

AN ORDINANCE TO APPROVE, ADOPT AND ENACT A REVISED CIRCLEVILLE ZONING ORDINANCE AND CIRCLEVILLE ZONING MAP AND TO REPEAL THE PREVIOUS PLANNING & ZONING CODE AND TO REPEAL ANY ZONING ORDINANCE OR ZONING MAP IN CONFLICT THEREWITH.

WHEREAS, the Council of the City of Circleville, Ohio is empowered pursuant to Chapter 713 of the Ohio Revised Code to establish a City Planning Commission and adopt and enact a Zoning Map and Zoning Code to frame and adopt a plan for regulating the location and character of all buildings, construction and other uses of property within the City of Circleville and to make recommendations to the Council of the City of Circleville for any zoning revisions; and

WHEREAS, the Council of the City of Circleville has previously adopted a Planning & Zoning Code and created a Planning & Zoning Commission for the above purposes; and

WHEREAS, the previous Planning & Zoning Code of the City of Circleville and the current structuring of the Planning and Zoning Commission has been determined to be in need of complete revision and restructuring so as to operate in the best interest of the citizens of the City of Circleville; and

WHEREAS, the current Planning & Zoning Commission has previously held a public hearing concerning this complete revision of the City of Circleville Zoning Ordinance and Zoning Map and recommends the approval of the Circleville Zoning Ordinance and Zoning Map attached to this Ordinance; and

WHEREAS, the Council of the City of Circleville desires to approve and adopt the recommendation of the Circleville Planning & Zoning Commission to enact the revised Circleville Zoning Code and Zoning Map and believes this to be in the best interest of the citizens of the City of Circleville and not detrimental to their health or welfare; and

WHEREAS, pursuant to Section 713.12 of the Ohio Revised Code, this Council has held a public hearing permitting the general public to appear and be heard concerning the proposed revisions to the Circleville Planning & Zoning Code and Map;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Circleville, Pickaway County, Ohio as follows:

SECTION I. That the proposed revised Planning & Zoning Code and Zoning Map to the City of Circleville, Ohio attached hereto is hereby approved, adopted and enacted as the Planning & Zoning Code and Zoning Map of the City of Circleville.

SECTION II. That the provisions of this Ordinance shall be in full force and effect as provided by law and all Ordinances and Resolutions or parts thereof enacted prior to this Ordinance including all provisions of the Codified Ordinances, which are inconsistent or contrary to any provisions of this Ordinance, are hereby repealed as of the effective date of this Ordinance. Further, Chapters 1101, 1103, 1105, 1107, and 1109 of the Codified Ordinances of the City of Circleville, as enacted by Ordinance No. 55-70 and is subsequently amended are specifically repealed in their entirety by this Ordinance.

SECTION III. That the Director of Public Service of the City of Circleville be, and hereby is, authorized and directed to make the necessary changes to the Zoning Map and Planning & Zoning Code so as to be in compliance with this Ordinance.

SECTION IV. That the Clerk of Council, pursuant to Ohio Revised Code Section 731.21 shall publish a succinct summary of this Ordinance which shall contain notice that a complete text of this Ordinance may be obtained or viewed, at the office of the Planning & Zoning Commission.

SECTION V. That this ordinance shall take effect and be in force at the earliest period permitted by law.

PASSED : March 8, 1994
DATE

Patricia Radabaugh
PRESIDENT OF COUNCIL

ATTEST : Patricia J. Fouch
CLERK OF COUNCIL

APPROVED: March 8, 1994
DATE

Thomas Rapp
MAYOR

ZONING ORDINANCE

CITY OF CIRCLEVILLE, OHIO

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ARTICLE I

GENERAL PROVISIONS

Section 1.01 Title

This Ordinance shall be known and may be cited as the "Zoning Ordinance of the City of Circleville, Ohio." Unless otherwise provided herein or by the law or implication required, the same rules of construction, definition, and application shall govern the interpretation of the Ordinance as those governing the interpretation of the Ohio Revised Code.

Section 1.02 Purpose

This Zoning Ordinance is adopted to promote and protect the public health, safety, comfort, prosperity and general welfare by regulating and limiting the use of land areas and building and the construction, restoration and alteration of buildings and the uses thereof for residential, business and industrial purposes; to regulate the area dimensions of land, yards and open spaces so as to secure adequate light, air and safety from fire and other dangers; to lessen or avoid congestion in the public streets; to regulate and restrict the bulk, height, design, percent of lot occupancy and the location of buildings; to protect the character of the existing agricultural, residential, business, industrial, and institutional areas and to assure their orderly and beneficial development; to provide for the orderly growth and development of lands, and for the purpose of dividing the municipality into various districts, as authorized by Chapter 713 of the Ohio Revised Code.

Section 1.03 Interpretation and Applicability

1.03.01 Interpretation and Consistency

The provisions of this Ordinance shall be held as minimum requirements, and shall apply uniformly to each class or kind of building, structure or land. Where the provisions of this Ordinance impose greater restrictions upon buildings, structures, uses or land, than required by other codes, laws, ordinances, or restrictive covenants running with the land, the regulations of this Ordinance shall govern.

1.03.02 Provisions Cumulative

The provisions hereof are cumulative and additional limitations on all other laws and ordinances heretofore passed or which may be hereafter passed governing any subject matter of this Ordinance. Nothing herein shall be deemed or constructed to repeal, amend, modify, alter or change any other ordinance or any part hereof not specifically repealed, amended, modified, altered or changed herein, except in such particulars or matters as the Zoning Ordinance is more restrictive than such other ordinances or parts thereof and that in all particulars wherein the Zoning Ordinance is not more restrictive, each such other ordinance shall continue and shall be in full force and effect.

1.03.03 Applicability

The regulations set forth in this Zoning Ordinance shall be applicable to all buildings, structures, uses and land of any private individual or entity, or any political subdivision, district, taxing unit or bond-issu-

ing authority located within the corporate limits of the City of Circleville.

Section 1.04 Separability

The invalidation of any clause, sentence, paragraph, or section of this Ordinance by a court of competent jurisdiction shall not affect the validity of the remainder of this Ordinance either in whole or in part.

Section 1.05 Repeal of Existing Ordinances

Upon passage of this Ordinance, Chapters 1101, 1103, 1105, 1107, and 1109 of the Codified Ordinances of the City of Circleville, as enacted by Ordinance No. 55-70 and as subsequently amended are specifically repealed in their entirety.

Section 1.06 Effective Date

This Ordinance shall be effective from and after the date of its approval and adoption as provided by law.

ARTICLE II

ADMINISTRATIVE BODIES AND THEIR DUTIES

Section 2.01 Zoning Inspector

2.01.01 Office of Zoning Inspector Established

The Zoning Inspector, who shall be appointed by the Mayor, shall enforce the Zoning Ordinance. All officials and employees of the Municipality shall assist the Zoning Inspector by reporting any new construction, reconstruction, or apparent violations to this Ordinance.

2.01.02 Relief From Personal Liability

The Zoning Inspector, and any officer or employee who acts in good faith and without malice in the discharge of his duties during enforcement of this ordinance is relieved of all personal liability for any damage that may accrue to persons or property as a result of such acts of alleged failure to act. Further, he shall not be held liable for any costs in any action, suit or proceeding that may be instituted against him as a result of the enforcement of this ordinance. In any of these actions, the Zoning Inspector or employee shall be defended or represented by the City's Law Director until the final termination of the proceedings.

2.01.03 Duties of Zoning Inspector

For the purposes of this Ordinance, the Zoning Inspector shall have the following duties:

- A. Issue zoning permits when the provisions of the Zoning Ordinance have been met, or refuse to issue same in the event of noncompliance.
- B. Collect the designated fees as established for zoning permits, applications for appeals and conditional uses.
- C. Make and keep all records necessary and appropriate to the office including records of issuance and denial of zoning permits and receipt of complaints of violation of the Zoning Ordinance and action taken on same.
- D. Inspect any buildings or lands to determine whether any violations of the Zoning Ordinance have been committed or exist.
- E. Enforce the Zoning Ordinance and take all necessary steps to remedy conditions found in violation by ordering, in writing, the discontinuance of illegal uses or work in progress, and direct cases of noncompliance to appropriate City official for action.
- F. Advise the Planning and Zoning Commission of matters pertaining to the enforcement of and amendments to the Zoning Ordinance, as well as conditional use permits, appeals, or variances, and all applications and records pertaining thereto.

Section 2.02

Planning and Zoning Commission

2.02.01

Establishment

Pursuant to Section 713.01 of the Ohio Revised Code, there is hereby established a Planning and Zoning Commission in and for the City of Circleville, which shall serve as both City Planning Commission and Board of Zoning Appeals. Such Commission shall consist of seven (7) members as follows: the Mayor, Director of Public Service, President of the Park Commissioners, and four (4) citizens of the City who shall serve without compensation and who shall be appointed by the Mayor for terms of six (6) years, except that the terms of two (2) of the citizen members first appointed shall be for terms of three (3) years.

2.02.02

Removal of Members

Members of the Commission shall be removable for non-performance of duty, misconduct in office, or other cause, by the City Council, after a public hearing has been held regarding such charges. The member shall be given the opportunity to be heard and answer such charges.

2.02.03

Organization and Rules

- A. Four (4) members of the Commission shall constitute a quorum.
- B. The meetings of the Commission shall be public; however, the Commission may go into executive session, as permitted by ORC Section 121.22 as amended, for discussion, but not for vote on any case before it. The Commission shall organize annually and elect a Chairman, Vice Chairman and Secretary, who may within budgetary limitations retain the services of a Recording Secretary. The Commission shall adopt, from time to time, such rules, procedures and regulations as it may deem necessary to carry into effect the provisions of this Zoning Ordinance.
- C. The Secretary of the Commission 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 shall keep records of its examinations and other official action, all of which shall be immediately filed in the City offices and shall be a public record.
- D. The Commission shall have the power to subpoena witnesses, administer oaths and may require the production of documents, under such regulations as it may establish.
- E. The Commission may call upon the various departments of the City for assistance in the performance of its duties and it shall be the duty of such departments to render assistance to the Commission as may reasonably be required.

2.02.04 Powers and Duties

In addition to the powers and duties authorized in Sections 713.02 through 713.11 of the Ohio Revised Code, the Planning and Zoning Commission shall have the following powers and duties pursuant to this Ordinance:

- A. Review proposed amendments to this Zoning Ordinance or Official Zoning Map and make recommendations to City Council.
- B. Make a recommendation for newly annexed areas to the City, in accordance with Section 8.04 of this Ordinance.
- C. Administer the requirements for Planned Unit Developments, in accordance with Article XXVII of this Ordinance.
- D. Determine similarity of uses, pursuant to Section 9.02.04 of this Ordinance.
- E. Interpret the boundaries of the Official Zoning Map, in accordance with the provisions of this Ordinance.
- F. Permit conditional uses as specified in the Official Schedule of District Regulations and under the conditions specified in Article VI of this Ordinance, and such additional safeguards as will uphold the intent of the Ordinance.
- G. Hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by the Zoning Inspector, in accordance with Article V of this Ordinance.
- H. Authorize such variances from the terms of this Ordinance as will not be contrary to the public interest, where, owing to special conditions of the land, a literal enforcement of this Ordinance will result in unnecessary hardship in accordance with the provisions of Article V of the Ordinance.
- I. Authorize the substitution or extension of nonconforming uses, as specified in Article VII of this Ordinance.
- J. Authorize extensions of time for completion of work specified in zoning permit, in accordance with Section 3.08 of this Ordinance
- G. Declare zoning permits void, pursuant to Section 3.11.05 of this Ordinance.

Section 2.03 Powers of Zoning Inspector, Planning and Zoning Commission and City Council on Matters of Appeal

It is the intent of this Ordinance that all questions of interpretation and enforcement shall first be presented to the Zoning Inspector. Such questions shall be presented to the Planning and Zoning Commission only on appeal from the decision of the Zoning Inspector, and recourse from the decisions of the Commission shall be only to the courts as provided by law. It is further the intent of this Ordinance that the powers of the City Council in connection with this Ordinance shall not include hearing and deciding questions of interpretation and enforcement that may arise. City Council shall not have the authority to override the decisions of the Planning and Zoning Commission and/or the Zoning Inspector on matters of appeal or variance.

ARTICLE III

ENFORCEMENT AND PENALTY

Section 3.01 Zoning Permit Required

No building or other structure shall be erected, moved, added to, or structurally altered; nor shall any building, structure or land be established or changed in use according to zoning category, wholly or partly, until a *zoning permit*, which may be a part of a building permit, shall have been issued by the Zoning Inspector. Such zoning permit shall show that such building or premises or a part thereof, and the property use thereof, are in conformity with the provisions of this Ordinance.

Section 3.02 Conditions Under Which a Zoning Permit is Required

A zoning permit is required for any of the following:

- A. Construction or structural alteration of any building, including accessory buildings.
- B. Change in use of an existing building, accessory building or land to a use not listed as a permitted use in the zoning district where the building or land is located.
- C. Occupancy and use of vacant land.
- D. Any alteration, expansion or other change of a lawful nonconforming use as regulated by Article VII.

Section 3.04 Application for Zoning Permit

An application for a zoning permit shall be signed by the owner or applicant attesting to the truth and exactness of all information supplied on the application. Each application shall clearly state that the permit shall expire and shall be revoked if work is not substantially completed within one (1) year. At a minimum, the applicant shall provide the following information:

- A. Name, address, and telephone number of the applicant.
- B. Legal description of property, as recorded in Pickaway County Recorder's office.
- C. Existing use.
- D. Proposed use.
- E. Zoning district in which property is located.
- F. Plans and/or drawings drawn to approximate scale, showing the dimensions and shape of the lot to be built upon; the dimensions and location of existing and/or proposed buildings or alterations.
- G. Height of proposed buildings or alterations.
- H. Number and dimensions of existing and proposed off-street parking or loading spaces.
- I. Number of proposed dwelling units.
- J. In every case where the lot is not provided with public water supply and/or disposal of sanitary wastes by means of public sewers, the application shall be accompanied by an approval by the Pickaway County Health Department of the proposed method of water supply and for disposal of sanitary wastes prior to approval by the Zoning Inspector.

