in any residential district or institutional premises, by a fence or wall of acceptable design which is acceptable to the Commission. Such fence or wall shall be not less than four feet or more than six feet in height and shall be maintained in good condition without any advertising thereon. The space between such fence or wall and the lot line of the adjoining premises in

any residential district shall be landscaped with grass, hardy shrubs, or evergreen ground cover and maintained in good condition. In lieu of such wall, or fence, a strip of land not less than ten feet in width, and planted and maintained with an evergreen hedge or dense planting of evergreen shrubs not less than four feet in height, may be substituted.

- (b) Minimum distance and setbacks. No part of any parking area for more than ten vehicles shall be closer than 20 feet to any dwelling, school, hospital, or other institution for human care located on an adjoining lot, unless separated by an acceptably-designed screen. If on the same lot with a one-or two-family residence, the parking area shall not be located within the front yard required for such building. In no case shall any part of a parking area be closer than five feet to any established street or alley right-of-way. The wall or hedge required in Section 301.03(a) hereof shall be set back from each street, the same as if it were a building wall, so as to observe the front yard requirements of this Code.
- (c) Joint Use. Two or more nonresidential uses may jointly provide and use parking spaces when their hours of operation do not normally overlap, provided that a written agreement, approved by the Solicitor and accepted by the Commission shall be filed with the application for an Occupancy and Compliance Certificate.
- (d) Other locations. Parking spaces may be located on a lot other than the one containing the principal use provided it is within 300 feet of the use. Lots farther than 300 feet from the principal use may be accepted upon the approval of the Board provided a written agreement, approved by the Solicitor and accepted by the Commission shall be filed with the application for an Occupancy and Compliance Certificate.
- (e) Lighting. Any lighting used to illuminate any off-street parking area shall be so arranged as to reflect the light away from adjoining premises in any residential district.
- (f) Disabled vehicles. The off-street parking of a disabled vehicle within a residential or commercial district for a period of more than two weeks shall be prohibited, except that such vehicles may be stored in an enclosed garage or other accessory building.

301.04 Off-street Loading Requirements. In any district, in connection with every building or part thereof hereafter erected and having a gross floor area of 10,000 square feet or less, which is to be occupied by manufacturing, storage, warehouse, retail store, wholesale store, hotel, hospital, mortuary, dry cleaning or other uses similarly requiring the receipt or distribution by vehicle of material or merchandise, there shall be provided and maintained on the same lot with such building, at least one off-street loading space, plus one additional such loading space for each additional 10,000 square feet, or major fraction thereof, of gross floor area.

- (a) Each loading space shall be not less than 12 feet in width, 15 feet in height, and 45 feet in length for tandem trailers, or 30 feet for two axle trucks.
- (b) Each loading space may occupy all or any part of any required yard space, provided that no such space shall be located closer than 50 feet to any other lot in any residential district, unless wholly within a completely enclosed building or unless enclosed on all sides by a wall or fence not less than eight feet in height.

Section 302 – Signs and Outdoor Advertising Structures.

No sign or outdoor advertising structure of any classification shall be permitted in any district except as hereinafter provided.

302.01 Measurement of Area. The surface area of a sign shall be computed as including the entire area within a regular, geometric form or combinations of regular, geometric forms comprising all of the display area of the sign and including all of the elements of the matter displayed. Frames and structural members not bearing advertising matter shall not be included in computation of surface area.

302.02 General Provisions. The following requirements are mandatory for all signs for which a permit is required:

- (a) Signs not exceeding 12 square feet in area which advertise the sale, rental, or lease of the premises on which the sign is located shall be permitted on any property.
- (b) Announcement or professional signs for home occupations and professional activities where permitted shall not exceed four square feet in area in a R-1, R-2, R-3, R-4, AR-1 and AR-2 district and not more than six square feet in other districts.
- (c) Bulletin boards and signs for a church, school, community, or other public or semi-public institutional building shall be permitted provided the area of such bulletin board or sign shall not exceed 15 square feet in area.
- (d) Wall signs pertaining to a nonconforming use shall be permitted on the same premises of such use, provided the area of such sign does not exceed 15 square feet.
- (e) No building wall shall be used for display of advertising except that pertaining to the use carried on within such building.
- (f) Temporary signs not exceeding, in the aggregate, 50 square feet which announce special public or institutional events or the erection of a building, the architect, the builders, contractors, etc., may be erected for a period of 30 days, plus the construction period.

- (g) No sign shall be placed in any public right-of-way except publicly-owned signs, such as traffic control signs and directional signs.
- (h) Signs not exceeding six square feet in area which direct and guide traffic and parking on private property, but bear no advertising matter, shall be permitted on any property.
- (i) Flags and insignia of any government, except when displayed in connection with commercial promotion, shall be permitted on any property.
- (j) Legal notices, identification, information or directional signs erected or required by governmental bodies shall be permitted on any property.
- (k) All wiring, fittings, and materials used in the construction, connection, and operation of electrically illuminated signs shall be in accordance with the latest provisions of the National Electrical Code.
- (l) All signs hereafter hung or erected shall be plainly marked with the name of the person, firm, or corporation hanging or erecting such sign.
- (m) No sign of any classification shall be installed, erected or attached in any form, shape, or manner to a fire escape or any door or window giving access to any fire escape.
- (n) No electrical sign of any description shall hereafter be erected without having first been inspected on the ground and approved by the Administrative Officer or his authorized agent. It shall be the duty of the manufacturer of such sign to notify this official when such sign is ready for aforesaid ground inspection.
- (o) Should any sign be or become insecure or in danger of falling or otherwise unsafe, the owner thereof or the person maintaining the same, shall upon receipt of written notice from the Administrative Officer proceed at once to put such sign in a safe and secure condition or remove the sign.
- (p) In case any sign shall be installed, erected, constructed, or maintained in violation of any of the terms of this Code, the Administrative Officer shall notify in writing the owner or lessee thereof to alter such sign so as to comply with this Code.
- (q) No political sign shall be posted in any place or in any manner that is destructive of public property upon posting or removal. All candidates for public office, their campaign committees, or other persons responsible for the posting on public property of campaign material shall remove such material within two weeks following election day.

302.03 Commercial or Industrial Signs. The following provisions shall govern the composition, construction, and location of signs in commercial and industrial districts:

- (a) In any ARO, AROC, LB, CBD, GB, RD, LI or HI district, each business shall be permitted one flat or wall sign. Projection of wall signs shall not exceed 12 inches from the face of the building on which it is mounted.
- (b) The area of all permanent advertising signs for any single business enterprise may have an area equivalent to one and one-half square feet of sign area for each lineal foot of width of a building, or part of a building, occupied by such enterprise, but shall not exceed a maximum area of 100 square feet.
- (c) The area of all permanent advertising signs for any single business enterprise shall be limited according to the widths of the building or part of building occupied by such enterprise. For the purposes of this section, width shall be measured along the building face most nearly parallel to the street line. In the case of a corner lot, either frontage may be used in determining maximum area of the sign.
- (d) Every wall sign projecting out from the face of the building shall be securely attached to the building wall, structure, or suitable metal posts located within the lot lines by iron or metal anchors, bolts, supports, chains, stranded cables, or steel rods. No such sign shall project into the street right-of-way or be supported from a street, road, or sidewalk.
- (e) Free-standing signs not over 30 feet in height, having a maximum total sign area of 100 square feet per display area and located not closer than ten feet to any street right-of-way line and not closer than 30 feet to any adjoining lot line may be erected to serve a group of business establishments. There shall be only one free-standing sign for each building, regardless of the number of businesses conducted in said building.
- (f) Pole signs of symbolical design shall be permitted for business establishments provided that:
 - no part of such sign shall project into the right-of-way of any street or highway;
 - the maximum area of any face of such sign shall not exceed 30 square feet; and
 - the pole support of the sign shall not be less than 50 feet from any lot in any residential zoning district.
- (g) No sign shall be placed on the roof of any building except at the discretion of the Administrative Officer.