- K. Such other material as may be requested by the Zoning Inspector to determine conformance with, and provide for the enforcement of this Ordinance.

Where complete and accurate information is not readily available from existing records, the Zoning Inspector may require the applicant to furnish a survey of the lot by a registered surveyor. In particular cases, the Zoning Inspector may reduce the submittal requirements for applications, when the scope and scale of the proposed action warrants.

Section 3.05 Approval of Zoning Permits

Within 30 days after the receipt, the application shall be either approved or disapproved by the Zoning Inspector, in conformance with the provisions of this Ordinance, unless the provisions of Section 3.06 are applicable. All zoning permits shall, however, be conditional upon the completion of work within one (1) year. The application shall be marked as either approved or disapproved and attested to same by the signature of the Zoning Inspector, or his/her designated agent. In the case of disapproval, the Zoning Inspector shall state on the returned application the specific reasons for disapproval. The original signed application shall remain on file in the office of the Zoning Inspector, with one (1) copy issued to the applicant, and one (1) copy issued to the Building Department.

Section 3.06 Submission to the Director of the Department of Transportation

Before any zoning permit is issued affecting any land within 300 feet of the centerline of a proposed new highway or a highway for which changes are proposed as described in the certification to local officials by the Director of the Department of Transportation, or any land within a radius of 500 feet from the point of intersection of said centerline with any public road or highway, the Zoning Inspector shall give notice, by registered or certified mail to the Director of the Department of Transportation. The Zoning Inspector shall not issue a zoning permit for 120 days from the date the notice is received by the Director of the Department of Transportation. If the Director of the Department of Transportation notifies the Zoning Inspector that he shall proceed to acquire the land needed, then the Zoning Inspector shall refuse to issue the zoning permit. If the Director of the Department of Transportation notifies the Zoning Inspector that acquisition at this time is not in the public interest thereof agreed upon by the Director of the Department of Transportation and the property owner, the Zoning Inspector shall, if the application is in conformance with all provision of this Ordinance, issue the zoning permit in conformance with the provisions of Section 3.05 of this Ordinance.

Section 3.07 Record of Zoning Permit

A record of all zoning permits shall be kept on file in the Office of the Zoning Inspector, or his designee, and copies shall be furnished upon request to any persons having proprietary or tenancy interest in the building or land affected.

Section 3.08 Expiration of Zoning Permits

If the work described in any zoning permit has not been completed within one year from the date of issuance thereof, said permit shall expire. Written notice thereof shall be given to the persons affected, together with notice that further work as described in the expired permit shall not proceed unless and until a new zoning permit has been obtained or extension granted by the Planning and Zoning Commission

Section 3.09 Certificate of Occupancy

A. Certificate of Occupancy Required

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

B. Application for Certificate of Occupancy

Certificates of occupancy shall be applied for by the applicant giving written notice to the Zoning Inspector that the exterior erection or structural alteration of such building shall have been completed in conformance with the provisions of this Ordinance.

C. Approval of Health Department Required

If the property in question is not served by public water and sewer, a certificate of occupancy shall not be issued by the Zoning Inspector until approval of the water and sewage disposal systems have been given by the Pickaway County Health Department, or Ohio Environmental Protection Agency.

D. Temporary Certificate of Occupancy

A temporary certificate of occupancy may be issued by the Zoning Inspector for a period not exceeding six (6) months during the alteration or partial occupancy of a building pending its completion.

E. Record of Certificate of Occupancy

The Zoning Inspector shall maintain a record of all certificates of occupancy and a copy of any individual certificate shall be furnished upon request to occupant or his legally authorized representative.

Section 3.10 Schedule of Fees, Charges and Expenses

The City Council shall establish, by separate ordinance, a schedule of fees, charges, and expenses and a collection procedure for zoning permits, certificates of occupancy, appeals, and other matters pertaining to this Ordinance. The schedule of fees shall be posted in the municipal offices, and may be altered or amended only by the City Council. Until all applicable fees, charges, and expenses have been paid in full, no action shall be taken on any application.

Section 3.11 Violation

3.11.01 Failure to Obtain a Zoning Permit, Certificate of Occupancy, or Other Permit

Failure to obtain a zoning permit, certificate of occupancy, or other permit as required by specific Sections of this Ordinance shall be a

violation of this Ordinance and punishable under Section 3.11.04 of this Ordinance.

3.11.02 Construction and Use to be as Provided in Applications, Plans, Permits, and Certificates

Zoning permits or certificates of occupancy issued on the basis of plans and applications approved by the Zoning Inspector authorize only the use, and arrangement set forth in such approved plans and applications or amendments thereto. Any use, arrangement, or construction not in conformance with that authorized shall be deemed a violation of this Ordinance, and punishable as provided in Section 3.11.04.

3.11.03 Complaints Regarding Violations

Whenever a violation of this Ordinance occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint shall state fully the causes and basis thereof, and shall be filed with the Zoning Inspector. The Zoning Inspector shall record such complaint, immediately investigate, and take such appropriate action thereon as may be necessary and provided for by this Ordinance.

3.11.04 Penalties for Violation

Violation of the provisions of this Ordinance or failure to comply with any of its requirements (including violations of conditions and safeguards established in various sections of this Ordinance) shall constitute a misdemeanor. Any person who violates this Ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not less than \$50 or more than \$500 and in addition shall pay all costs and expenses involved in the case. Each day such violation continues, after receipt of violation notice, shall be considered a separate offense. The owner or tenant of any building, structure, premises, or part thereof, and any architect, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided. Nothing herein contained shall prevent the City, or any owner of contiguous or neighboring property who would be especially damaged by such violation from such other lawful action as is necessary to prevent or remedy such violation, including, but not limited to, initiating suit for the immediate termination of such action, through injunction or other means.

Penalties as above shall apply unless penalties are delineated for specific sections of this Ordinance, in which case the penalties delineated in those sections shall apply.

3.11.05 Void Zoning Permit

A zoning permit shall be void if any of the following conditions exist:

- A. The zoning permit was issued contrary to the provisions of this Ordinance by the Zoning Inspector.

- B. The zoning permit was issued based upon a false statement by the applicant.
- C. The zoning permit has been assigned or transferred.

When a zoning permit has been declared void for any of the above reasons by the Planning and Zoning Commission, written notice of its revocation shall be given by certified mail to applicant, and sent to the address as it appears on the application. Such notices shall also include a statement that all work upon or use of the building, structure, or land cease unless, and until, a new zoning permit has been issued.

ARTICLE IV
AMENDMENTS

Section 4.01 Power of City Council

Whenever the public necessity, convenience, general welfare or good zoning practice require, Council may, by Ordinance, after receipt of a recommendation thereon from the Planning and Zoning Commission and subject to the procedures provided by law, amend, supplement or change the regulations, district boundaries or classifications of property now or hereafter established by this Ordinance or amendments thereof. The Planning and Zoning Commission shall submit its recommendation regarding all applications or proposals for amendments or supplements to Council.

Section 4.02 Initiation of Zoning Amendments

Amendments to this Ordinance may be initiated in one of the following ways:

- A. By referral of a proposed amendment to the Planning and Zoning Commission by City Council.
- B. By the adoption of a motion by the Planning and Zoning Commission submitting the proposed amendment to City Council.
- C. By the filing of an application with the Commission by at least one (1) owner or lessee of property within the area proposed or affected by the said amendment, or his/her designated agent.

Section 4.03 Contents of Application

An application for amendment shall be submitted by the applicant to the Zoning Inspector and shall contain, at a minimum, the following information:

- A. Name, address, and phone number of the applicant.
- B. Proposed amendment to the text or legal description of the property affected.
- C. Present use and district.
- D. Proposed use and district.
- E. A map drawn to scale showing property lines, streets, existing and proposed zoning, and such other items as the Zoning Inspector may require.
- F. A list of all property owners within the 200 feet, contiguous to, and directly across the street from the parcel(s) proposed to be rezoned and their address as appearing on the Pickaway County Auditor's current tax list. The requirement for addresses may be waived when more than ten (10) parcels are proposed to be rezoned.
- G. A statement as to how the proposed amendment will impact adjacent and proximate properties.
- H. Any other information as may be requested by the Zoning Inspector to determine conformance with, and provide for enforcement of this Zoning Ordinance.
- I. A fee as established by the City Council.

Section 4.04 Transmittal of Resolution to Planning and Zoning Commission

Upon referral of the proposed Ordinance by City Council, or the filing of an application by at least one (1) owner or lessee of the property, or their designated agent, said proposed amendment or application shall be transmitted to the Planning and Zoning Commission.

Section 4.05 Recommendation by Planning and Zoning Commission

Within sixty (60) days after the first regular meeting of the Planning and Zoning Commission after the receipt of the proposed amendment, the Planning and Zoning Commission shall recommend to the City Council that the amendment be approved as requested, or it may recommend that the amendment be denied. A public hearing shall be held by the Planning and Zoning Commission for consideration of the proposed amendment to the Zoning Ordinance or Map unless the Planning and Zoning Commission passes a resolution, by affirmative vote, that a hearing is not needed in the specific case being considered. If such hearing is held, notice of the time, place and purpose of such hearing shall be given by:

- A. Publication at least once in a newspaper of general circulation in the City; the publication shall be not less than ten (10) days prior to the date of the hearing.
- B. Where the proposed amendment is to effect a change in the Zoning Map, and less than ten (10) parcels are proposed to be rezoned, written notice of the hearing shall be mailed by the Secretary of the Planning and Zoning Commission, by first-class mail, at least five (5) days prior to the date of such hearing, to the owner(s) of all property within 200 feet of adjoining property. The failure of delivery of such notice shall not invalidate the proceedings or findings of the Planning and Zoning Commission.

If a public hearing is held, notice of the hearing shall also be mailed by the Zoning Inspector, to other interested parties, as determined by the Chairman of the Planning Commission. For at least twenty (20) days prior to the date of such hearing, the text of the proposed amendment, along with such maps and plans as are part of the application, shall be on file for public examination in the Office of the Zoning Inspector.

Section 4.06 Action by City Council

- A. Public Hearing

Before the proposed Ordinance may be passed, the City Council shall hold a public hearing, and shall give at least thirty (30) days notice of the time and place thereof in a newspaper of general circulation in the City. If the proposed Ordinance intends to remove or redistrict ten (10) or less parcels of land, as listed on the tax duplicate, written notice of the hearing shall be made by the Clerk of Council, by first-class mail, at least 20 days before the date of the public hearing to the owners of property within 200 feet or contiguous to, and directly across the street from such parcel or parcels to be redistricted to the address of such owners appearing on the application. The failure of delivery of such notice shall not invalidate such proposed Ordinance.

- B. Display of Relevant Materials

During such thirty (30) days, the text or copy of the text of the proposed Ordinance, together with maps, plans, and reports or copies

thereof forming part of or referenced in such proposed Ordinance shall be on file, for public examination, in the Office of the Zoning Inspector.

C. Action by City Council

No such Ordinance which is in accordance with the recommendation submitted by the Planning and Zoning Commission shall be deemed to pass or take effect without the concurrence of at least a majority of the membership of the City Council. No such Ordinance which violates, differs from, or departs from the recommendation submitted by the Planning and Zoning Commission shall take effect unless passed or approved by not less than three fourths (3/4) of the membership of the City Council.

D. Effective Date and Referendum

Such amendment adopted by City Council shall become effective thirty (30) days after the date of such adoption unless within thirty (30) days after the passage of the ordinance there is presented to the City Auditor a petition, signed by a number of qualified voters residing in the City equal to not less than ten (10) percent of the total vote cast in such area at the last preceding general election at which a Governor was elected, requesting the City Council to submit the zoning amendment to the electors of the City for approval or rejection at the next general election. When such petition is filed with the City Auditor, signed by the required number of electors, the Auditor shall, after ten (10) days, certify the text of the proposed ordinance or measure to the Board of Elections. The Auditor shall retain the petition.

No amendment for which such referendum vote has been requested shall be put into effect unless a majority vote cast on the issue is in favor of the amendment. Upon certification by the Board of Elections that the amendment has been approved by the voters, it shall take immediate effect.

E. Incorporation onto Official Zoning Map

If an amendment adopted by City Council or approved by referendum pertains to a change on the Official Zoning Map, such change shall be incorporated onto the Map by reference to the Ordinance Number and the date of adoption.

ARTICLE V

APPEALS AND VARIANCES

Section 5.01 Appeals

Appeals to the Planning and Zoning Commission concerning interpretation or administration of this Ordinance may be taken by any owner of property with a substantial interest in the matter who is adversely affected, or by a governmental officer, department, Commission, or bureau. Such appeal shall be taken within twenty (20) days after the date of the decision, by filing with the Zoning Inspector or with the Planning and Zoning Commission a notice of appeal specifying the decision of the Zoning Inspector from which the appeal is being taken.

Section 5.02 Powers of the Commission of Zoning Appeals

The Planning and Zoning Commission shall have the power to authorize, upon appeal in specific cases, filed as hereinafter provided, such variances from the provisions or requirements of the Ordinance as will not be contrary to the public interest. Such variances shall be granted only in cases of exceptional conditions, involving irregular, narrow, shallow, or steep lots, or other exceptional physical conditions of the land, whereby strict application of such provisions or requirements would result in practical difficulty and unnecessary hardship that would deprive the owner of the reasonable use of the land and buildings involved. No variance from strict application of any provision of this Ordinance shall be granted by the Commission unless it finds that all the following facts and conditions exist:

- A. That there are unique physical circumstances or conditions, including irregularity, narrowness or shallowness of lot size or shape, or exceptional topographical or other physical conditions specific to the land or building for which the variance is sought, and such conditions do not apply generally to land or buildings in the neighborhood or district in which the property is located.
- B. That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the Zoning Ordinance and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.
- C. That such unreasonable and unnecessary hardship has not been created by the appellant.
- D. That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare.
- E. That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.

Under no circumstances shall the Planning and Zoning Commission grant an appeal or variance that would allow a use not permissible under this Ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this Ordinance in said district.

Section 5.03 Application for Variance and Appeals

Any person owning or having an interest in property, after being denied a zoning permit, may file an application to obtain a variance or appeal from the decision of the Zoning Inspector. An application for a variance or appeal shall be filed with the Zoning Inspector on a form as specified for that purpose. The Zoning Inspector shall forward a copy of the application to the Planning and Zoning Commission.

The application for a variance or an appeal shall contain the following information:

- A. Name, address, and phone number of the applicant.
- B. Legal description of property as recorded in Pickaway County Recorder's office.
- C. A map or drawing to approximate scale, showing the dimensions of the lot and any existing or proposed building.
- D. The names and addresses of all property owners within 100 feet, contiguous to, and directly across the street from the property, as appearing on the Pickaway County Auditor's current tax list.
- E. Each application for a variance or appeal shall refer to the specific provisions of this Ordinance which apply.
- F. A narrative statement explaining the following:
 - 1. The use for which variance or appeal is sought.
 - 2. Details of the variance or appeal that is applied for and the grounds on which it is claimed that the variance or appeal should be granted, as the case may be.
 - 3. The specific reasons why the variance or appeal is justified, according to Section 5.02 A-E.

Section 5.04 Supplementary Conditions and Safeguards

In granting any appeal or variance, the Planning and Zoning Commission may prescribe appropriate conditions and safeguards in conformity with this Ordinance. Violation of such conditions and safeguards, when made a part of the terms under which the appeal or variance is granted, shall be deemed a violation of this Ordinance and punishable under Section 3.11 of this Ordinance.

Section 5.05 Public Hearing by the Commission

The Commission shall hold a public hearing for consideration of an appeal from a decision of the Zoning Inspector or variance unless a resolution is passed, by affirmative vote, declaring that a hearing is not needed in the specific case being considered.

Section 5.06 Notice of Public Hearing

Before holding the public hearing pursuant to Section 5.05, notice of such hearing shall be given in one (1) or more newspapers of general circulation in the City at least ten (10) days before the date of said hearing. The notice shall set forth the date, time and place of the public hearing, and the nature of the proposed appeal or variance.

Section 5.07 Notice to Parties of Interest

Before holding the public hearing pursuant to Section 5.05, written notice of such hearing shall be mailed by the Secretary of the Planning and Zoning Commission, by first-class mail, at least ten (10) days before the day of the hearing to all parties of interest. The notice

shall contain the same information as required of notice published in newspapers as specified in Section 5.06. Parties of interest shall include owners of property within 100 feet from, contiguous to, and directly across the street from the property being considered. Failure of delivery of such notice shall not invalidate the findings of the Commission.

Section 5.08 Action by Planning and Zoning Commission

Within sixty (60) days after the first regular meeting of the Planning and Zoning Commission following submittal of an application filed pursuant to Section 5.03, the Commission shall either approve, approve with supplementary conditions as specified in Section 5.04, or disapprove the request for appeal or variance. If the application is approved, or approved with supplementary conditions, the Commission shall make a finding that the reasons set forth in the application justify the granting of the variance that will make possible a reasonable use of the land, building or structure. If the request for appeal or variance is denied, the reasons for such denial shall be noted in writing. The Commission shall transmit a written copy of its decision and findings to the Zoning Inspector, who shall forward such copy to the applicant by first class mail, or in person.

Section 5.09 Appeals

After action is taken by the Planning and Zoning Commission, the applicant, or other party adversely affected by the action, may seek relief through the Court of Common Pleas. Such appeal must be filed within thirty (30) days from the date of the action by the Commission. A copy of the notice of appeal shall be served on the Secretary of the Planning and Zoning Commission by the aggrieved party within seven (7) days from the date of filing of the appeal.

ARTICLE VI

CONDITIONAL USES

Section 6.01 Purpose

Under some unusual circumstances, a use which more intensely affects an area than those uses permitted in the zoning district in which it is located may nevertheless be desirable and also compatible with permitted uses, if that use is properly controlled and regulated. Such uses shall be listed as *conditional uses* within the respective zoning districts. The Planning and Zoning Commission may allow such a use to be established as a conditional use where these unusual circumstances exist and where the conditional use will be consistent with the general purpose and intent of this Zoning Ordinance.

Section 6.02 Application for Conditional Use

Any person owning or having an interest in property may file an application to use such property for one of the conditional uses provided for by this Ordinance in the zoning district in which the property is situated. An application for a conditional use shall be filed with the Zoning Inspector, who shall forward a copy to the Planning and Zoning Commission. At a minimum the application shall contain the following information:

- A. Name, address, and phone number of applicant.
- B. Legal description of the property as recorded in the Pickaway County Recorder's office
- C. Present zoning district.
- D. Description of existing and proposed uses.
- E. A plan of the proposed site for the conditional use showing the location of all buildings, parking and loading areas, traffic circulation, utilities and such other information as the Commission may require to determine if the proposed conditional use meets the intent and requirements of this Ordinance.
- F. A narrative statement evaluating the effects on adjoining property; the effect of such elements as noise, glare, odor, light, fumes and vibration on such property and a discussion of the general compatibility of the proposed use with adjacent and other properties in the area.
- G. The names and addresses of all property owners within 200 feet, contiguous to, and directly across the street from the property, as appearing on the Pickaway County Auditor's current tax list.
- H. Such other information regarding the property, proposed use, or surrounding area as may be pertinent to the deliberations of the Commission.

Section 6.03 General Standards for Conditional Uses

The Planning and Zoning Commission shall not approve a conditional use unless it shall, in each specific case, make specific findings of fact directly based on the particular evidence presented to it, that support conclusions that such use at the proposed location shall meet all of the following requirements:

- A. Will be consistent and in accordance with the specific conditions in the district regulations where the conditional use is listed, and the general objectives of this Zoning Ordinance.

- B. Will be harmonious with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area.
- C. Will not be a threat to the health and/or safety to existing or future neighboring uses.
- D. Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewers, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to adequately provide any such services.
- E. Will have vehicular access to the property which shall be so designed to not create interference with traffic on surrounding public streets or roads.
- F. Will not impose objectionable levels of noise, smoke, dust, odor, fumes, vibration or glare upon nearby uses.

Section 6.04 Supplementary Conditions

In granting any conditional use, the Commission may prescribe appropriate conditions and safeguards in conformance with the purposes and intent of this Ordinance.

Section 6.05 Public Hearing by the Planning and Zoning Commission

The Planning and Zoning Commission shall hold a public hearing unless a resolution is passed, by affirmative vote, declaring that a hearing is not needed in the specific case being considered. If a public hearing is held, the requirements for public notice and notification of parties of interest shall be the same as for appeals and variances, as specified in Section 5.06 and 5.07 of this Ordinance.

Section 6.06 Action by the Planning and Zoning Commission

Within sixty (60) days after the next regular meeting of the Commission following the submittal of the application pursuant to Section 6.02 of this Ordinance, the Commission shall either approve, approve with supplementary conditions as specified in Section 6.04, or disapprove the application as presented. If the application is approved with supplementary conditions, the Zoning Inspector shall state on the zoning permit the specific conditions listed by the Commission for approval. If the application is disapproved, the applicant may seek relief through the Court of Common Pleas, pursuant to the guidelines and procedures specified in Section 5.09 of this Ordinance.

Section 6.07 Expiration and Revocation of Zoning Permit Issued Under Conditional Use Provisions.

The approval of the zoning permit issued in accordance with Section 6.06 shall become null and void if such use is not carried out within one (1) year after date of approval. The Commission may revoke the zoning permit upon written evidence by any residents or official of the City of violation of the Zoning Ordinance and/or written terms and conditions upon which approval was based.

Upon receipt of a completed application for such purpose, the Commission may grant an extension of a zoning permit issued in accordance with Section 6.06 for an additional period of six (6) months.

ARTICLE VII

NONCONFORMING USES

Section 7.01 Intent

Within the districts established by this Ordinance, or amendments hereinafter adopted, there may exist lots, structures, uses of land and structure which were lawful before this Ordinance was passed or amended, but which would be prohibited, regulated or restricted under the terms of this Ordinance or future amendments. It is the intent of this Ordinance to permit these nonconformities to continue until they are removed and to permit reasonable extensions as allowed by law, but not to encourage their survival.

Section 7.02 When Permitted

7.02.01 Existing Land or Buildings

Any use of land or buildings existing on the effective date of this Ordinance may be continued, even though such use does not conform to the provisions herein, so long as such use was in conformity with the zoning ordinance in effect in the Municipality at the time that the use or structure was established. No nonconforming building, structure, or use shall be moved, extended, enlarged, reconstructed, or structurally altered, except as specifically provided in this Ordinance.

7.02.02 Construction Commenced

Any property purchased or acquired in good faith for any nonconforming use prior to the adoption of this Ordinance, upon which property the work of changing, remodeling or construction of such nonconforming use has been legally commenced at the time of adoption of this Ordinance, may be used for the nonconforming use for which such changing, remodeling or construction was undertaken, provided that such work is completed within two (2) years from the date of adoption of this Ordinance or amendment thereto making said use nonconforming.

Section 7.03 Substitution

The Planning and Zoning Commission may allow the nonconforming use of a building or structure to be changed to another nonconforming use of the same or of a more restricted classification, provided no structural alterations except those required by law or ordinance are made. However, in an "R" District, no change shall be authorized by the Planning and Zoning Commission to any use which is not a permitted or conditional use in any "R" District, and in a nonresidential district, no change shall be authorized to any use which is not a permitted or conditional use in that district where the nonconforming use is first listed

A nonconforming mobile home located on a lot in any district other than the R-MH District, once removed, shall not be relocated on such lot, or replaced with another mobile home.

Section 7.04 Extension

No nonconforming use shall be enlarged, extended, reconstructed, or structurally altered, except as follows:

- A. The Commission may permit, on a once-only basis, a building containing a nonconforming use to be enlarged to an extent not exceeding fifty percent (50%) of the ground floor area of the existing building or structure devoted to a nonconforming use at the time of enactment of this Ordinance or at the time of its amendment making the use nonconforming. The Commission shall not authorize an extension which would result in a violation of the provision of this Ordinance with respect to any adjoining premises, or which would occupy ground space required for meeting the yard or other requirements of this Ordinance.
- B. No nonconforming building or structure shall be moved in whole or in part to any other location unless such building or structure and the yard and other open spaces provided are made to conform to all of the regulations of the district in which such building or structure is to be located.
- C. Any residential structure which is nonconforming due to the fact of its being in a non-residential zoning district may be enlarged, extended, reconstructed or structurally altered provided it meets the requirements of the adjacent or most proximate R-District.

Section 7.05 Discontinuance

A nonconforming use which has been abandoned shall not thereafter be returned to a nonconforming use. A nonconforming use shall be considered abandoned whenever any one of the following conditions exist:

- A. When the use has been voluntarily discontinued for a period of two (2) years.
- B. When the nonconforming use has been replaced by a conforming use.

Section 7.06 Damage and/or Destruction of a Nonconforming Building or Use

When a building or structure, the use of which does not conform to the provisions of this Ordinance, is damaged by fire, explosion, act of God, or the public enemy, it may be restored or rebuilt and continued in such nonconforming use, provided that the restoration or rebuilding is commenced within six (6) months of the time of damage, that construction is completed within one (1) year, and that such restoration or rebuilding would not extend or expand the existing use. If the restoration or rebuilding of the structure involves extension or expansion of the use, then the provisions of Section 7.04 shall apply.

Section 7.07 Maintenance and Repair

Nothing in this chapter shall be deemed to prevent normal maintenance and repair of a building or structure containing a nonconforming use. Structural alterations may be made to a building or structure containing a nonconforming use as follows:

- A. When required by law.
- B. To convert to a conforming use.

- C. A building or structure containing residential nonconforming uses may be so altered as to improve interior livability. However, no structural alterations shall be made which exceed the area or height requirements or which would extend into any yard required in the district in which such building is located.

Section 7.08 Nonconforming Lots of Record

In any district where dwellings are permitted, a one-family detached dwelling or accessory building if the lot is already occupied by a one-family residence, may be erected on any lot of official record on the effective date of this Ordinance, even though such lot does not comply with the lot area and width requirements of the district in which it is located, provided said lot has minimum area of 3,000 square feet and at least twenty-five (25) feet of lot width with frontage on a public street; and further provided the following conditions are complied with:

- A. If the owner of such lot does not own adjacent property and did not own adjacent property at the time this Ordinance became effective:
 - 1. In any district where dwellings are permitted, two (2) inches may be deducted from the required minimum width of each side yard and four (4) inches from the required minimum width of both side yards for each foot that the lot is narrower than the required width for the district. In no case, however, shall any side yard be narrower than three (3) feet.
 - 2. For lots having a depth of less than 110 feet, the depth of the rear yard need not exceed 25 percent of the total depth of the lot, but shall not be less than twenty (20) feet.
- B. If the owner of such lot owns adjacent property, or owned such property at the time this Ordinance became effective, the modification of lot area and yard dimensions as set forth hereinbefore shall not apply except as follows: In order to erect a dwelling or dwellings thereon, the owner of two (2) or more adjacent lots fronting on the same street shall redivide the lots in such a manner that they conform with the lot area and yard requirements for a single-family dwelling in that district where the lots are located.

However, if the average width of the lots resulting from such redivision would exceed the required lot width for a single family dwelling by more than fifteen (15) feet, such redivision, if any, may be made so as to provide one (1) more building lot than would otherwise be permitted. In such case, the provisions of Section 7.08A. relating to the reduction of side and rear yards shall apply.

**ARTICLE VIII
ZONING DISTRICTS AND OFFICIAL ZONING DISTRICT MAP**

Section 8.01 Zoning Districts Established

The following zoning districts are hereby established for the City of Circleville:

- AG - Agriculture / Estate District
- R-1 - Low-Density Single-Family Residential District
- R-2 - Suburban Single-Family Residential District
- R-3 - Medium-Density Single-Family Residential District
- R-4 - Historic Neighborhood Residential District
- R-5 - Two Family Residential District
- RO - Residential / Office District
- R-MH - Residential Mobile Home District
- AR - Apartment Residential District
- LB - Limited Business District
- DB - Downtown Business District
- GB - General Business District
- CF - Community Facilities District
- LI - Limited Industrial District
- GE - General Employment District
- FP - Flood Plain Overlay District
- HD - Historic District (Overlay)
- GCV - Golf Course Village Overlay District
- PUD - Planned Unit Development District

Section 8.02 Official Zoning Map

The Districts established in Section 8.01 of this Ordinance are shown on the Official Zoning Map, which together with all notations, references, data, district boundaries and other explanatory information, is hereby adopted as a part of this Ordinance. The Official Zoning Map shall be identified by the signatures of the Mayor and President of Council, and shall be on file in the Office of the Zoning Inspector.