302.04 Setback Requirements. Except as provided above, permitted signs and outdoor advertising structures shall be set back from the established right-of-way line of any street or highway at least as far as the required front yard depth for a principal use in such district except for the following modifications:

- (a) For every square foot by which such sign or outdoor advertising structure exceeds 50 square feet, such setback shall be increased by one-half foot but need not exceed 100 feet.
- (b) At the intersection of any state or federal highway with an arterial or collector street, the setback of any sign or outdoor advertising structure shall not be less than 100 feet from the established right-of-way of each highway or street.
- (c) Real estate signs and bulletin boards for a church, school or other public or semi-public, religious or educational institution may be erected not less than ten feet from the established right-of-way line of any street or highway, provided such sign or bulletin board does not obstruct traffic visibility at street or highway intersections.

302.05 Special Yard Provisions. The following special provisions shall be observed in the erection or placement of signs and outdoor advertising structures:

- (a) No such sign or advertising structure shall be permitted which faces the front or side lot line of any lot in any residential district, within 100 feet of such lot line, or which faces any public parkway, public square or entrances to any public park, public or parochial school, library, church or similar institution, within 300 feet thereof.
- (b) Permitted signs and advertising structures, shall be erected or placed in conformity with the side and rear yard requirements of the district in which they are located except that no sign or advertising structure shall be erected or placed closer than within 50 feet to a side or rear lot line in any residential district.

302.06 Illumination. The following provisions shall be observed in the illumination of signs and advertising structures:

- (a) All signs and advertising structures, except as hereinafter modified, may be illuminated internally or by reflected light provided the source of light is not directly visible and is so arranged as to reflect away from the adjoining premises and provided that such illumination shall not be so placed as to cause confusion or a hazard to traffic or conflict with traffic control signs or lights.
- (b) No illumination involving movement or causing the illusion of movement by reason of the lighting arrangement or other devices shall be permitted.

302.07 Subdivision Signs. Upon application to the Administrative Officer, a permit may be issued as a special exception to the terms of this Code allowing a subdivision sign, provided that:

- (a) the sign shall not be illuminated;
- (b) the sign shall advertise the sale or development of a recorded lot subdivision;
- (c) the sign shall be erected only upon the property for sale or being developed and shall be set back from the street right-of-way at least one foot for each square foot of sign area;
- (d) the sign shall not be in excess of 30 square feet;
- (e) not more than one such sign shall be placed along single road frontage of any property in single and separate ownership, provided that not more than two such signs may be permitted in any single development; and
- (f) a permit for the erection, construction or maintenance of said sign shall expire within one year.

302.08 Permits. The following provisions shall govern applications for sign permits:

- (a) A separate permit shall be required for the erection of signs regulated in this Code, except that no permit shall be required for temporary real estate signs with an area of 12 square feet or less for the sale or lease of property and for small announcement signs with an area of less than four square feet. Announcement signs shall be removed by the person or persons responsible for posting same within 30 days after erection.
- (b) Clear drawings and specifications shall be made of the proposed sign indicating the location, quality of material, full dimensions in figures, supports, manner of erecting, manner of fastening the sign to the structure, number and the weight of the sign. Such plans to be made on blanks furnished by the Administrative Officer, signed by the owner or tenant of property for which sign is to be used and by the erecting contractor.
- (c) The person, firm or corporation erecting, hanging, removing, or re-erecting any roof sign or projection sign within the City of Circleville, Ohio, shall give bond in the sum of \$1,000.00 with good and sufficient sureties to the approval of the Solicitor, conditioned that said party will pay any and all damages caused by or growing out of the erecting, hanging or re-erecting of this sign in an insecure, improper or careless manner or in violation of this or any other ordinance of the City of Circleville, Ohio, or to any property owner other than the owner of the building on which the sign has been erected or hung whether said damage or injury shall be inflicted by said party or his or

its agents, employees or workmen; and conditioned further that said party shall pay any and all damages that may happen to any person by reason of any faulty, improper or careless installation of sign; and conditioned, also, that said party shall save and indemnify and keep harmless the City of Circleville, Ohio, against all liability, judgment, damages, costs and expenses which may in any way accrue against said City of Circleville in consequence of the granting of such license, and will in all things strictly comply with the conditions of any permit which may be issued as herein provided.

- (d) The owner or tenant of the property in connection with which a sign is to be used shall have agreed on application blank furnished by the Administrative Officer to hold the City of Circleville harmless from any and all damages which may arise from or grow out of the erection and maintenance of such sign or anything incident or pertinent thereto and that said applicants, their successors and assigns shall defend at their own cost every suit in which the City of Circleville shall be made a party and prosecuted for the recovery of any such damages arising directly or indirectly from the construction or maintenance of any such sign, or anything incident or pertinent thereto, shall be held to be and shall be a first lien upon the real estate in connection with which said sign is erected.
- (e) No projecting sign shall have a greater weight than 1,000 pounds per section except by special permission of the Council, acting upon advice of the Administrative Officer after thorough study of the existing conditions.
- (f) No person shall place, maintain, or display upon or in view of any highway any unauthorized sign, signal, marking or device which purports to be or is an imitation of or resembles a traffic control device or railroad sign or signal, or which attempts to direct the movement of traffic, or which hides from view or interferes with the effectiveness of any traffic control device or any railroad sign or signal, and no person shall place or maintain, nor shall any public authority permit upon any highway, any traffic sign or signal bearing thereon any commercial advertising. This section does not prohibit the erection, upon private property adjacent to highways, of signs giving useful directional information of a type that cannot be mistaken for traffic control devices. Every such prohibited sign, signal, marking or device is a public nuisance, and the authority having jurisdiction over the highway may remove the same or cause it to be removed.
- (g) A fee of twenty-five cents (\$0.25) per square foot of the display surface of each sign shall accompany each application for a sign permit, provided that the minimum fee for any sign shall be \$2.00. The amount of any and all fees as herein established shall be doubled if the erection of the sign or supporting structural framework has been commenced before a permit for such work has been obtained from the Administrative Officer. In addition, an electrical permit must be procured for all electrically illuminated signs.

302.09 Exemptions. Public notices by governmental bodies, traffic control signs and other official signs and notices are exempt from the provisions of this section.

Section 303 – Planned Unit Developments

303.01 Purpose. Planned development of land may be permitted in any residential commercial or industrial zoning district to encourage and provide a means for effectuating a more desirable physical development pattern than would be possible through the strict application of the density and dimensional requirements of this Code.

When large tracts of land are developed under a unified control, many of the regulations relating to the mixing of uses and proximity of buildings, which are otherwise necessary to protect individual landowners, become unnecessary or may not apply. The environment of large unified developments can be made more pleasant for the residents and the cost of providing municipal services can be substantially reduced, if these uses are permitted to be developed in clusters. Therefore, these developments are regulated according to standards established specifically for such developments rather than according to the standards contained in Sections 203.02 and 203.03.

303.02 Permitted uses. Only those uses permitted in each zoning district or interpreted to be included under Sections 201, 202 and 203 of this Code may be proposed for development under the planned development approach. Compatible residential and commercial uses or commercial and industrial uses may be combined, provided that the proposed location of the commercial or industrial uses will not adversely affect or disregard adjacent property, public health, safety, morals, and general welfare and provided further that, in a residential-commercial development the amount of land devoted to commercial usage shall not exceed 20 per cent of the total land area of the development. Variety in building arrangement and economy in development is encouraged by permitting reductions in lot dimensions, yards, building setbacks, and area requirements.