Section 8.03 Interpretation of Zoning District Boundaries

Except where referenced and noted on the Official Zoning Map by a designated line and/or dimension, the district boundary lines are intended to follow property lines, lot lines, centerlines of streets, alleys, streams and/or railroads as they existed on the effective date of this Ordinance. The Zoning Inspector shall interpret the boundary and district lines from the Official Zoning Map. When the Zoning Inspector's interpretation of such lines is disputed, the final authority for interpretation of such lines shall rest with the Planning and Zoning Commission.

Section 8.04 Newly Annexed Areas

Territory which is annexed into the City of Circleville subsequent to the effective date of this Ordinance shall, upon the effective date of the annexation, be zoned into the AG District. Within three (3) months from the date of annexation, the Planning and Zoning Commission shall make a recommendation for the annexed territory to City Council. In making such recommendation, the Planning and Zoning Commission may consider the input

of the City administration, owners of the subject or adjacent property and/or consultants to the City. City Council shall hold a public hearing on the proposed zoning plan, as recommended by the Commission. Notice of such hearing shall be given at least once in newspaper of general circulation within the City not less than thirty (30) days before the date of the hearing. After said hearing, City Council shall approve, or approve with modification the zoning plan.

Nothing in this Section shall prevent the owner of property within the annexed territory from applying for a zoning amendment, after the effective date of annexation, pursuant to the procedures specified in Article IV of this Ordinance.

**ARTICLE IX
STANDARD ZONING DISTRICT REGULATIONS**

Section 9.01 Regulation of the Use and Development of Land or Structures

Regulations pertaining to the use of land and/or structures, and the physical development thereof within each of the zoning districts as established in Article VIII, are hereby established and adopted.

Section 9.02 Rules of Application

9.02.01 Permitted Uses

Only a use designated as permitted shall be allowed as a matter of right in any zoning district, and any use not so designated shall be prohibited except, when in character with the zoning district, such additional uses may be added to permitted uses by formal amendment, in conformance with the procedures specified in Article IV of this Ordinance. Not more than one (1) permitted use shall exist on any one zoning lot in the R-1 through R-5 zoning districts.

9.02.02 Accessory Uses

An accessory use or structure is a subordinate use or structure clearly incidental to and in connection with the principal permitted building or use, and located on the same lot with such principal building or use. Accessory uses or structures shall be allowed in accordance with the specific district regulations, and the requirements of Article XXVIII.

9.02.03 Conditional Uses

A use designated as a *conditional use* shall be allowed in the zoning district where the designation occurs, when such use, its location, extent and method of development will not substantially alter the character of the vicinity, or unduly interfere with or adversely impact the use of adjacent lots. To this end, the Planning and Zoning Commission shall, in addition to the development standards for the specific district, set forth additional requirements as will render the conditional use compatible with existing and future use of adjacent lots in the vicinity, in accordance with Article VI of this Ordinance.

9.02.04 Similar Uses

Determination as to whether a use is similar to uses permitted by right shall be considered as an expansion of use regulations of the district and not as a variance applying to a particular situation. Any use found similar shall thereafter be considered as a permitted use in that district.

Applications for zoning permits for a use not specifically listed in the permitted building or use classifications of the zoning district, which the applicant feels qualifies as a similar use under the provisions of this Section, shall be submitted to the Planning and Zoning Commission.

Within forty-five (45) days after submittal, the Planning and Zoning Commission shall determine whether the requested use is similar to those uses permitted in the specific district. In order to find that a use is similar, the Commission shall find that all of the following conditions exist:

- A. Such use is not listed as a permitted or conditional use in another zoning district.
- B. Such use conforms to basic characteristics of the classification to which it is to be added and is more appropriate to it than to any other classification.
- C. Such use creates no danger to health and safety and creates no offensive noise, vibration, dust, heat, smoke, odor, glare, or other objectionable influences to an extent greater than normally resulting from uses listed in the classification to which it is to be added.
- D. Such use does not create traffic congestion to a greater extent than uses listed in the classification to which it is to be added.

9.02.05 Development Standards

Development standards set forth shall be the minimum allowed for development in a district. If development standards are in conflict with requirements of any other lawfully adopted rule, regulation, or law, the most restrictive standard shall govern.

9.02.06 Essential Services

Essential Services, as defined and specified in Article XXXV of this Ordinance, shall be permitted in any and all zoning districts within the municipality. Buildings housing activities related to the provision of such services, in addition to buildings constructed for public safety purposes, such as EMS, police and fire stations, shall be considered as conditional uses in all zoning districts except the DB District, where such uses shall be a permitted use.

**ARTICLE X
(AG) AGRICULTURAL / ESTATE DISTRICT**

Section 10.01 Purpose

The Agricultural / Estate District is established within the City of Circleville for the following purposes:

- A. to encourage the continuance of agricultural uses
- B. to permit very low-density residential development in areas of the City not served by public water and sewer
- C. to physically conserve such areas as needed for more intensive future development

Section 10.02 Agricultural Uses Defined

Agricultural use means use of land for growing crops in the open, dairying, pasturage, horticulture, floriculture and necessary accessory uses, including structures necessary for carrying out farming operations and the residence of the person who owns or operates the farm and family thereof, provided such agricultural use shall not include:

- A. Maintenance and operation of commercial greenhouses or hydroponic farms.
- B. Wholesale or retail sales as an accessory use unless specifically permitted by this Article.
- C. Feeding, grazing or sheltering of animals in pens or confined areas within 200 feet of any residential use.
- D. The storage or feeding of garbage to animals or operation or maintenance of a commercial stockyard or feed lot.
- E. Raising poultry or fur-bearing animals as a principal use

Section 10.03 Permitted Uses

- A. Agricultural uses, customary agricultural buildings and structures incidental to the carrying out of the principal agricultural activity, and/or no more than one single-family detached dwelling.
- B. Public parks and/or public or private nature preserves, provided that over 85% of the total acreage of such facility is retained in its natural state.
- C. Home occupations, subject to the requirements of Section 29.02 of this Ordinance.

Section 10.04 Accessory Uses

- A. Private detached garages or carports.
- B. Tool or garden sheds.
- C. Temporary buildings for uses incidental to construction work, which shall be removed upon completion or abandonment of construction work.
- D. Private swimming pools, tennis courts and similar facilities for primary use by occupants of the principal use of property on which the facility is located, and subject to the regulations of Article 29.03.

- E. Dishes or other devices for the reception of television signals, provided such device is for the sole use of occupants of the principal use of the property on which the device is located, and such device is not located in any front or side yard, and complies with the provisions of Article XXXIII of this Ordinance.
- F. Temporary roadside stands, offering for sale only agricultural products grown on the premises.

Section 10.05 Conditional Uses

- A. Animal boarding facilities.
- B. Golf courses and/or country clubs, provided a development plan showing the location of all facilities is submitted and approved by the Planning and Zoning Commission.

Section 10.06 Development Standards

- 10.06.01 Lot Area
For each principal permitted use, the lot area shall be not less than five (5) acres.
- 10.06.02 Minimum Lot Frontage
200 feet frontage on a dedicated, improved street or highway.
- 10.06.03 Minimum Front Yard Depth (from right-of-way line)
Fifty (50) feet.
- 10.06.04 Minimum Side Yard Width
Twenty (20) feet.
- 10.06.05 Minimum Sum of Side Yard Widths
Forty (40) feet.
- 10.06.06 Minimum Rear Yard Depth
Fifty (50) feet.
- 10.06.07 Maximum Building Height
Forty-five (45) feet for buildings. Silos, windmills, or any other structure listed as a permitted, accessory or conditional use may exceed this height provided such structures maintain a distance equal to their height to any adjacent property or zoning district.

**ARTICLE XI
(R-1) LOW DENSITY SINGLE FAMILY RESIDENTIAL DISTRICT**

Section 11.01 Purpose

This district is established to provide areas for suburban type single-family residential development at low densities, on land which is generally vacant at the time of development, and to discourage large concentrations of intensive development where that density would be inconsistent with the existing character of the area.

Section 11.02 Permitted Uses

- A. One-family detached dwellings.

Section 11.03 Accessory Uses

- A. Private detached garages or carports.
- B. Tool and/or garden sheds.
- C. Private swimming pools, for primary use by occupants of the principal use of the property on which the pool is located, and subject to the provisions of Article 29.03.
- D. Dishes or other devices for the reception of television for occupants of the principal use of the property on which the device is located, provided such device is not located in any front or side yard, and is located not less than 40 feet from any adjoining property lines and complies with the provisions of Article XXXIII.
- E. Temporary buildings for uses incidental to construction work, which shall be removed upon completion or abandonment of the construction work.

Section 11.04 Conditional Uses

- A. Home occupations, subject to the regulations of Section 29.02 of this Ordinance.
- B. Public parks and open space.
- C. Public playgrounds.

Section 11.05 Development Standards

11.05.01 Lot Area

15,000 square feet, provided the area is served by public water and sewer. If the area is not served by public water and sewer, the minimum lot area shall be one (1) acre, or larger as may be required by the Pickaway County Health Department.

11.05.02 Minimum Lot Width

For each principal use, interior lots shall have a width of not less than one-hundred (100) feet, and corner lots a width of not less than one-hundred-twenty (120) feet with frontage on a publicly dedicated, improved street or highway.

- 11.05.03 Minimum Front Yard Depth
Thirty (30) feet.
- 11.05.04 Minimum Side Yard Width
Ten (10) feet.
- 11.05.05 Minimum Rear Yard Depth
Forty (40) feet.
- 11.05.06 Minimum Building Area
2,000 square feet of total living area shall be required for single family dwellings with one-and-one-half or two stories; 1,800 square feet of total living area shall be required for single-family dwellings with one story.
- 11.05.07 Maximum Building Height
Thirty-five (35) feet.

**ARTICLE XII
(R-2) SUBURBAN SINGLE FAMILY RESIDENTIAL DISTRICT**

Section 12.01 Purpose

This district is established to accommodate single-family residences at densities similar to what is typical for contemporary suburban environments, and what currently exists in particular areas of the City. Property in this district shall be served by public water and sewer.

Section 12.02 Permitted Uses

- A. One-family detached dwellings.

Section 12.03 Accessory Uses

- A. Private detached garages or carports.
- B. Tool and/or garden sheds.
- C. Private swimming pools, for primary use by occupants of the principal use of the property on which the pool is located, and subject to the provisions of Section 29.03.
- D. Dishes or other devices for the reception of television for occupants of the principal use of the property on which the device is located, provided such device is not located in any front or side yard, and complies with the provisions of Article XXXIII.
- E. Temporary buildings for uses incidental to construction work, which shall be removed upon completion or abandonment of the construction work.

Section 12.04 Conditional Uses

- A. Home occupations, subject to the regulations of Section 29.02 of this Ordinance.
- B. Public parks and open space.
- C. Public playgrounds.

Section 12.05 Development Standards

- 12.05.01 Lot Area
10,000 square feet
- 12.05.02 Minimum Lot Width
For each principal use, interior lots shall have a width of not less than eighty (80) feet, and corner lots a width of not less than one-hundred (100) feet with frontage on a publicly dedicated and improved street or highway.
- 12.05.03 Minimum Front Yard Depth
Thirty (30) feet.

- 12.05.04 Minimum Side Yard Width
Eight (8) feet
- 12.05.05 Minimum Rear Yard Depth
Forty (40) feet.
- 12.05.06 Minimum Building Area
1,900 square feet of total living area shall be required for single family dwellings with one-and-one-half or two stories; 1,500 square feet of total living area shall be required for single-family dwellings with one story.
- 12.05.07 Maximum Building Height
Thirty-five (35) feet.

**ARTICLE XIII
(R-3) MEDIUM-DENSITY SINGLE FAMILY RESIDENTIAL DISTRICT**

Section 13.01 Purpose

This district is established to provide for new single-family residential housing at higher densities consistent with existing development in older suburban areas of the City, thereby increasing the diversity of housing choice while maintaining adequate standards.

Section 13.02 Permitted Uses

- A. One-family detached dwellings.

Section 13.03 Accessory Uses

- A. Private detached garages or carports.
- B. Tool and/or garden sheds.
- C. Private swimming pools, for primary use by occupants of the principal use of the property on which the pool is located, and subject to the provisions of Section 29.03.
- D. Dishes or other devices for the reception of television for occupants of the principal use of the property on which the device is located, provided such device is not located in any front or side yard, and complies with the provisions of Article XXXIII.
- E. Temporary buildings for uses incidental to construction work, which shall be removed upon completion or abandonment of the construction work.

Section 13.04 Conditional Uses

- A. Home occupations, subject to the regulations of Section 29.02 of this Ordinance.
- B. Public parks and open space.
- C. Public playgrounds

Section 13.05 Development Standards

13.05.01 Minimum Lot Area

7,500 square feet.

13.05.02 Minimum Lot Width

For each principal use, interior lots shall have a width of not less than sixty-five (65) feet, and corner lots a width of not less than eighty-five (85) feet with frontage on a publicly dedicated, improved street or highway.

13.05.03 Minimum Front Yard Depth

Twenty-five (25) feet.

13.05.04 Minimum Side Yard Width

Six (6) feet.

13.05.05 Minimum Rear Yard Depth

Thirty-five (35) feet.

13.05.06 Minimum Building Area

1,600 square feet of total living area shall be required for single family dwellings with one-and-one-half or two stories; 1,200 square feet of total living area shall be required for single-family dwellings with one story.

13.05.07 Maximum Building Height

Thirty-five (35) feet.