303.03 Area Requirements.

(a) Area Schedule for Planned Unit Developments Containing Residences. The following schedule establishes the area of the tract to be developed, net residential area per family and open space requirements for developments which are exclusively residential. This schedule assures that the dwelling unit densities specified in Section 103.02 will be maintained.

District	Dwelling Type	Minimum Net Residential Area Per Family (square feet)	Minimum Percentage of Net Residential Area Reserved for Open Space
R-1	One-Family	12,750	15
R-2	One-Family	8,500	15
R-3	One-Family	6,375	15
R-4	One-Family	6,375	15
	Two-Family	4,250	15
AR-1	One-Family	6,375	15
	Two-Family	4,250	15
	Townhouse	2,600	10
	Apartment	2,250	10
AR-2	Townhouse	2,600	10
	Apartment	2,000	10
ARO and AROC	One-Family	6,375	15
	Two-Family	4,250	15
	Townhouse	2,600	10
	Apartment	2,250	10

(b) Minimum Tract Size. The minimum size tract which may be developed for residential, commercial, industrial, public or semi-public uses, or any combination of these uses, where permitted, is 10 acres.

-Developments which are to be exclusively residential shall have minimum tract sizes as determined by the Planning Commission

- Where commercial uses are to be included in a Planned Unit Development containing dwellings, the minimum tract size shall be the sum of the tract required for dwellings plus land required for commercial uses according to the minimum lot sizes contained in Section 203.05, provided that the amount of land allocated for commercial uses shall not exceed 20 per cent of the total area to be developed.

- (c) Net Residential Area. The net residential area shall include all land devoted to residential use, excluding required street right-of-way, utility easements and rights-of-way for water courses and other similar channels. These areas are predicated on a requirement for off-site sewage disposal in "R-1" districts.
- (d) Open Space. The percentage of net residential land to be developed for open space shall be as specified in Section 303.03(a) except where more than one dwelling type is involved. In such cases the amount of land to be developed for open space shall be according to the per cent that each dwelling type bears to the total number of dwellings to be developed.

The amount of open space gained within a planned residential development shall either be held in corporate ownership by the owners of the project area building sites for the use of each owner who buys property within the development, provided that there are adequate provisions for maintenance, or be dedicated to the city, either rights in fee or less-than-fee and retained as open space for parks, recreation, and related uses. All land dedicated to the city in fee or less-than-fee must meet the Commission's requirements as to shape, size, and location. The deed for a less-than-fee dedication must be placed in escrow prior to final plat approval.

303.04 Lot and Building Dimensions.

- (a) Lot Dimensions and Coverage for Residences. The lot width and required setbacks in Section 203.02 and the lot coverage requirements in Section 203.04 may be reduced by 15 per cent for one- and two-family dwellings and by ten per cent for multi-family dwellings.
- (b) Lot Dimensions and Coverage for Buildings other Than Dwellings. Lot dimensions and the maximum percentages of lots which may be covered by commercial and industrial buildings and buildings intended for public and semi-public uses shall be in accordance with Section 203.05.
- (c) Building Areas and Heights. All buildings in Planned Unit Developments shall conform to the height requirements in Sections 203.02 and 203.05, and the dwelling unit area requirements contained in Section 203.11.

303.05 Lot Location. Every property subdivided under the planned unit development approach shall be designed to abut upon open space or similar areas. In areas where townhouses are used there shall be no more than five townhouse units in any contiguous group. A variety of building setbacks, color, and building materials for contiguous townhouse units is encouraged, provided that the result is a harmonious arrangement.

303.06 Arrangement of Uses. The location and arrangement of structures, parking, outdoor lighting, signs, off-street parking, loading, and service areas shall be provided in accordance with Sections 202, 301 and 302 of this Code. However, off-street parking and loading areas shall not be permitted within 15 feet of a residential use. All areas designated for future expansion or not intended for immediate improvement or development should be landscaped or otherwise maintained in a neat and orderly manner.

303.07 Procedure to Secure Approval of Planned Unit Development. The following procedure shall be met before approval to develop land under the planned unit development approach is granted by the Commission and Council:

- (a) Three copies of a preliminary development plan shall be submitted to the Commission for an approval in principle of the land uses proposed and their interrelationship. Approval in principle shall not be construed to endorse precise location of uses, configuration of parcels, or engineering feasibility. Any preliminary development plan and text shall be prepared and endorsed by a qualified urban planner and shall include the following information presented in a general, schematic fashion:
 - proposed location and size of the planned development;
 - proposed land uses, population densities, and building intensities;
 - proposed parks, playgrounds, school sites, and other open spaces;
 - relation to existing and future land use in surrounding area;
 - proposed provision of water, sanitary sewers, and surface drainage;
 - proposed traffic circulation pattern, indicating both public and private streets and access points to public rights-of-way;
 - a market analysis of proposed commercial uses, if the property is not zoned for commercial purposes at the time of submittal of the preliminary development plan;
 - proposed schedule of site development; and
 - evidence that the applicant has sufficient control over the land to carry out the proposed development plan within five years.
- (b) The Commission shall review the preliminary development plan to determine if it is consistent with the intent and purpose of this Code; whether the proposed development advances the general welfare of the community and neighborhood; and whether the benefits, combination of various land uses, and the interrelationship with the land uses in the surrounding area justify the deviation from standard district regulations. The Commission's approval in principle of the preliminary development plan shall be necessary before an applicant may submit a detailed development plan.

- (c) The detailed development plan shall be submitted in five copies and shall contain the following documents and supporting evidence, prepared and endorsed by a qualified professional team, which shall include an urban planner, licensed architect, registered land surveyor, registered civil engineer, and registered landscape architect:
- a survey of the proposed development site, showing the dimensions and bearings of the property lines, area in acres, topography, existing features of the development site, including specimen trees, structures, streets, easements, utility lines, and land use;
 - a detailed development plan which shall be in conformance with the approved preliminary plan, showing as appropriate, all the information required on the preliminary development plan; the approximate location and size of lots, the approximate location and proposed density of dwelling units, nonresidential building intensity, and land use considered suitable for adjacent properties;
 - a schedule for the development of units to be constructed in progression and a description of the design principles for buildings and street scapes; tabulation of the number of acres in the proposed project for various uses; the number of dwelling units proposed by type of dwelling for each unit; estimated residential population by type of dwelling for each unit; estimated nonresidential population; proposed retail sales area and economic justification; anticipated timing for each unit; and standards for height, open space, building intensity, parking areas, population density and public improvements proposed for each unit of development whenever the applicant proposes an exception from standard zoning district or other ordinance regulations governing development;
 - engineering feasibility studies and plans showing, as necessary, water, sewer, and other utility installations; waste disposal facilities; surface drainage; street improvements, and nature and extent of earth work required for site preparation and development;
 - a site plan, showing building(s), various functional use areas, circulation, and their relationship;
 - preliminary building plans, including floor plans and exterior elevations;
 - landscape development plans; and
 - deed restrictions, protective covenants, and other legal statements or devices to be used to control the use, development and maintenance of the land, the improvements thereon, including those areas which are to be commonly owned and maintained.

303.08 Basis of Approval. The Commission may recommend that the Council, after a public hearing, approve the detailed development plan, provided the commission finds that the facts submitted with the application and presented at the hearings establish that:

- (a) the proposed development can be completed within five years of the date of approval;
- (b) each individual unit of development, as well as the total development, can exist as an independent unit capable of creating an environment of sustained desirability and stability or that adequate assurance will be provided that such objective will be attained; the uses proposed will not be detrimental to present and potential surrounding uses, but will have a beneficial effect which could not be achieved under standard district regulations;
- (c) the streets and thoroughfares proposed are suitable and adequate to carry anticipated traffic, and increased densities will not generate traffic in such amounts as to overload the street network outside the planned development;
- (d) any proposed commercial development can be justified economically at the locations proposed to provide for adequate commercial facilities of the types proposed;
- (e) any exception from standard district requirements is warranted by the design and amenities incorporated in the detailed development plans, in accord with the planned development approach and the adopted policy of the Commission and the Council;
- (f) The area surrounding said development can be planned and zoned in coordination and substantial compatibility with the proposed development;
- (g) The planned development is in general conformance with the Comprehensive Development Plan of the City of Circleville; and
- (h) The existing and proposed utility services are adequate for the population densities proposed.