**ARTICLE XIV
(R-4) HISTORIC NEIGHBORHOOD SINGLE FAMILY RESIDENTIAL
DISTRICT**

Section 14.01 Purpose

This district is established to provide for the continuance of single-family residential housing within the older portions of the City, and the expansion of such uses at densities consistent with existing development, thereby encouraging the revitalization of existing areas and increasing the diversity of housing choice while maintaining adequate development standards. The district can also be used to allow for new development in outlying areas of the City by meeting standards intended to promote the historic neighborhood character of such new development.

Section 14.02 Permitted Uses

- A. One-family detached dwellings.

Section 14.03 Accessory Uses

- A. Private detached garages or carports.
- B. Tool and/or garden sheds.
- C. Private swimming pools, for primary use by occupants of the principal use of the property on which the pool is located, and subject to the provisions of Section 29.03.
- D. Dishes or other devices for the reception of television for occupants of the principal use of the property on which the device is located, provided such device is not located in any front or side yard, and complies with the provisions of Article XXXIII.
- E. Temporary buildings for uses incidental to construction work, which shall be removed upon completion or abandonment of the construction work.

Section 14.04 Conditional Uses

- A. Home Occupations, subject to the provisions of Section 29.02 of this Ordinance.
- B. Public parks and open space.
- C. Public playgrounds
- D. Churches and places of public worship, provided the seating capacity of the sanctuary is not more than 300 persons.
- E. Bed -and-Breakfast Establishments, subject to the requirements of Section 16.05 B through G.

Section 14.05 Development Standards

14.05.01 Minimum Lot Area

4,000 square feet.

14.05.02 Minimum Lot Width

Forty (40) feet of lot width with frontage on a publicly dedicated, improved street or highway.

- 14.05.03 Minimum Front Yard Depth
- Twenty (20) feet, or the average of the existing principal structures on the same side of the street and facing thereon within the same block, whichever is less.
- 14.05.04 Minimum Side Yard Depth
- Three (3) feet.
- 14.05.05 Minimum Rear Yard Depth
- Thirty (30) feet.
- 14.05.06 Minimum Building Area
- 600 square feet of living area for structures with a basement for location of heating and similar mechanical equipment, 750 square feet for structures without a basement.
- 14.05.07 Maximum Building Height
- Thirty-five (35) feet.
- 14.05.08 Additional Requirements for New Lots Developed in the R-4 District
- A. Street Trees
- Street trees shall be required along all new streets developed within R-4 District. The spacing of trees along streets shall be not less than thirty (30) feet on center. The planting of such street trees shall meet the requirements of Article XXXI of this Ordinance.
- B. Required Open Space
- Not less than 15% of the total net developable area of the proposed development shall be dedicated to permanent open space parks, and/or public spaces. Such open space shall be granted to a homeowner's association, or the City. For the purposes of this calculation, net developable area shall mean the area of the site proposed for development, minus public and/or private streets and/or alleys.

**ARTICLE XV
(R-5) TWO-FAMILY RESIDENTIAL DISTRICT**

Section 15.01 Purpose

This district is established to encourage the orderly development of two-family residential dwellings, and customary related facilities.

Section 15.02 Permitted Uses

- A. Two-family dwelling units.
- B. Single-family dwelling units.
- C. Public parks and open space.
- D. Public playgrounds.

Section 15.03 Accessory Uses

- A. Private detached garages or carports.
- B. Tool and/or garden sheds.
- C. Private swimming pools, for primary use by occupants of the principal use of the property on which the pool is located, and subject to the provisions of Section 29.03.
- D. Dishes or other devices for the reception of television for occupants of the principal use of the property on which the device is located, provided such device is not located in any front or side yard, and complies with the provisions of Article XXXIII.
- E. Temporary buildings for uses incidental to construction work, which shall be removed upon completion or abandonment of the construction work.

Section 15.04 Conditional Uses

- A. Home occupations, as regulated in Section 29.02 of this Ordinance.
- B. Bed-and-Breakfast Establishments, subject to the standards of Section 16.05 B through G.
- C. Churches and places of public worship, provided the seating capacity of the sanctuary is not more than 300 persons.
- D. Congregate or group homes, provided that the following provisions are met:
 - 1. The facility shall obtain all approvals and/or licenses as required by state and local laws.
 - 2. The facility shall provide 24-hour supervision by trained and qualified professional personnel.
 - 3. No exterior alterations of the structure shall be made which depart from its appearance as a residential structure, or would be inconsistent with the residential character of the surrounding neighborhood.
 - 4. No group home shall be located within 1,000 feet from any other such facility within a given neighborhood.
 - 5. Such facilities shall be required to provide appropriate sleeping quarters without using normal living areas, such as living rooms, dining room or kitchen for sleeping.
 - 6. Such facilities shall meet all applicable local and/or state building, safety and fire codes.

Section 15.05 Development Standards

15.05.01 Minimum Lot Area

- A. 3,000 square feet per dwelling unit for two-family dwellings; 4,000 square feet per dwelling unit for single-family residences and conditional uses. All lots within the R-5 District shall be served by public water and sewer facilities.
- B. Only one permitted or conditional use shall be allowed on a zoning lot, and lot shall be covered no more than 40 percent by the structure.

15.05.02 Minimum Lot Width

Sixty-five (65) feet of lot width for two-family dwellings, and forty (40) feet of lot width for a single-family dwelling. All lots shall have frontage on a publicly dedicated and improved street or highway.

15.05.03 Minimum Front Yard Depth

Twenty-five (25) feet

15.05.04 Minimum Side Yard Width

Six (6) feet for two-family dwellings; three (3) feet for single-family dwellings.

15.05.05 Minimum Rear Yard Depth

Thirty (30) feet.

15.05.06 Minimum Building Area

750 square feet of total living area is required for single-family structures; 600 square feet per unit is required for two-family structures.

15.05.07 Maximum Building Height

Thirty-five (35) feet.

**ARTICLE XVI
(RO) RESIDENTIAL OFFICE DISTRICT**

Section 16.01 Purpose

The RO District is to be used in areas along major thoroughfares that are occupied by older single family residences, but are subject to development pressure for commercial use. The intent of the district is to provide for small low-intensity administrative and professional office use in such areas, while retaining the area's residential character.

Section 16.02 Permitted Uses

- A. Any use or structure specified as permitted in the R-1 District.
- B. Two-family dwellings.
- C. Home occupations, as regulated in Section 29.02 of this Ordinance.

Section 16.03 Accessory Uses

- A. Private detached garages or carports; storage sheds and buildings.
- B. Temporary buildings for uses incidental to construction work, which shall be removed upon completion or abandonment of the construction work.
- C. Dishes and other devices for reception of television signals, provided such device is for the sole use by the occupants of the principal use of the property and such device is not located in a front or side yard.

Section 16.04 Conditional Uses

- A. Bed-and-Breakfast Inns, provided that the owner/operator resides on the premises, and that the provisions of Section 16.05 B through G are met.
- B. Administrative and business offices not carrying on retail trade with the public and having no stock of goods maintained for sale to customers subject to the provisions of Section 16.05, consisting of:
 - 1. Brokers and dealers in securities and investments, not including commercial banks and savings institutions.
 - 2. Insurance agents and brokers.
 - 3. Real Estate sales and associated services.
- C. Offices for professional services, such as physicians, dentists, lawyers, architects, engineers and similar professions subject to the provisions of Section 16.05.

Section 16.05 Special Provisions for Conditional Uses

- A. Hours
Permitted uses shall be conducted principally in daylight hours.
- B. Nuisance
Permitted uses shall not create a nuisance from noise, smoke or odor.

C. Appearance

Structures shall maintain a residential appearance and be compatible with surrounding residences, in size and scale.

D. Lighting

Lighting shall be limited to those types customarily found in residential neighborhoods. Any lights shall be arranged so as to not shine on adjacent properties.

E. Signage

Exterior signage shall be limited to a single nameplate not more than two (2) square feet in size. No signs shall be internally illuminated.

F. Storage

Storage of materials and equipment shall be within enclosed buildings.

G. Parking

Sufficient off-street parking shall be provided as specified in Article XXX. All parking shall be located in the rear yard.

H. Landscaping and Fencing

The landscaping and screening of side and rear yards shall be required to meet the provisions of Article XXXI of this Ordinance.

Section 16.06 Development Standards

Minimum lot area, minimum lot width, minimum front yard depth, minimum side yard width, minimum sum of side yard widths, minimum rear yard depth, and maximum building height for all permitted and conditional uses shall be as required for the R-4 District.

Section 16.07 Additional Information Required for Zoning Amendment

Due to special conditions inherent to this district, additional information may be required of an applicant seeking a rezoning of property to the RO Zoning District. Such information shall be specified by the Planning and Zoning Commission and may include site layout, dimensions of driveways and entrances, vehicular circulation patterns, location of off-street parking spaces, and landscaping.

**ARTICLE XVII
(AR) APARTMENT RESIDENTIAL DISTRICT**

Section 17.01 Purpose

This district is established to accommodate multiple-family residences at overall housing densities consistent with those existing in the area. The objective is to provide for the continuance, redevelopment and/or limited expansion of multiple-family developments in areas best equipped to accommodate such higher densities.

Section 17.02 Permitted Uses

- A. Multiple family structures having two or more dwellings per structure.
- B. Public parks, playgrounds and open space.

Section 17.03 Accessory Uses

- A. Uses incidental and accessory to multiple-family dwellings and for exclusive use of their residents, to include common recreational facilities, community swimming pools, and offices for the rental and management of units therein.
- B. Temporary buildings for uses incidental to construction work, which shall be removed upon the completion or abandonment of construction work.

Section 17.04 Conditional Uses

- A. Nursery schools and day care centers.
- B. Congregate or group homes, subject to the same provisions of Section 15.04 B of this Ordinance.

Section 17.05 Development Standards

- 17.05.01 Minimum Lot Area
3,000 square feet per dwelling unit
- 17.05.02 Minimum Lot Frontage
Eighty (80) feet of frontage on a publicly dedicated and improved street or highway.
- 17.05.03 Minimum Front Yard Depth
Twenty (20) feet
- 17.05.04 Minimum Side Yard Width
Ten (10) feet.
- 17.05.05 Minimum Rear Yard Depth
Forty (40) feet.

17.05.06 Maximum Building Height

Thirty-five (35) feet.

17.05.07 Trash and Garbage Control

All trash and garbage shall be stored in container systems which are located and enclosed so as to effectively screen them from view. Screening of trash and garbage areas shall meet the requirements of Article XXXI of this Ordinance. The disposal of trash and maintenance of the area shall be the responsibility of the owner of the property.

17.05.08 Landscaping

If side or rear yards are located adjacent to any district where single-family residences are a permitted use, landscaping and screening of those yards shall be required to meet the requirements of Article XXXI of this Ordinance.

17.05.09 Open/Play Area

Buildings or structures shall not occupy more than 60 percent (60%) of the total lot. For each five (5) units, or portion thereof, there shall be provided an open space or play area of not less than 1,000 square feet in size. The design and configuration of such open area shall be approved by the Planning and Zoning Commission. Such open area shall be maintained by the owner of the multiple-family complex.

**ARTICLE XVIII
(R-MH) RESIDENTIAL MOBILE HOME DISTRICT**

Section 18.01 Purpose

The Residential Mobile Home District is established to provide areas for mobile home communities located, designed, and improved so as to provide a desirable residential environment, protected from adverse neighboring influences, with adequate access for vehicular traffic and circulation. These communities shall be located so as to not promote excessive vehicular traffic on streets in adjoining residential neighborhoods, and shall provide overall accessibility equivalent to that for other forms of residential development.

Section 18.02 Definitions

- A. "Manufactured Housing" shall mean a building designed for residential use, which has all of the following characteristics:
 - 1. It is mass-produced in a factory.
 - 2. It is designed and constructed for transport to a site for installation and use when connected to the required utilities.
 - 3. It is either an independent, individual building or module for combination with other elements to form a building on the site.
- B. "Mobile Home" shall mean manufactured housing which is constructed on a chassis. A mobile home shall be construed to remain a mobile home, subject to all regulations applying thereto, whether or not wheels, axles, hitches or other appurtenances of mobility are removed and regardless of the nature of the foundation provided. A travel trailer or other form of recreational vehicle shall not be construed as a mobile home.
- C. "Mobile Home Community" - A mobile home development, with continuing local general management and with special facilities for common use by occupants, including such items as common recreational buildings and/or common open space..

Section 18.03 Permitted Uses

- A. One- and two-family detached, semi-detached, and attached dwellings.
- B. Mobile home communities.
- C. Individual mobile homes on single lots.
- D. Public or private parks or playgrounds.

Section 18.04 Accessory Uses

- A. Uses and structures incidental and accessory to specified permitted uses to include common areas, community/recreational facilities and offices for rental and management of units therein.

Section 18.05 Development Standards

The following standards for the arrangement and development of land and buildings are required in the R-MH District.

18.05.01 Minimum Lot Area

- A. The minimum lot area for any mobile home community shall be ten (10) acres. Maximum gross density shall not exceed six (6) mobile homes per acre.
- B. Individual mobile home lots shall be not less than 2,500 square feet.
- C. For any other permitted use, the minimum lot area shall not be less than 7,000 square feet.

18.05.02 Minimum Lot Width

- A. The minimum lot width for any mobile home community shall be not less than 250 feet. Frontage shall be provided on a publicly dedicated and improved street. The ratio of width to depth shall not exceed one to five (1:5).
- B. The minimum lot width for any individual mobile home lot shall be not less than thirty (30) feet.
- C. For any other permitted use, the minimum lot width shall not be less than 75 feet.

18.05.03 Minimum Front Yard

- A. The minimum front yard depth for any mobile home community shall be not less than thirty-five (35) feet.
- B. For any other permitted use, the minimum front yard depth shall be twenty-five (25) feet.

18.05.04 Minimum Side Yard Width

- A. The minimum side yard width for any mobile home community shall be not less than thirty-five (35) feet.
- B. The minimum side yard width for any individual mobile home lot shall be not less than eight (8) feet.
- C. For any other permitted uses, the minimum side yard width shall be not less than eight (8) feet, with a minimum of twenty (20) feet for the sum of side yards.