303.09 Action by the Commission and Council. The Commission and the Council shall deny the detailed development plan if, from the facts presented, either the Commission or the Council is unable to make the necessary findings. The Commission shall recommend the approval, approval with specific amendments, or disapproval of the detailed development plan within 30 days of the date of submission of said plan. The Council, after a public hearing, shall also act within 30 days of the date of submission of the plan.

303.10 Approval Period. The approval shall be for a period of five years to allow the preparation and recording of the required subdivision plat and the development of the project. If no development has occurred to effectuate the plan within five years after

approval is granted, the approval shall be voided and the land shall revert to the district regulations in which it is located. An extension of the time limit or modification of the approved development plan may be approved if the Commission and the Council find that such extension or modification is not in conflict with the public interest.

303.11 Other Requirements. Utilities, including telephone and electric systems, shall be underground within the limits of all planned developments. Appurtenances to these systems which can be effectively screened may be excepted from this requirement if the Commission finds that such exemption will not violate the intent or character of the proposed planned development.

Section 304 – Special Provisions for Residential Uses.

304.01 Conversion of Dwelling to More Units. In single and two-family residence districts and in any multiple residence district a residence may be converted to accommodate an increased number of dwelling units provided that:

- (a) the yard dimensions still meet the yard dimensions required by this Code for new structures in that district;
- (b) the lot area per family shall equal the lot area requirements for new structures in that district; and
- (c) the number of square feet of living area per family unit is not reduced to less than that which is required for new construction in that district.

304.02 Swimming Pools.

- (a) Private Swimming Pools. No private swimming pool, exclusive of portable swimming pools with an area of less than 100 square feet, shall be allowed in any commercial or residential district, except as an accessory use and unless it complies with the following conditions and requirements:
 - the pool is intended to be used solely for the enjoyment of the occupants of the principal use of the property on which it is located;
 - it may not be located, including any walks or paved areas or accessory structures adjacent thereto, closer than ten feet to any property line of the property on which located; and
 - the swimming pool, or the entire property on which it is located, shall be so walled or fenced so as to prevent uncontrolled access by children from the street or from adjacent properties. Said fence or wall to be not less than four feet in height and maintained in good condition with a gate and lock.

(b) Community or Club Swimming Pools. Community and club swimming pools are permitted in all districts, but shall comply with the following conditions and requirements:

- the pool is intended solely for the enjoyment of the members and families and guest of members of the association or club under whose ownership or jurisdiction the pool is operated;
- the pool and accessory structures thereto, including the areas used by the bathers, shall not be closer than 100 feet to any property line of the property on which located; and
- the swimming pool and all of the area used by the bathers shall be so walled or fenced as to prevent uncontrolled access by children from the street or adjacent properties. The said fence or wall shall not be less than six feet in height and shall be maintained in good condition.

304.03 Parking of House Trailers and Mobile Homes. Parking of a house trailer or mobile home outside a mobile home park in any residential district for 72 hours or a longer period of time shall be prohibited except for small utility and vacation trailers when authorized by the Board and except that trailers may be stored in an enclosed garage or other accessory building. The parking of a trailer (other than utility, boat, or vacation trailer) for less than 72 hours outside of an enclosed garage or another accessory building shall be permissible only after the Administrative Officer has been notified of such intention. Any trailer permitted shall be parked in the rear yard.

304.04 Temporary Buildings and Enclosures:

(a) Permitted Buildings and Uses: Temporary structures may be permitted in any residential district if such structures are deemed necessary for construction operations of the dwellings and accessory buildings of the area for which a building permit has been issued, provided:

- such structures shall be limited to offices, yards and buildings for the storage of lumber, equipment and other building material, and workshops for prefabricating building components;
- the operations and activities carried on within such structures shall not adversely affect the use of nearby dwellings by reason of noises, smoke, dust, odors, fumes, vibrations, electrical disturbances or glare to a greater extent than normal in a residential district that is being developed; and
- a Conditional Use Permit for such temporary structures has been applied for, and approved along with special conditions that may be required in accordance with the provisions of Section 404 of this Code.

- (b) Removal of Structures: All temporary structures shall be removed within 30 days after the completion of work on the premises for which a permit has been issued or if construction is not pursued diligently.

304.05 Erection of More Than One Structure on a Lot. In any district, more than one structure housing a permitted or permissible main use may be erected on a single lot, provided that yard and other requirements of this Code shall be met for each structure as though it were on an individual lot.

304.06 Parking and Storage of Certain Vehicles. Automotive vehicles or trailers of any kind or type without current license plates shall not be parked or stored on any residentially zoned property other than in completely enclosed buildings.

304.07 Location of Utilities: Public utility uses and distributing equipment for a public utility, if essential in a district, shall be permitted in any zoning district. However, where such public utility uses are proposed to be located across or on unplatted lands, such uses shall be subject to the issuance of Conditional Use Permits in accordance with the provisions of Section 404 of this Code.

The regulations herein governing lot size shall not apply to any lot designed or intended for a public utility and public service use when the area involved is deemed appropriate for such use by the Commission.

304.08 Removal of Soil-protection of Drainage Course: Soil, sand or gravel shall not be stripped, or removed in a residential district except excess soil, sand or gravel resulting from excavations or grading operations in connection with the construction or alteration of a building for which a permit has been issued.

No building or structure shall be erected within any area herein described as a drainage course. For the purpose of this Code, a drainage course shall include any area such as drainageways, channels, streams and creeks, designated as such on geodetic topographic maps, city topographic maps and shall further include any area designed or intended for use in drainage purposes as shown in a recorded subdivision.

No filling of land or excavation of land shall be permitted within a drainage course, or on any lands within 100 feet, or more than 100 feet when so designated on the Zoning Map, of the center line of such drainage course, except upon issuance of a certificate by the Administrative Officer that such filling will not obstruct the flow of water or otherwise reduce the water carrying capacity of such drainage course, or impair the design and character of such drainage course.

Section 305 - Special Provisions for Commercial and Industrial Uses.

305.01 Requirements of Performance Standards. No land or building in any district shall be used or occupied in any manner so as to create any dangerous, injurious, noxious or otherwise objectionable element or condition so as to adversely affect the

surrounding area or adjoining premises provided that any use permitted by this Code may be undertaken and maintained if acceptable measures and safeguards are employed to limit dangerous and objectionable elements to acceptable limits as established by the following performance requirements:

- (a) Fire Hazards: Any activity involving the use or storage of flammable or explosive materials shall be protected by adequate fire-fighting equipment and by such safety devices as are prescribed by the National Fire Codes or the State Fire Marshall for the handling of any such material. Such hazards shall be kept removed from adjacent activities to a distance which is compatible with the potential danger involved.
- (b) Radioactivity or Electrical Disturbance: No activity shall emit dangerous radioactivity at any point, or electrical disturbance adversely affecting the operation at any point of any equipment other than that of the creator of such disturbance.
- (c) Noise: Noise which is objectionable as determined by the Board due to volume, frequency or beat shall be muffled or otherwise controlled. Air raid sirens and related apparatus used solely for public purposes are exempt from this requirement. The following table shall be used to determine the maximum noise level permitted:

Octave Band in Cycles per Second	Maximum Permitted Sound Level in Decibels	
	Along Residential District Boundaries	Along all Commercial and Industrial District Boundaries
0 to 150	70	70
150 to 300	60	66
300 to 600	52	60
600 to 1,200	46	53
1,200 to 2,400	40	47
Above 2,400	34	41

- (d) Vibration: No vibration shall be permitted which is discernible without instruments on any adjoining lot or property.
- (e) Smoke: Smoke shall not be emitted with a density greater than No. 1 on the Ringelman Chart as issued by the U.S. Bureau of Mines except for blow-off periods of ten minutes duration of one per hour when a density of not more than No. 2 is permitted.
- (f) Odors: No malodorous gas or matter shall be permitted which is offensive so as to produce a public nuisance or hazard on any adjoining lot or property.