18.05.05 Minimum Rear Yard Depth

- A. The minimum rear yard depth for any mobile homes community shall be not less than thirty-five (35) feet.
- B. The minimum rear yard depth for any individual mobile home lot shall be not less than ten (10) feet.
- C. For any other permitted use, the minimum rear yard depth shall be not less than forty (40) feet.

18.05.06 Minimum Lot Coverage

Detached dwelling units and their accessory buildings shall not occupy more than forty percent (40%) of the lot area of any individual mobile home lot.

18.05.07 Required Open Space and Recreational Areas

At least twenty percent (20%) of the gross land area for any mobile home community shall be reserved for common recreational areas and facilities, such as playgrounds, swimming pools, pedestrian paths, and similar facilities. Such recreational and open space facilities shall not be a part of streets and/or parking areas, and shall be closed to motorized traffic, except for service and maintenance vehicles. Such areas shall be landscaped, improved and maintained for the intended uses.

18.05.08 Maximum Building Height

Twenty-five (25) feet

18.05.09 Anchors and Skirting

Each mobile home shall be provided with anchors and tie-downs suitable to insure the securing and stability of the mobile home. Each mobile home shall be provided with a suitable skirt, entirely enclosing the area below the floor of the structure to the ground.

18.05.10 Off-Street Parking

Off-street parking for permitted uses other than mobile home communities shall be provided as required in Article XXX of this Ordinance, and as herein specified.

In mobile home communities, parking spaces shall be provided for two (2) vehicles for each mobile home. Such parking spaces shall be located either on the same lot as the dwelling which they serve, or in specially provided common areas located not more than 200 feet from the dwelling which they serve, or some combination thereof. Required parking spaces shall not be provided on public or private streets within and on the perimeter of the community. Parking shall be so arranged that there is no maneuvering incidental to parking in the travel lane of streets.

18.05.11 Lots and Locations of Dwellings on Lots: Occupancy

- A. Location on the lot shall be suitable for the type of dwelling proposed, considering size, required open spaces, and manner of support.
- B. Any improvements on the lot, including those necessary for the support or anchoring of the dwelling as required by this Ordinance, shall be provided to the dwelling prior to the granting of a certificate of occupancy.
- C. The limits of each mobile home lot shall be clearly marked on the ground by permanent flush stakes, markers, or other suitable means.

18.05.12 Access

All mobile home communities shall have direct access to collector streets with a right-of-way of not less than sixty (60) feet in width. Principal vehicular access points shall be designed to encourage smooth traffic flow. Merging and turnout lanes and/or traffic dividers shall be required where existing or anticipated traffic volumes indicate need. Minor streets shall

not be connected with streets outside the district in such a way so as to encourage the use of those streets by substantial amounts of through traffic. No lot within the community shall have direct vehicular access to a street bordering the development.

18.05.13 Streets and Street Layout

All streets, whether private or dedicated to the City, providing access to the individual lots in a mobile home community, shall be dimensioned and improved in accordance with the standards and requirements of the Subdivision Regulations of the City of Circleville.

The proposed layout of streets within a mobile home community shall be approved by the Planning and Zoning Commission. In making such determinations, the Commission may procure the assistance of an engineer or other professional. All costs associated with such approval shall be paid by the applicant prior to issuance of Certificates of Occupancy.

18.05.14 Landscaping

The landscaping of side and rear lots of a mobile home community shall be required. All landscaping shall meet the requirements of Article XXXI of this Ordinance. All required landscaping shall be in place prior to the granting of any Certificate of Occupancy.

18.05.15 Water and Sewer

Any mobile home community shall be provided with a water and sanitary sewer distribution system, serving each individual mobile home lot, which is connected to the municipal water and sanitary sewage system. The design and construction of such distribution systems shall be approved by the Ohio Environmental Protection Agency and the City. All costs associated with such approvals shall be paid by the applicant prior to the issuance of Certificate of Occupancy.

18.05.16 Storm Drainage

All areas within a mobile home community shall be graded and drained so as to minimize standing water and surface runoff. Open drainage ditches shall be prohibited. The proposed methods for alleviation of standing water and excessive surface runoff shall be submitted by the applicant, and approved by the City. All costs associated with such approvals shall be paid by the applicant prior to the issuance of Certificates of Occupancy.

18.05.17 Underground Utilities

All utility lines, including electricity, telephone, and cable television shall be located underground.

18.05.18 Trash and Garbage Control

All trash and garbage shall be stored in container systems which are located and enclosed in a manner which provides ease of access to individual mobile home lots, while effectively screening them from view. Screening of trash and garbage areas shall meet the requirements of Article XXXI of this Ordinance. The disposal of trash and maintenance of the

area shall be the responsibility of the owner of the mobile home community.

18.05.19 Fire Protection

Within each mobile home community there shall be provided a fire protection system approved by the local fire authority. Standard fire hydrants shall be located within 400 feet of all mobile lots, or another system constructed which in the opinion of the local fire authority provides an equal or greater measure of protection.

18.05.20 Signage

Signage shall be as specified in Article XXXII of this Ordinance.

**ARTICLE XIX
(LB) LIMITED BUSINESS DISTRICT**

Section 19.01 Purpose

The purpose of the Limited Business District is to provide for the orderly development of neighborhood-oriented commercial facilities primarily serving the regular day-to-day convenience and personal service needs of nearby residents. Because commercial establishments within the LB District are more closely associated with the residential land uses at the neighborhood level, more restrictive requirements related to size and scale, open space, and landscaping are necessitated than in other commercial districts.

Section 19.02 Permitted Uses

- A. Administrative and business offices not carrying on retail trade with the public and having no stock of goods maintained for sale to customers consisting of:
 - 1. Brokers and dealers in securities, investments and associated services, not including commercial banks and savings institutions.
 - 2. Insurance agents and brokers and associated services.
 - 3. Real estate sales and associated services.

- B. Professional offices engaged in providing services to the general public consisting of:
 - 1. Medical and medical-related activities, but not including veterinary offices or animal hospitals.
 - 2. Other health or allied medical facilities.
 - 3. Professional, legal, engineering and architectural services, not including the outside storage of equipment.
 - 4. Accounting, auditing and other bookkeeping services.

- C. Retail Stores primarily engaged in selling merchandise for personal or household consumption, and rendering services incidental to the sale of those goods; provided all storage and display of merchandise shall be within the principal structure, including:
 - 1. Food and food products, consisting of: grocery stores, meat and fish markets, fruit and vegetable markets, and specialty stores such as bakery, candy or confectionery.
 - 2. Proprietary drug and hardware stores.
 - 3. Similar retail stores, consisting of: florists, gift, antique or second-hand stores, books and newspapers, sporting goods, jewelry, optical goods, and other retail stores which conform to the purpose and intent of the Neighborhood Business District.

- D. Personal Services, involving the care of the person and his/her personal effects, including consumer services generally involving the care and maintenance of tangible personal consumption, including:
 - 1. Restaurants, but not including restaurants with drive-through facilities.
 - 2. Banks, savings and loans, and credit agencies, but not including establishments with drive-through facilities.
 - 3. Barber and beauty shops, having no more than three work stations.
 - 4. Funeral services.
 - 5. Human medical and/or dental clinics.

- 6. Radio, television or small appliance repair.
 - 7. Commercial photography.
 - 8. On-premises duplication services.
- E. Nursery schools and day care facilities.

Section 19.03 Conditional Uses

- A. Veterinary offices, not including outside boarding of animals.
- B. Multiple-family residences, subject to the development standards of the AR District.

Section 19.04 Development Standards

- 19.04.01 Lot Area
- No minimum lot area is required; however, lot area shall be adequate to provide the required parking and yard areas.
- 19.04.02 Lot Width
- No minimum lot width is required; however all lots shall abut an improved public street designated on the City of Circleville Thoroughfare Plan as having not less than collector status. All lots shall have adequate width to provide for required parking and yard area.
- 19.04.03 Front Yard Setback
- The minimum front yard setback shall be the average of the existing adjacent commercial structures on the same side of the street and facing thereon within the same block. Where there are not adjacent commercial structures, the front yard setback shall not be less than thirty (30) feet measured from the street right-of-way.
- 19.04.04 Side Yards
- Fifteen (15) feet, unless adjacent to any district where residences are a permitted use, wherein the side yard shall be no less than thirty (30) feet.
- 19.04.05 Rear Yards
- Twenty (20) feet, unless adjacent to any district where residences are a permitted use, wherein the rear yard shall be no less than forty (40) feet.
- 19.04.06 Additional Yard and Pedestrian Areas
- Where new development in the LB District is located adjacent to a district where residences are a permitted use, the Planning and Zoning Commission may require that at least five percent (5%) of the lot area, exclusive of parking areas and public rights-of-way, shall be devoted to landscaped yards or pedestrian space.
- 19.04.07 Maximum Building Size
- Individual uses within LB District shall have usable floor area of not more than 5,000 square feet. Individual buildings containing multiple uses within the LB District shall have a usable floor area of not more than 15,000 square feet.

19.04.08 Lighting

Lighting fixtures within the LB District shall be so arranged, shielded and directed so as to not shine directly on any adjacent residential property.

19.04.09 Parking and Loading

Parking and loading requirements shall be as specified in Article XXX. In addition, parking spaces shall be designed to allow a minimum of five (5) feet between any structure and any parked vehicle.

19.04.10 Landscaping

The landscaping of all parking and service areas is encouraged in the LB District. If side or rear yards are located adjacent to any areas where single-family or two-family residences are permitted uses, landscaping and screening shall be required in those yards to meet the requirements of Article XXXI of this Ordinance.

19.04.11 Trash And Garbage Control

All trash and garbage shall be stored in container systems which are located and enclosed so as to effectively screen them from view. The disposal of trash and maintenance of the area shall be the responsibility of the owner of the property.

**ARTICLE XX
(DB) DOWNTOWN BUSINESS DISTRICT**

Section 20.01 Purpose

The older downtown area of Circleville possesses unique historic and environmental attributes, and significant potential for economic revitalization and reinvestment. The purpose of the Downtown Business District is to provide for a wide range of uses consistent with such revitalization efforts, while recognizing the unique physical characteristics of the area and maintaining the downtown's mixed use historic and pedestrian orientation.

Section 20.02 Permitted Uses

- A. Administrative, Business and Professional offices as permitted in Section 19.02A and 19.02B.
- B. Retail Stores primarily engaged in selling merchandise for personal or household consumption, and rendering services incidental to the sale of these goods:
 - 1. Food and food products, consisting of: grocery, meat, fish, fruit or vegetable markets or combinations thereof, dairy or bakery products, specialty food stores such as candy or confectionery, and miscellaneous food stores which conform to the purpose of the Downtown Business District.
 - 2. General merchandise, consisting of: department stores, and limited price variety stores.
 - 3. Home furnishings, consisting of: furniture and equipment sales, radio, television, and music stores.
 - 4. Building material retail stores, not having outside storage or material, consisting of: plumbing and electrical supplies, paint, wall paper, upholstery, and interior decorating stores, and hardware stores.
 - 5. Apparel, consisting of: clothing, furnishings, and accessory items for men, women and children, custom tailor shops and combined apparel sales and personal service operations, and miscellaneous apparel and accessory stores.
 - 6. Similar retail stores, including: drug stores, florists, gift and novelty stores, books and newspapers, camera, photographic and optical goods, jewelry, antique stores, specialty stores, and other retail stores which conform to the purpose and intent of the Downtown Business District.
- C. Personal Services, involving the care of the person and his/her personal effects, including consumer services generally involving the care and maintenance of tangible property or the provision of tangible services for personal consumption including:
 - 1. Restaurants, but not including restaurants with drive-through facilities.
 - 2. Banks, savings and loans, and credit agencies, but not including establishments with drive-through facilities.
 - 3. Barber and beauty shops.
 - 4. Dry-cleaning establishments.
 - 5. Funeral services.
 - 6. Human medical and dental clinics.
 - 7. Radio, television, or small appliance repair.
 - 8. Public and private parking areas.
 - 9. On-premises duplication facilities.

- D. Business Services engaged in the providing of services to business establishments on a fee or contract basis, consulting services, protective services, office equipment rental, lease or purchase, commercial research and development
- E. Hotels and Bed-and-Breakfast Inns
- F. Buildings for the warehousing and/or storage of materials.
- G. Public facilities such as governmental offices, post office, police and fire stations, libraries, museums, private schools, and public parks.
- H. Churches and places of public worship
- I. Apartments on the upper floors of commercial buildings.
- J. Public parking areas.
- K. Similar Uses, which conform to the purpose and intent of the Downtown Business District, as determined by the Planning and Zoning Commission in accordance with the provisions of Section 9.02.05 of this Ordinance.

Section 20.03 Conditional Uses

- A. Two or more family residences, provided the development standards of the AR District are met.

Section 20.04 Development Standards

- 20.04.01 Lot Area
No minimum lot area is required; however, lot area shall be adequate to provide the required parking and yard areas.
- 20.04.02 Lot Width
No minimum lot width is required.
- 20.04.03 Front Yard Setback
The minimum front yard setback shall be the average of existing commercial structures on the same side of the street and facing thereon within the same block. Where there are no adjacent commercial structures, the front yard setback shall be not less than twenty (20) feet measured from the street right-of-way.
- 20.04.04 Side Yards
No minimum side yard shall be required unless the building or structure is adjacent to an R District, in which case the side yard shall be fifteen (15) feet
- 20.04.05 Rear Yards
No minimum rear yard shall be required unless the building or structure is adjacent to an R-District, in which case the rear yard shall be twenty (20) feet
- 20.04.06 Drive-Through Uses Prohibited
No use within the DB District shall be developed with drive-through facilities.

20.04.07 Parking and Loading

All parking and loading areas in the DB District shall be located in side or rear yards. Only 25% of the parking spaces as specified in Article XXX of this Ordinance shall be required in the DB District, provided that in all cases, sufficient off-street spaces shall be provided for all employees of the establishment.

20.04.08 Signage

Separate signage requirements shall be applicable in the DB District, pursuant to Article XXXII of this Ordinance.

20.04.09 Landscaping

The landscaping of all parking and service areas is encouraged in the DB District. If side or rear yards are adjacent to any district where single-family residences are a permitted use, landscaping and screening shall be required in those yards to meet the requirements of Article XXXI of this Ordinance.