- (g) Air Pollution: No pollution of air by fly-ash, dust, vapors, or other substances shall be permitted which is harmful to health, animals, vegetation or other property, or which can cause excessive soiling.
- (h) Glare: No direct or reflected glare shall be permitted which is visible from any property outside an industrial district or from any public street, road or highway.
- (i) Erosion: No erosion, by either wind or water, shall be permitted which will carry objectionable substance onto neighboring properties.
- (j) Water Pollution: Pollution of water shall be subject to the requirements and regulations established by the State Water Pollution Control Board.

305.02 Enforcement Provisions for Performance Standards.

- (a) Statements and Plans: The Administrative Officer or Board, prior to the issuance of a zoning certificate, may require the submission of statements and plans indicating the manner in which dangerous and objectionable elements involved in processing and in equipment operations are to be eliminated or reduced to acceptable limits and tolerances.
- (b) Measurement Procedures: Methods and procedures for the determination of the existence of any dangerous and objectionable elements shall conform to applicable standard measurement procedures published by the American Standards Association, Inc., New York, N.Y., the Manufacturing Chemists' Association, Inc., Washington, D.C. and the United States Bureau of Mines.

305.03 Extraction, Storage and Processing of Minerals. The extraction, storage and processing of minerals, including clay, sand and gravel, shall be conducted in accordance with the following requirements:

- (a) Extraction, storage and processing of minerals of all types shall be permitted only in accordance with the use regulations contained in Section 201 of this Code.
- (b) The requirements of the Performance Standards of this ordinance, Section 305, shall be met.
- (c) Mineral extraction, storage, or processing shall not be conducted closer than 500 feet to any residential district, nor closer than 200 feet to any structure used for human occupancy in any other district.
- (d) Buildings and structures for which no future use is contemplated and for which no other acceptable use is practicable or feasible shall be demolished and removed.

- (e) The operator shall file with the building inspector a location map which clearly shows areas to be mined and the location of adjacent properties, roads, and natural features.
- (f) The operator shall submit information on the anticipated depth of excavations and on depth and probable effect on the existing water table as coordinated with the Ohio Division of Water.
- (g) The operator shall file with the Board a detailed plan for the restoration of the area to be mined which shall include the anticipated future use of the restored land, the proposed final topography indicated by contour lines of no greater interval than five feet, the type and number per acre of trees or shrubs to be planted; and the location of future roads, drives, drainage course, or other improvements contemplated.
- (h) The operator shall file with the Council a bond, payable to the city and conditioned on the faithful performance of all requirements contained in the approved restoration plan. The rate, per acre of property to be mined, of the required bond shall be fixed by ordinance of the Council. The bond shall be released upon written certification of the Administrative Officer that the restoration is complete and in compliance with the restoration plan.

305.04 Junk Storage and Sales (salvage operations). Junk storage and sales shall not be permitted in any district in the municipality, except in the "HI" district after permission has been granted by the Board.

Junk storage and sales shall be effectively screened on all sides by means of walls, fences, or plantings. Walls or fences shall be a minimum of eight feet in height with no advertising thereon. In lieu of such wall or fence, a strip of land not less than 15 feet in width and planted and maintained with an evergreen hedge or dense planting of evergreen shrubs not less than six feet in height may be substituted. Storage of materials shall not exceed the height of the screening.

305.05 Open Storage and Display of Material and Equipment. The open storage and display of material and equipment incident to permitted uses or special exceptions in commercial and industrial districts shall be permitted provided the area used for open storage and display shall be effectively screened from all adjoining properties in any residential district by means of walls, fences, or plantings. Walls or fences shall be a minimum of six feet in height without advertising thereon. In lieu of such wall or fence a strip of land not less than ten feet in width and planted and maintained with an evergreen hedge or dense planting of evergreen shrubs not less than four feet in height at the time of planting may be substituted.

305.06 Temporary Storage. The temporary open storage of contractor's equipment and material shall be permitted on the site upon which buildings or structures are being erected or installed for the duration of the construction period. Storage of such equipment and material beyond the date of completion of the project shall be subject to a special

permit authorized by the Board.

305.07 Temporary Buildings. Temporary buildings and construction trailers used in conjunction with construction work may be permitted in any district during the period of construction, but such temporary buildings shall be removed from areas of construction upon completion of the work. Occupancy and Compliance Certificates are required in all cases, subject to annual renewal.

Section 306 – Nonconforming Uses.

306.01 Intent. Within the districts established by this Code or amendments that may later be adopted there exist:

- (a) lots,
- (b) structures,
- (c) uses of land and structures, and
- (d) characteristics of use

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

306.02 Incompatibility of Nonconforming Uses. Nonconforming uses are declared by this Code to be incompatible with permitted uses in the districts involved. A nonconforming use of a structure, a nonconforming use of land, or a nonconforming use of structure and land in combination shall not be extended or enlarged after passage of this Code by attachment on a building or premises of additional signs intended to be seen from off the premises, or by the addition of other uses, of a nature which would not be permitted generally in the district involved.

306.03 Avoidance of Undue Hardship. To avoid undue hardship, nothing in this Code shall be deemed to require a change in the plans, construction or designation use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Code and upon which actual building construction has been diligently carried out. 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.

306.04 Nonconforming Lots of Record. 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 Code, notwithstanding limitations imposed by other provisions of this Code. Such lots 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 those applying to area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located, except that the minimum side yards may be reduced to ten per cent of the width of the lot, provided, however, that no side yard shall be less than three feet. Variance of yard requirements shall be obtained only through action of the Board.

306.05 Nonconforming Lots of Record in Combination. If two 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 Code, 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 purpose of this Code, 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 Code, nor shall any division of any parcel be made which creates a lot with width or area below the requirements stated in this Code.

306.06 Nonconforming Uses of Land. Where at the time of passage of this Code lawful use of land exists which would not be permitted by the regulations imposed by this Code, and where such use involves no individual structure with a replacement cost exceeding \$1,000.00, the use may be continued so long as it remains otherwise lawful, provided:

- (a) No such nonconforming 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 Code.
- (b) No such nonconforming 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 Code.
- (c) If any such nonconforming use of land ceases for any reason for a period of more than two years, any subsequent use of such land shall conform to the regulations specified by this ordinance for the district in which such land is located.
- (d) No additional structure not conforming to the requirements of this ordinance shall be erected in connection with such nonconforming use of land.

306.07 Nonconforming Structures. Where a lawful structure exists at the effective date of adoption or amendment of this Code that could not be built under the terms of this Code 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:

- (a) No such nonconforming structure may be enlarged or altered in any way which increases its nonconformity, but any structure or portion thereof may be altered to decrease its nonconformity.
- (b) Should such nonconforming structure or nonconforming portion of structure be destroyed by any means to an extent of more than 60 per cent of its replacement cost at time of destruction, it shall not be reconstructed except in conformity with the provisions of this Code.
- (c) 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.