20.04.10 Trash and Garbage Control

All trash and garbage shall be stored in container systems which are located and enclosed so as to effectively screen them from view. The disposal of trash and maintenance of the area shall be the responsibility of the owner of the property.

**ARTICLE XXI
(GB) GENERAL BUSINESS DISTRICT**

Section 21.01 Purpose

The General Business District is established to provide areas for the growth of businesses that generate a high degree of activity dependent on high traffic volumes. These uses, by their nature, increase traffic congestion on abutting public roadways and cause specific impacts on adjacent uses. The intent of the GB District is to encourage the most compatible relationship between permitted uses and overall traffic movement within the City, while minimizing negative impacts on adjacent land uses. The GB District is not intended to be used in the existing downtown area as a substitute for the DB District.

Section 21.02 Permitted Uses

- A. Any use or structure specified as a permitted use in Section 20.02 A through D of the DB District.
- B. Commercial recreational facilities such as community and public swimming pools, skating rinks, bowling alleys, physical fitness centers.
- C. Lumber and home improvement sales.
- D. Motor vehicle sales.
- E. Automobile service establishments, including gasoline service stations, but not including truck servicing establishments.
- F. Churches and places of public worship.
- G. Hotels and motels.
- H. Garden centers.
- I. Carry out food and beverage establishments with drive-through facilities.
- J. Similar uses, as determined by the Planning and Zoning Commission, in accordance with the provisions by Section 9.02.05 of this Ordinance.

Section 21.03 Conditional Uses

- A. Self-service car washes.
- B. Temporary or seasonal outdoor sales lots having a maximum operating duration of four (4) months, provided all other permits are obtained.

Section 21.04 Development Standards

21.04.01 Minimum Lot Area

No minimum lot area is required; however, lot area shall be adequate to provide for the required parking and yard areas.

21.04.02 Minimum Lot Width

100 feet of frontage on a publicly dedicated and improved street or highway which is designated as not less than arterial status on the Thoroughfare Plan of the City of Circleville.

21.04.03 Minimum Front Yard Depth

Forty (40) feet.

- 21.04.04 Minimum Side Yard
- A. When abutting a non-residential zoning district: Twenty (20) feet for structures, ten (10) feet for paved areas.
 - B. When abutting a residential zoning district: Fifty (50) feet for structures, thirty-five (35) feet for paved areas.
- 21.04.05 Minimum Rear Yard
- A. When abutting a non-residential zoning district: Thirty (30) feet for structures, ten (10) feet for paved areas.
 - B. When abutting a residential zoning district: Fifty (50) feet for structures, thirty-five (35) feet for paved areas.
- 21.04.06 Building Height
- Thirty-five (35) feet.
- 21.04.07 Parking and Loading
- Parking and loading requirements shall be as specified in Article XXX. In addition, parking spaces shall be designed to allow a minimum of five (5) feet between any structure and any parked vehicle.
- 21.04.08 Landscaping
- The landscaping of all parking and service areas is encouraged in the GB District. If side or rear yards are located adjacent to any district where *single-family* or *two-family* residences are a permitted use, landscaping and screening shall be required in those yards to meet the requirements of Article XXXI of this Ordinance.
- 21.04.09 Trash and Garbage Control
- All trash and garbage shall be stored in container systems which are located and enclosed so as to effectively screen them from view. The disposal of trash and maintenance of the area shall be the responsibility of the owner of the property.

ARTICLE XXII

(CF) COMMUNITY FACILITIES DISTRICT

Section 22.01 Purpose

“Community Facilities”, as used throughout this Ordinance, means facilities listed as main and accessory buildings and/or uses in Section 22.02. The Community Facilities District and regulations are established in order to achieve the following purposes:

- A. To provide a proper zoning classification for governmental, civic, welfare and recreational facilities in proper locations and extent so as to promote the general safety, convenience, comfort and welfare;
- B. To protect community facilities and institutions from the encroachment of certain other uses and to make such uses compatible with adjoining residential uses; and
- C. To regulate the location of such facilities so as to ensure their proper functioning in consideration of traffic, access, and general compatibility.

Section 22.02 Permitted Uses

Buildings and land within the CF District shall be utilized only for the uses set forth in the following schedule:

MAIN BUILDINGS/ USES

Governmental: Municipal, County State and Federal buildings for administrative functions and use by the general public.

Civic: Art galleries, libraries, museums, places for public assembly; memorials, monuments, fraternal organizations and private clubs.

Educational: Primary and secondary public, private or parochial schools, nursery schools

Health Care: General and special hospital and clinics, convalescent centers, institutions for care of children or senior citizens.

Religious: Churches and places of worship.

ACCESSORY BUILDINGS/ USES

Public parking areas, maintenance facilities, signs, residence for custodians or guards.

Maintenance facilities. Bulletin boards and signs as hereinafter regulated.

Parking areas, playgrounds, signs.

Parking areas, signs.

Maintenance facilities and parking areas, signs.

MAIN BUILDINGS / USES

Communication Facilities: Radio and television antennas and antenna towers

Recreational: Public and private parks, recreation fields and playgrounds, lakes, cemeteries, golf courses, nature preserves, and similar open space facilities, not including such facilities developed for private use by occupants of a resident of the premises.

ACCESSORY BUILDINGS / USES

Parking areas, structures directly related to the operation of the facility, not including offices or broadcast studios.

Parking areas, clubhouses, administrative and maintenance structures, mausoleums, signs.

Section 22.03 Lot and Area Regulations

The area or parcel of land for a permitted community facility shall not be less than that required to provide a site adequate for the main and accessory buildings, off-street parking and other accessory buildings, off-street parking and other accessory uses, set backs, yards and open spaces to accommodate the facility and maintain the character of the neighborhood. The area or parcel of land for a permitted community facility shall be approved by the Planning and Zoning Commission, pursuant to Section 22.05.

Section 22.04 Yard Regulations

A. Front Yards

The front yard setback shall be not less than the largest required front yard setback for any adjacent zoning district.

B. Side and Rear Yards

The yards for each public facility building shall be not less than the criteria set forth in the following schedule when adjacent to any district where residences are a permitted use.

MAIN BUILDING AND USES	MINIMUM YARD - SIDE & REAR (FT)
<i>Governmental:</i> Administrative buildings.	50
<i>Civic:</i> Nonassembly buildings	50
Assembly buildings	75
<i>Educational:</i> Public, private and parochial schools	75
<i>Health Care:</i> Buildings	50

Section 22.07 Compliance with Development Plan

The construction of all buildings and the development of the site within the CF District shall be in conformity and compliance with the approved Development Plan.

ARTICLE XXIII

**(LI) LIMITED INDUSTRIAL DISTRICT
(GE) GENERAL EMPLOYMENT DISTRICT**

Section 23.01 Purpose

These regulations are established to provide for a range of industrial and other employment-generating activity, while protecting the health, safety and welfare of the users of the district and residents of the City. Two (2) separate industrial districts are established.

A. LI - Limited Industrial District

This district provides areas where most industrial and industrial-related activities may locate. Retail activities are limited and residential uses are prohibited. The district is intended for areas which are primarily undeveloped, having larger lots and irregular block patterns.

B. GE - General Employment District

This district provides areas for a wider range of employment opportunities. The district allows for a more restricted range of industrial activities, but a wider range of office, business and retail uses. As with the LI District, this district is intended for areas which are primarily undeveloped.

Section 23.02 Permitted And Conditional Activities

Permitted and conditional activities in each district are as shown on the following table. Descriptions and characteristics of activity categories listed are contained in Section 23.03.

ACTIVITY	DISTRICT	
	LI	GE
Industrial Categories		
• Industrial Product Sales	P	C
• Industrial Service	P	C
• Manufacturing and Production	P	C
• Warehouse and Distribution	P	P
Sales and Service Categories		
• General Office Activities	C	P
• Personal Service	C	P
• Retail Product Sales and Service	N	P
• Vehicle Service	P	P
Other Activities		
• Radio/Television Broadcast Facility	P	C
• Off Premises Signs	P	P

P = Permitted Activity
C = Conditional Activity
N = Not Permitted

Section 23.03

Activity Categories For Industrial Districts

23.03.01

Industrial Categories

A. Industrial Product Sales

Characteristics. Firms are involved in the sale, rent or lease of products generally intended for industrial or commercial users. Sales may be wholesale or retail. Emphasis is on *on-site sales or order taking and may include display areas.* Products may be delivered to the customer.

Accessory Activities. Accessory activities may include administrative offices, product repair, and warehouses.

Examples. Industrial Product Sales activities may include: sale of machinery and equipment, special trade tools, electrical supplies, janitorial supplies, restaurant equipment, office furniture, and store fixtures. Industrial Product Sales also include industrial equipment and vehicle rentals.

Exceptions. Firms that primarily engage in retail sales to the general public are classified as Retail Product Sales and Service.

B. Industrial Service

Characteristics. Firms are engaged in the repair or servicing of industrial, business or consumer machinery, equipment or products. Few customers, especially the general public, come to the site.

Accessory Activities. Accessory activities may include administrative offices.

Examples. Industrial Service activities may include welding shops; machine shops; tool and appliance repair; electric motor repair; truck and large equipment repair; storage and salvage; headquarters for building, heating, plumbing or electrical contractors; printing, publishing and blueprinting; janitorial and building maintenance services; medical, research and testing laboratories; laundry, dry-cleaning, and carpet cleaning plants; and photofinishing laboratories.

C. Manufacturing and Production

Characteristics. Firms are involved in the manufacturing, processing, fabrication, packaging, or assembly of goods. Raw, secondary, or partially completed materials may be used. Products may be finished or semi-finished and are generally made for the wholesale market, for transfer to other plants, or to order for firms or consumers. Goods are generally not displayed or sold on-site. Relatively few customers come to the manufacturing site.

Accessory Activities. Accessory activities may include: administrative offices, cafeterias, employee recreational facilities, warehouse, storage yards, outlets, and caretaker's quarters. Retail outlet as an accessory to manufacturing plants shall be treated as Retail Product Sales and Service.

Exceptions. Manufacturing of goods to be sold primarily on-site and to the general public are classified in the Retail Product Sales and Service category.

D. Warehouse and Distribution

Characteristics. Firms are involved in the movement, storage and/or sales of goods for themselves or other firms. Goods are generally delivered to other firms or the final consumer. The category includes wholesale sales which are not open to the general public and where on-site sales are low.

Accessory Activities. Accessory activities may include: administrative offices, truck fleet parking and maintenance areas, repackaging of goods, and showrooms or display areas, but generally not for direct sale.

Examples. Warehouse and Distribution firms may include: warehouse used by retail stores such as furniture and appliance stores; food and hardware distributors; household moving and general freight storage; distribution of industrial items; building materials, plumbing and electrical distributors; truck terminals; parcel services; major post offices; mail order houses; and public mini-warehouses.

23.03.02

Sales and Service Categories

A. General Office Activities

Characteristics. Firms where activities are conducted in an office setting and generally focus on business or personal services. If the office activity is part of a larger firm, it does not need to be on the same site as the primary activity. Most people coming to the site are employees.

Accessory Activities. Accessory uses may include: cafeterias, health facilities, or other amenities primarily for the use of employees in the firm or building.

Examples. Examples include professional services such as lawyers, accountants, engineers, or architects; financial businesses such as brokerage houses, lenders, or realtors; data-processing; sales offices; industrial or commercial company headquarters when not adjacent with other portions of the firm; and government offices.

B. Personal Service

Characteristics. These establishments provide on-site personal services or entertainment to the general public or business person.

Accessory Activities. Accessory uses may include: administrative offices, product sales and laboratories.

Examples. Examples include barbers, hair salons and personal care services; banks, savings and loans, and credit unions; continuous entertainment activities such as arcades, bowling alleys, ice rinks, libraries, and museums; cafes, restaurants, bars, and taverns, day care facilities; laundromats; business and trade schools; dance and martial arts schools; health clubs, gyms, racquet centers, membership clubs, and lodges; medical related offices such as doctors, dentists, optometrists and veterinarians; public service agencies such as employment offices, social service agencies, and permit issuing offices.

C. Retail Product Sales And Service

Characteristics. Firms are involved in the sale, lease or rent of used products or goods to the general public and/or provide on-site product repair or services for consumer and business goods. Goods are displayed and sold on-site, and use or consumption is primarily off-site. Goods are generally taken off-site by the customer at the time of sale or may be delivered by the firm. For items being serviced, customers generally deliver and pick up the items and spend little time at the site.

Accessory Activities. Accessory uses may include: offices, storage and display of goods.

Examples. Examples include: stores selling apparel, housewares, furniture, hardware, auto parts, flowers, personal care items, sporting goods, office products and machines, and computers; food, produce or meat markets; delicatessens and caterers; tool rental and household moving centers; sales of cars, motorcycles, boats, and recreational vehicles; repair of TVs, appliances, shoes, precision instruments, and business machines; laundry or dry cleaning drop-off; on-site launderer; photo drop-off; quick printing or reproducing; tailors; locksmiths; upholsterers; and furniture refinishing.

Exceptions.

1. Lumber yards and similar building material sales which sell primarily to contractors and do not have a retail orientation are classified in the Industrial Product Sales category.

2. Repair and service of consumer vehicles is classified in the Vehicle Service category. Repair of motor vehicles in conjunction with vehicle sales is classified in the Vehicle Service category.
3. Repair and service of industrial vehicles and equipment is classified in the Industrial Service category.

D. Vehicle Services

Characteristics. Firms servicing automobiles, light trucks and other consumer vehicles such as motorcycles, boats and recreational vehicles.

Accessory Activities. Accessory uses may include offices and sales of parts.

Examples. Examples may include gas stations, vehicle repair, auto body shop, alignment shop, auto upholstery shop, tire sales and mounting, towing and vehicle storage; and surface or garage fee parking.

23.03.04

Other Activity Categories

A. Radio or Television Broadcast Facility

Characteristics. Any and all devices, equipment, machinery, structures or supporting elements necessary to produce non-ionizing electromagnetic radiation within the range of frequencies from 100 KHz to 300 KHz and operating as a separate unit to produce a signal or message.

B. Off-Premises Signs

Subject to regulations of Article XXXII of this Ordinance.