306.08 Nonconforming Uses of Structures or of Structures and Premises in Combination. If lawful use involving individual structures with a replacement cost of \$1,000.00 or more, or of structure and premises in combination, exists at the effective date of adoption or amendment of this Code, that would not be allowed in the district under the terms of this Code, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

- (a) No existing structure devoted to a use not permitted by this Code 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.
- (b) Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designated for such use at the time of adoption or amendment of this Code, but no such use shall be extended to occupy any land outside such building.
- (c) If no structural alterations are made, any nonconforming use of a structure, or structure and premises, may be changed to another nonconforming use provided that the Board, 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 nonconforming use. In permitting such changes, the Board may require appropriate conditions and safeguards in accord with the provisions of this Code.
- (d) Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district, and the nonconforming use may not thereafter be resumed.

- (e) When a nonconforming use of a structure, or structure and premises in combination, is discontinued or abandoned for 12 consecutive months or for 30 months during any five year period (except when government action impedes access to the premises), 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.
- (f) Where nonconforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land. Destruction for the purpose of this sub-section is defined as damage to an extent of more than 60 per cent of the replacement cost at time of destruction.

306.09 Repairs and Maintenance. Nothing in this Code 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.

306.10 Conditional Uses. Any use which is permitted as a Conditional Use in a district under the terms of this Code (other than a change through Board action from a nonconforming use to another use not generally permitted in the district) shall not be deemed a nonconforming use in such district, but shall without further action be considered a conforming use.

306.11 Certification of Nonconforming Uses. An Occupancy and Compliance Certificate shall be required for all lawful nonconforming uses of land and structures created by adoption or amendment of this Code. Application for such certificate for a nonconforming use shall be filed with the Administrative Officer by the owner or lessee of the land or structure occupied by such nonconforming use within one year of the effective date of this Code or amendment thereto.

306.12 Zoning Certificate Required for a Nonconforming Use. It shall be the duty of the Administrative Officer to issue a certificate for a lawful nonconforming use. Failure to apply for such certificate for a nonconforming use or refusal of the Administrative Officer to issue a certificate for such nonconforming use shall be evidence that said nonconforming use was either illegal or did not lawfully exist at the effective date of this ordinance or amendment.

ARTICLE 400: ADMINISTRATION, DISTRICT CHANGES, AMENDMENTS AND ENFORCEMENT

Section 401 - Administration: Board of Zoning Appeals

401.01 Power of Board of Appeals to Adopt Rules and Regulations. The Board shall have the power to frame and adopt rules and regulations for its own government and procedure, except said rules and regulations may not be inconsistent with law or with this or other ordinances of the city.

401.02 Procedural Regulations for the Board of Zoning Appeals.

- (a) Meetings of the Board shall be held at the call of the chairman and at such other times as said Board may determine. Each meeting of said Board shall be open to the public. All action taken shall be by resolution, recorded in the minutes. The Board shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and all minutes shall be a public record.
- (b) Four of the seven members present shall constitute a quorum of the Board.
- (c) Three affirmative votes shall be required for the passage of any resolution which:
 - recommends the amendment of this Code;
 - grants a use permit;
 - grants a variance or exception to the district or other provisions of this Code;
 - establishes conditions precedent to the granting of a use permit, a variance, or exception, to the provisions of this Code;
 - concerns any official action of the Board; or
 - sits as a board of appeals.

401.03 Powers and Duties of the Board of Zoning Appeals. The powers and duties of the Board shall be as follows:

- (a) to make interpretations of this ordinance and its accompanying "Zoning Map of the City of Circleville, Ohio";
- (b) to grant or deny Occupancy and Compliance Certificates when the question of the issuance of such certificate is referred to it by the Administrative Officer, or when the provisions of this Code indicate that it shall consider such questions;
- (c) to overrule any official action of the Administrative Officer when, in its opinion, such action has been contrary to the intent and spirit of this Code and for such purposes may make null and void any Occupancy and Compliance Certificate issued or any action taken by said Administrative Officer by notifying said Administrative Officer and the principal interested party in writing;
- (d) to issue Conditional Use Permits when justified and to set forth in said permits regulations and standards for the use of any land or structures which the Board deems necessary to carry out the full intent of this Code;

- (e) to permit exceptions to and variations (variances) from the district or other regulations in this ordinance including conditional and similar uses;
- (f) to recommend to the Council the approval or denial of applications to amend this Code and/or its accompanying Zoning Map.
- (g) to recommend to the Council an amendment or change in the number, shape, area, or regulations for any district or provision of this Code.

401.04 Powers of City Council on Appeals. In applying the provisions of this Code, the Council reserves the power to hear and determine appeals from the refusal to issue Use Permits or Occupancy and Compliance Certificates or variances by the Administrative Officer or from the Board.

Section 402 - Administration: Occupancy and Compliance Certificates

402.01 Occupancy and Compliance. No building or use shall hereafter be located constructed, re-constructed, enlarged or structurally altered nor shall any work be started upon same until an Occupancy and Compliance Certificate for same has been issued by the Administrative Officer, which certificate shall state that the proposed building and use comply with all the provisions of this Code and other applicable regulations. No use shall be permitted which is different from one which is already approved for this location without an Occupancy and Compliance Certificate.

402.02 Plat to be Submitted Before Issuance of Certificate. No Occupancy and Compliance Certificate shall be issued by the Administrative Officer until the applicant for said certificate has submitted a plat of the area upon which the applicant's use or structure is proposed. Said plat shall show the type of proposed use structural dimensions at the ground, lot dimensions, side, front and rear yard set-backs, and a signed statement that said applicant will conform with all zoning regulations then in force for said area.

402.03 Issuance of Occupancy and Compliance Certificate for Projects Requiring Site Plan Review. The Administrative Officer shall not issue a certificate for any application requiring site plan review by the Commission or Board of Health; namely Planned Unit Development projects and Mobile Home Parks respectively, unless the proposed site plan has been approved by the Commission and the Board of Health.

402.04 Use of Land. No land shall be hereafter occupied or used and no building hereafter located, constructed, reconstructed, enlarged or structurally altered shall be occupied or used in whole or in part for any purpose except that of agriculture in accordance with the terms of this Code, until an Occupancy and Compliance Certificate is issued by the Administrative Officer, stating that the building and use comply with the provisions of this Code. No change of use shall be made in any building or part thereof now or hereafter located, constructed, reconstructed, enlarged or structurally altered except for agriculture or single-family dwelling purposes, without an Occupancy and Compliance Certificate being issued by the Administrative Officer. No Occupancy and Compliance

Certificate shall be issued to make a change unless the changes are in conformity with the provisions of this Code, or unless a variance has been granted by the Board.

402.05 Record of Certificates. A record of all Occupancy and Compliance Certificates shall be kept on file in the office of the Administrative Officer, and copies shall be furnished on request to any person having a proprietary or tenancy interest in the building affected.

402.06 Certificate Fee. The fee for an Occupancy and Compliance Certificate shall be \$2.50, except as otherwise provided herein. Such certificate fees as are required in this section shall be paid to the Administrative Officer, who shall deliver same to the Auditor.

Section 403 - Administration: Conditional Use Permits

Conditional Use Permits shall be required for certain types of main uses termed conditional uses, which are defined in Section 102.10 and specified for each zoning district in Section 201.

403.01 Application for Permits. Applications for such permits shall be made to the Board. The Board shall hold a hearing thereon with notice of hearing either published in a newspaper of general circulation or mailed to the owners of property contiguous to and across the street from the parcel for which a Conditional Use Permit is requested at least 15 days before the hearing. The Board shall take action upon such application within 30 days from the date of receiving said application; failure to act within such period shall be deemed approval.

403.02 Standards for Evaluating Conditional Use Permits. An application for a Conditional Use Permit shall not be approved unless the following standards are satisfied:

- (a) that the proposed use is properly located in relation to any adopted land use or traffic plan for the area;
- (b) that the proposed use will not generate an undesirable amount of vehicular traffic, thereby creating congestion and posing a safety hazard;
- (c) that the proposed use is necessary to serve the surrounding area and cannot function as well in a less restrictive district where it would be permitted by right;
- (d) that the proposed location, design and operation of such use will not impair the appropriate development or value of the surrounding district;
- (e) that the proposed use will not be objectionable to nearby uses by reason of noise, smoke, dust, odor, fumes, vibrations or glare;

- (f) that the hours of operation of the proposed use will not be objectionable to surrounding uses.

403.03 Safeguards and Conditions. In addition to complying with the general standards set forth in this subsection, conditions appropriate to each particular application, may also be set forth in the permit.

403.04 Approval. The approval of a Conditional Use Permit shall become null and void if the construction of the building or site improvements are not started within a six-month period after the date of approval.

Section 404 - Administration: Variances

404.01 Authorizations. The Board may, in appropriate cases and subject to appropriate conditions and safeguards, vary the strict application of the use, height, yard and area requirements of this ordinance in accordance with the specific rules contained herein.

404.02 Applications for Variance. Written application for a variance shall be made to the Administrative Officer who shall transmit said application to the Board. Each application for a variance shall be accompanied by a check or cash payment of \$10.00 which shall be applied to the cost of advertising and expense incidental to reviewing, publishing and reporting the case. All such fees as are required in this section shall be paid to the Administrative Officer who shall deliver same to the Auditor.

404.03 Notice of Hearing. The Board shall cause the property in question to be posted with a zoning notice. Said zoning notice shall state thereon the time and place of public hearing to be held by the Board on the question of whether to permit or deny the application.

404.04 Hearing on Application. Before approving or denying the application before it, the Board shall hold at least one public hearing on said application, notice of which shall be given by seven days advance publication of place, time, date, and nature of use applied for in one or more newspapers of general circulation in the City of Circleville, Ohio.

At such hearing the applicant shall present a statement and adequate evidence, in such form as the Board may require, and said Board shall not grant a variance unless it finds that all of the following conditions apply to the case in question:

- (a) There are special circumstances or conditions applying to the land, building or use referred to in the application.
- (b) The granting of the variance is necessary for the preservation and enjoyment of substantial property rights.

- (c) The granting of the application will not adversely affect the health or safety of persons residing or working in the neighborhood of the proposed use and will not be materially detrimental to the public welfare or injurious to property or improvements in such neighborhood.

404.05 Statement of Reasons for Granting Variance. Any such variation granted by the Board after a duly advertised hearing shall be accompanied by a finding of fact specifying the reasons for the granting of the variance.

404.06 Conditions for Granting Variance. In granting any variance under the provisions of this section, the Board shall designate such conditions in connection therewith which will, in its opinion, secure the objectives of this ordinance or provisions in the application of which the variance is granted, as to the public health, safety, comfort, convenience, and general welfare.

404.07 Granting of Variance. If it finds those conditions set forth in Sections 404.04 to be applicable to the property in question, the Board shall, after specifying such conditions as it deems necessary, direct the Administrative Officer to issue Occupancy and Compliance Certificate for a use variance or dimensional variance.

Section 405 - District Changes and Code Amendments.

405.01 General. Whenever the public necessity, convenience, general welfare, or good zoning practices require, the Council may by ordinance - after receipt of recommendation thereon from the Commission, and subject to the procedures provided by law - amend, supplement, or change the regulations, district boundaries, or classification of property. It shall be the duty of the Commission to submit its recommendations regarding all applications or proposals for amendments or supplements to the Council.

405.02 Procedure for Change in Zoning Districts. Applications for any change of district boundaries or classifications of property as shown on the official Zoning Map shall be submitted to the Commission, at its public office, upon such forms, and shall be accompanied by such data and information as may be prescribed for that purpose by the Commission, so as to assure the fullest practicable presentation of facts for the permanent record. Each proposal for a zone change shall be accompanied by a reproducible vicinity map to a scale of one inch equals 200 feet or other scale as may be approved by the Administrative Officer, showing the property lines, streets, and proposed zoning. Each such application shall be verified by at least one of the owners or lessees of property within the area proposed to be reclassified, attesting to the truth and correctness of all facts and information presented with the applications. Applications for amendments initiated by the Commission shall be accompanied by its motion pertaining to such proposed amendment.

405.03 Names and Addresses of Adjacent Property Owners. Any person or persons desiring a change in the zoning classification of property shall file with the application for such change, a statement giving the names and addresses of the owners of all properties lying within 500 feet of any part of the property the zoning classification of which is proposed to be changed.

405.04 Public Hearing by the Planning and Zoning Commission. Before submitting its recommendation on a proposed amendment to the Council, the Commission shall hold a public hearing thereon, notice of which shall be given by publication in a newspaper of general circulation in the city at least 30 days before the date of the hearing. The notice shall state the place and time at which the proposed amendment to the ordinance, including text and maps, may be examined.

405.05 Notice to Property Owners. The Commission shall give notice of the time, place, and purpose of public hearings to be held by it on proposed amendments or supplements, by mailing a postal card or letter notice not less than 20 days prior to the date of the hearing, to the owners of all properties lying within 500 feet of any part of the property proposed to be changed. The failure to notify, as provided in this section, shall not invalidate any recommendations adopted hereunder.

405.06 Action by the Planning and Zoning Commission. In deciding on a change of this Code, the Commission shall consider among other things the following elements of the case but the consideration of such elements need not be entered on the minutes of said commission:

- (a) adjacent land use;
- (b) the relationship of topography to the use intended or to its implications;
- (c) access and traffic flow;
- (d) adjacent zoning;
- (e) the correctness of the application for the type of change requested;
- (f) the relationship of the use requested to the public safety, morals, or general welfare; and
- (g) the relationship of the area requested to the area to be used.

405.07 Decision and Certification. After public hearing and consideration of the case, the Commission shall certify to the Council one of the following actions:

- (a) It shall recommend to the Council that the application be granted as requested and shall prepare an ordinance to that effect for submission to the Council;
- (b) It shall recommend to the Council that the application be granted with modifications and shall prepare an ordinance to that effect for submission to the Council.
- (c) It shall deny the application and notify the applicant. If within 40 days the applicant appeals to the Council to hear the case, the Commission shall certify the record of its hearings and decision on the application to Council.

405.08 Public Hearing by City Council. After receiving from the Commission the certification of said recommendations on the proposed amendment, and before adoption of such amendment, the Council shall hold a public hearing thereon, giving at least a 30 day notice of the time and place of such hearing by publication in a newspaper of general circulation in the city, once a week for two weeks. The notice shall state the place and time at which the proposed amendment to the ordinance, including text and maps, may be examined.

405.09 Notice to Property Owners. The clerk of Council shall give notice of the time, place, and purpose of public hearings to be held by it on proposed amendments or supplements, by mailing a first-class-mail notice not less than 20 days prior to the date of hearing to the owners of all properties lying within 500 feet of any part of the property proposed to be changed. The failure to notify as provided in this section shall not invalidate any recommendation adopted hereunder.

405.10 Action by City Council. After receiving from the Commission certification of the recommendations on the proposed amendment and after holding the above public hearing, the Council shall consider such recommendations and vote on the passage of the proposed amendment to the text of the ordinance or the official Zoning Map. No such ordinance, measure, or regulation which differs from or departs from the plan or report submitted by the Commission shall take effect unless passed or approved by not less than three-fourths of the membership of the legislative authority and signed by the Mayor.

405.11 City Council May Initiate Amendments. The Council may amend or change the number, shape, area, or regulations of or within any district, but no such amendment or change shall become effective unless the ordinance proposing it is first submitted to the Commission for approval, disapproval, or suggestions, and said commission is allowed a reasonable time, not less than 30 days, for consideration and report.

405.12 Application Fees. At the time that an application for a change of zoning districts is filed with the Commission, as provided herein, there shall be deposited with the Auditor the sum of \$30.00 as a fee to cover investigation, legal notices, and other expenses incidental to the determination of such matter; such fee to be for one lot or part of one lot. An additional fee of \$5.00 shall be deposited for each additional lot or part of an additional lot which may be included in the request; such additional lot or part of a lot to be adjacent to each other. The total fee shall not exceed \$60.00. Such sums so deposited shall be credited by the Auditor to the general fund of the city.

405.13 Application Fees Refunded. In the event that the Commission disapproves the application and the petitioner elects not to have the same certified to the Council, then a refund of \$15.00, plus an additional refund of \$3.00 for each additional lot or part of an additional lot which was included in the application shall be made to the petitioner by the Auditor, provided that the Auditor is notified of such decision by the petitioner within ten days from the time of the action taken by the Commission.

Section 406 - Enforcement

406.01 Administrative Officer to Enforce Code. It shall be the duty of the Administrative Officer to enforce the provisions of this Code.

406.02 Injunction Available as a Remedy. In the event of the violation of any section or part of this Code, or imminent threat thereof, the City of Circleville, or the owner of any contiguous or neighboring property who would be especially damaged by such violation in addition to any other remedies provided by law, may institute a suit for injunction to prevent or terminate such violation.

406.03 Separability. If any section, subsection, sentence, clause or phrase of this Code is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Code. All ordinances or parts of ordinances of the City of Circleville in conflict with any regulation, provision, amendment or supplement of this Code, are to the extent of such conflict hereby repealed.

406.04 Penalty. Any person, firm or corporation violating any regulation, provision, amendment or supplement of this Code, or failing to obey any lawful order of the Administrative Officer issued in pursuance thereof, shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than \$25.00 or more than \$50.00. A separate offense shall be deemed committed for each and every day during or upon which such illegal location, erection, construction, reconstruction, enlargement, change, maintenance, or use occurs or continues.

EFFECTIVE DATE AND RESCINDING OF PREVIOUS ZONING CODE

406.05 Effective Date. This Code shall become effective from and after the date of its approval and adoption, as provided by law; and the previous zoning code is hereby rescinded.

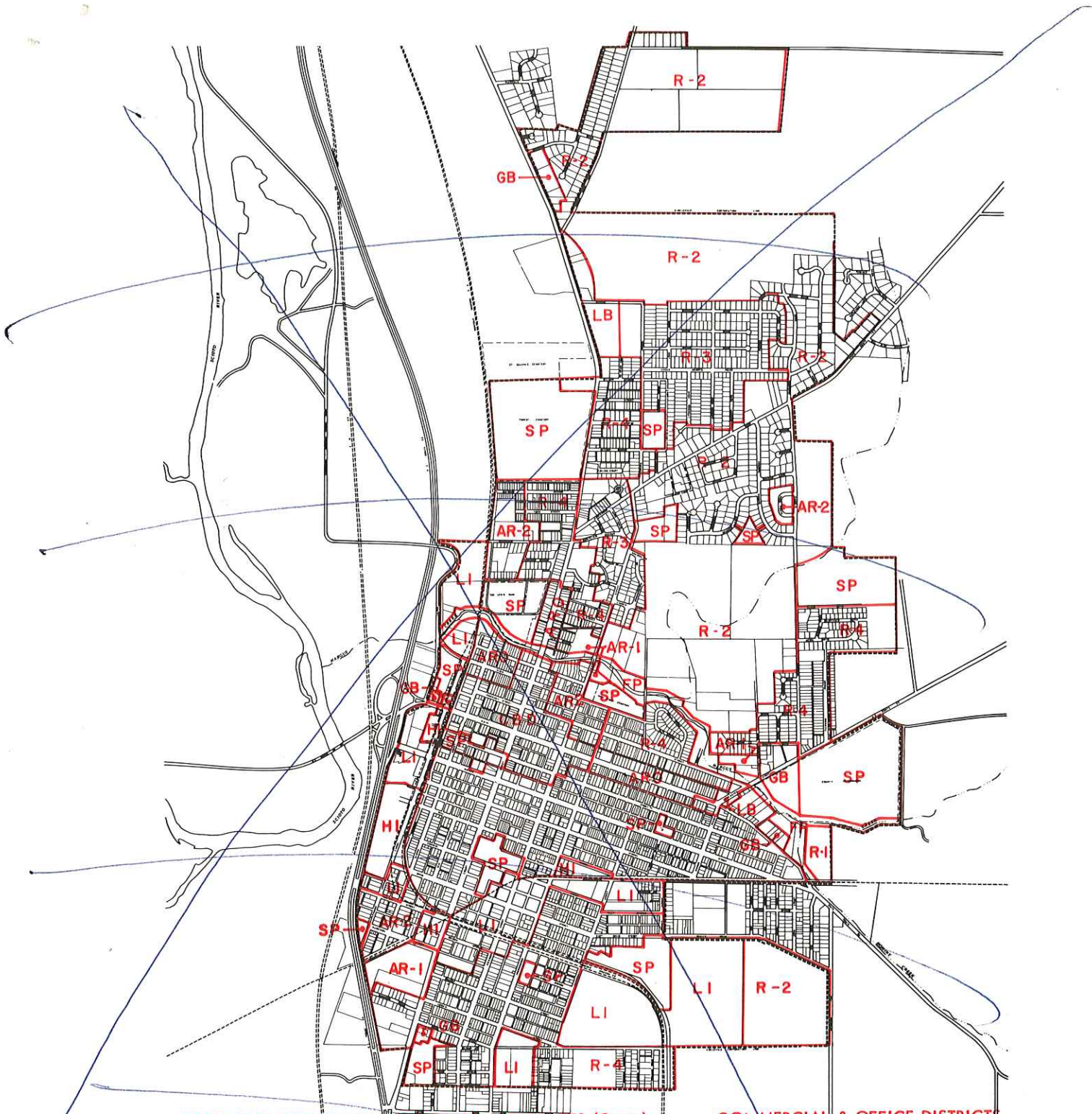
PASSED July 13, 1970
(Date)

ADOPTED 7/22/70, 19
(Date)

Richard S. Schubert
Mayor by K.N.

ATTEST Robert J. Hadley
Clerk of City Council by K.N.

Joseph A. Bell
President of City Council by K.N.



OPEN AREA DISTRICTS

- AG - Agriculture
- FP - Flood Plain
- SP - Special

RESIDENTIAL DISTRICTS

- R-1 - One-Family
- R-2 - One-Family
- R-3 - One-Family
- R-4 - One & Two-Family

RESIDENTIAL DISTRICTS (Cont.)

- AR-1 - Multiple-Family Residential
- AR-2 - Multiple-Family Residential
- MHP - Mobile Home Park
- COMMERCIAL, OFFICE & RESIDENTIAL DISTRICTS
- ARO - Apartment, Residential & Office
- AROC - Apartment, Residential, Office & Commercial

COMMERCIAL & OFFICE DISTRICTS

- LB - Local Business
- CBD - Central Business
- GB - General Business

INDUSTRIAL DISTRICTS

- RD - Research & Development
- LI - Light Industry
- HI - Heavy Industry

PREPARED FOR THE CINCINNATI CITY PLANNING COMMISSION
CITY OF CINCINNATI, OHIO

PARKING, ROBERTS & ASSOCIATES, INC.
PLANNING AND RENOVATION CONSULTANTS
COLUMBUS DETROIT PITTSBURGH

APPROVED ZONING MAP

Scale in Feet

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