Section 23.04

Lot And Yard Requirements

23.04.01

Minimum Lot Area

No minimum lot area is required in the LI or GE Districts, however, lot area shall be sufficient to provide for all yards and distances as required by this Ordinance.

23.04.02

Lot Width

All lots shall abut a public or private street and have adequate lot width to provide for yards and distances as required by this Ordinance.

23.04.03

Side Yards

For any structure or service area within the LI or GE Districts, the required side yard shall be not less than twenty-five (25) feet from any interior lot line.

- 23.04.04 Rear Yards
- For any structure or service area within the LI or GE Districts, the required rear yard shall not be less than twenty-five (25) feet from any interior lot line.
- 23.04.05 Maximum Lot Coverage
- For structures and paved areas within the LI or GE Districts, the maximum lot coverage shall be 80%. The remainder of the site shall be landscaped in natural vegetation.
- 23.04.06 Distance from Residential Districts
- A. For any land annexed to the City after the effective date of this Ordinance which is zoned into the LI District, no structure, service area or parking area shall be located less than 500 feet from any district where residences are a permitted use.
- B. For any land within the City as of the effective date of this Ordinance which is located in the LI district, no structure, service area or parking area shall be located less than 200 feet from any district whose residences are a permitted use.
- C. In no case shall any structure, service area or parking area in any GE District be located less than 200 feet from any district where residences are a permitted use.

Section 23.05 Exterior Development

- 23.05.01 Exterior Operations
- Exterior Operations include: outdoor processing, assembly or fabrication of goods; movement of bulk goods not in containers or pipelines; maintenance, repair and salvage of equipment. Exterior operations shall not be permitted in the GE District, but shall be permitted in the LI District
- 23.05.02 Exterior Storage
- Exterior Storage includes the outdoor storage of: raw or finished goods (packaged or bulk) including gases, chemicals, gravel, building materials; packing materials; salvage goods; machinery; equipment; damaged vehicles, etc. Exterior storage shall be permitted in the LI District but not permitted in the GE Districts, unless an acceptable plan for screening such storage is submitted to and approved by the Planning and Zoning Commission.
- 23.05.03 Exterior Display
- Exterior Display includes the display of products, vehicles, equipment and machinery for sale or lease. Display items are intended to be viewed by customers and are not just being stored or parked. Exterior display does not include damaged vehicles, vehicles or equipment being serviced, bulk goods and materials, or other such products. Exte-

Section 23.06 Off-Site Impacts

No land or structure in the LI or GE Districts shall be used or occupied in such a manner so as to create any dangerous, injurious, noxious or otherwise objectionable impact on any land which is located in any other zoning district. Such impacts may result from noise, vibration, odor, smoke or dust, or glare. Statements in writing that such uses comply or will comply with such uses may be required by the Planning and Zoning Commission from the owner. In cases of doubt, the City shall select and arrange for an independent survey by a professional engineer qualified in the particular field and the costs for such service shall be paid by the applicant.

A. Noise

The sound pressure level of any operation on a lot within the LI or GE Districts shall not exceed the average intensity of street traffic noise in the nearest residential districts, and no sound shall be objectionable due to intermittence, best frequency or shrillness.

B. Vibration

No vibrations which are perceptible without the aid of instruments shall be permitted, as measured on the lot within the non-industrial district.

C. Odor

No emission of odorous matter in any quantities so as to produce a public nuisance shall be permitted, as measured on the lot within the non-industrial district.

D. Dust and Smoke

The emission of smoke, soot, fly ash, fumes, dust or other types of pollutants borne by the wind shall be controlled so that the rate of emission and quantity deposited do not create a public nuisance, as measured on the lot within the non-industrial district.

E. Glare

Exterior lighting shall be used in a manner that produces no glare on public highways or non-industrial zoned land.

**ARTICLE XXIV
(FP) FLOODPLAIN DISTRICT (OVERLAY)**

Section 24.01 Purpose

It is the intent of the Floodplain District (FP) to prohibit the use of floodplains for uses which could be detrimental to health and welfare for citizens of the City. The Floodplain District (FP) is an overlay zoning district and the underlying district standards and requirements shall apply in addition to the Floodplain District (FP) regulations and requirements.

Section 24.02 Lands Subject to Flooding

For the purpose of this Ordinance, "floodplains" are defined as those lands subject to inundation by the 100-year flood. Such areas shall be as identified in Flood Boundary and Floodway Maps and/or Flood Insurance Rate Maps 390447 0005 C, dated December 18, 1984, and 390445 0100C, dated September 27, 1991, along with any amendments or revisions thereto.

Section 24.03 Permitted Uses

The only uses allowed in the FP District are those which meet the requirements of Chapter 1331 of the Codified Ordinances of the City of Circleville, Ohio, as amended, and which are permitted in the underlying zoning district.

Section 24.04 Development Standards

The standards for development within the FP District shall be as stated in Chapter 1331 of the Codified Ordinances of the City of Circleville, Ohio, as amended, and as specified in the underlying zoning district.

**ARTICLE XXV
(HD) HISTORIC DISTRICT (OVERLAY)**

Section 25.01 Purpose

The City of Circleville contains numerous historic architectural and environmental attributes that establish an environmental character. This environmental character is directly linked to the economic, social, historical and cultural health and well-being of the community. The purpose of the Historic District is to protect and preserve these assets and to prevent intrusions and alterations within the established district(s) which would be incompatible with their established character.

The Historic District is an Overlay District. This means that the requirements of this Article are requirements which must be met in addition to the established requirements and standards of the base district over which the Historic District is placed.

Section 25.02 Definitions

As used in this Article, the following words shall be defined as follows:

- A. "Alteration" means any action to change, modify, reconstruct, remove or demolish any exterior features of an existing structure or site within the Historic District. For the purpose of this item, ordinary maintenance to correct any deterioration, decay or damage to a structure or premises and to restore the structure as nearly as practicable, is excluded from the definition of "alteration", provided such work does not involve a change in type of building materials.
- B. "Architectural Character" means the architectural style, general design, and general arrangement of the exterior of a building or other structure including the type and texture of the light fixtures, signs and other appurtenant fixtures. In the case of an outdoor advertising sign, "exterior features" means the style, material, size and location of the sign.
- C. "Applicant" means any person, persons, association, organization, partnership, unit of government, public body or corporation who applies for a Certificate of Appropriateness in order to undertake an environmental change within the District.
- D. "Board" means the Historic District Review Board of the City of Circleville.
- E. "Certificate of Appropriateness" means a certificate authorizing any environmental change within the Historic District.
- F. "District" means the Historic District.
- G. "Environmental Change" means the construction, alteration, demolition or removal of any property subject to the provisions of this Article.
- H. "Preserve" or "preservation" means the process, including maintenance, of treating an existing building to arrest or slow future deterioration, stabilize the structure and provide structural safety without changing or adversely affecting the character or appearance of the structure.

- I. "Owner" shall mean the owner of record, and the term shall include the plural as well as the singular.

Section 25.03 District Boundaries

The Historic District shall consist of areas to be identified and designated by City Council under separate ordinance. The designation of such areas shall be made by Council after obtaining a recommendation from Planning and Zoning Commission, and holding a public hearing. Prior to that hearing, notification shall be given to all property-owners and residents of the proposed district, pursuant to the same requirements for zoning amendment.

Section 25.04 Historic District Review Board

25.04.01 Establishment and Corporation

The Historic District Review Board is hereby established consisting of seven (7) residents of the City appointed by Mayor for terms of three (3) years. At least two (2) members of the Board shall also be members of the Planning and Zoning Commission, and at least one (1) member of the Board shall be a resident or property-owner of the Historic District. In appointing members, the Mayor shall make good faith effort to appoint persons with professional training in the fields of architecture, design, urban planning, or related disciplines.

25.04.02 Procedures

The Historic District Review Board shall hold not less than four (4) meetings per year.

25.04.03 Quorum

Five (5) members of the Board shall constitute a quorum. The concurring vote of four (4) members of the Board shall be necessary to pass any motion or action.

25.04.04 Procedures

The Historic District Review Board shall adopt its own other procedural rules and guidelines.

Section 25.05 Certificate of Appropriateness Required

No environmental change shall be made to any property within the Historic District until a Certificate of Appropriateness has been properly applied for, and issued by the Board. No zoning or building permit shall be issued by the Zoning Inspector for any construction, reconstruction, alteration or demolition of any structure now or here-after in the Historic District or subject to the process as specified in this Ordinance, unless a Certificate of Appropriateness has been authorized by the Board.

Section 25.06 Procedure for Certificate of Appropriateness

- A. The application for a Certificate of Appropriateness shall be made on such forms as prescribed by the Zoning Inspector, along with such plans, drawings, specifications and other materials as may be needed by the Board to make a determination. At a minimum, such information shall include the following:
 - 1. A site plan showing building outlines, dimensions and landscaping.
 - 2. A complete description of the proposed environmental change.
- B. Applications for a Certificate of Appropriateness shall be filed with the Zoning Inspector at least ten (10) days prior to the meeting of the Historic District Review Board.
- C. The Board shall determine whether the proposed environmental change will be appropriate to the preservation of the environmental, architectural or historic character of the Historic District, pursuant to the criteria specified in Sections 25.07 and 25.08 below.
- D. In determining the appropriateness of a specific environmental change, the Board may conduct a public hearing on the project and/or solicit input from consultants to the City.
- E. If no action is taken by the Board within ninety (90) days from the date of application, the Certificate of Appropriateness shall be issued as a matter of law.

Section 25.07 Criteria of Evaluation of Application for Certification of Design Appropriateness

In considering the appropriateness of any proposed environmental change, including landscaping or exterior signage, the Historic District Review Board shall consider the following:

- A. The visual and functional components of the building and its site, including but not limited to, building height, massing and proportion, roof shape and slope, landscape design and plant materials, lighting, vehicular and pedestrian circulation, and signage.
- B. The distinguishing original qualities or character of a historic building, structure, site and/or its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural or environmental features should be avoided when possible.
- C. All buildings, structures and sites shall be recognized as products of their own time. Alterations that have no historical basis and which seek to create an earlier appearance inconsistent or inappropriate to the original integrity of the building shall be discouraged.
- D. Whereas changes which may have taken place in the course of time are evidence of the history and development of a building, structure or site and its environment, if these changes are deemed to have acquired significance, then this significance shall be recognized and respected.
- E. Distinctive stylistic features or examples of skilled craftsmanship which characterize a building, structure or site shall be treated with sensitivity.

- F. Significant architectural features which have deteriorated shall be repaired rather than replaced, wherever possible. In the event replacement is necessary, the new material should match the material being replaced in composition, design, color, texture and other visual qualities. Repair or placement of architectural features should be based on accurate duplication of the feature, and if possible, substantiated by historic, physical or pictorial evidence rather than on conjectural designs or availability of different architectural elements from other buildings or structures.
- G. The surface cleaning of masonry structures shall be undertaken with methods designed to minimize damage to historic building materials. Sandblasting and other cleaning methods that will damage the historic building materials should be avoided.
- H. Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historical, architectural or cultural material, and such design is compatible with the size, scale, color, material and character of the property, neighborhood or environment.
- I. Wherever possible, new additions or alterations to structures shall be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the original structure would be unimpaired. Additions to the least significant and least visible of historic properties should be given priority over other designs.

Section 25.08 Design Criteria

- A. Existing Structures and Premises. Reconstruction or rehabilitation within the Historic District shall conform to the distinguishing, original exterior qualities or character of the structure, its site, and its environment.
- B. New Construction. The design of new structures and of additions to existing structures, including new site improvements, shall take into account the architectural style, general design, arrangement, texture, material and color of other structures and premises within the individual precinct.
- C. Materials. All new structures and all reconstruction or remodeling of existing structures within the Historic District shall utilize natural traditional exterior materials such as brick, stone, masonry and/or wood. The use of contemporary materials, such as aluminum and other similar metals, fiberglass and plastic for exterior surfaces on architecturally significant structures shall be prohibited unless the use of such materials would contribute to the enhancement of existing traditional materials and the overall integrity and longevity of the structure.
- E. Color. Traditional colors and combinations of those colors that are both identified with the origin or the era in which the structure of property was originally built, shall be used for exteriors for all new structures to be built, and reconstruction, remodeling and exterior maintenance of existing structures within the Historic District.
- F. Signs. All signs within the Historic District shall conform to color and material standards of this Section, be of such size, scale, style and design that reflects the era during which the structure was built, and shall conform to the requirements of Article XXXII of this Ordinance. Sign size and shape shall

also respond to the existing proportions of period structures, and signs shall not be permitted to cover, "blank-out" or close existing window and doorway openings or otherwise hide important architectural features.

Section 25.09 Demolition of Structures

In cases where an applicant applies for a Certificate of Appropriateness to demolish a structure within the Historic District, the Historic District Review Board shall grant the demolition and issue a Certificate of Appropriateness when at least one of the following conditions exist:

- A. The structure contains no features of architectural and historic significance to the character of the individual precinct within which it is located.
- B. There exists no reasonable economic use for the structure as it exists or as it might be restored, and that there exists no feasible and prudent alternative to demolition.
- C. Deterioration has progressed to the point where it is not economically feasible to restore the structure.

Section 25.10 Maintenance

Nothing in this Article shall be construed to prevent ordinary maintenance or repair of any property within the Historic District, provided such work involves no change in material, design, texture, color or exterior appearance; nor shall anything in this Article be construed to prevent any change, including the construction, reconstruction, alteration or demolition of any feature which in the view of the Zoning Inspector is required for the public safety because of an unsafe, insecure or dangerous condition.

Section 25.11 Appeals

Any applicant aggrieved by any decision of the Board may appeal the decision to the City Council. Such appeal shall be taken by the filing of a written statement, setting forth the grounds for the appeal, with the Clerk of City Council within thirty (30) days of the decision of the Board. The City Council may reverse, remand, or modify such decision and shall state the reasons therefore.

Section 25.12 Penalty

Whoever constructs, reconstructs, alters, or modifies any exterior architectural or environmental feature now or hereafter within the Historic District in violation of this Article, shall be deemed to be guilty of a misdemeanor, subject to the penalties specified in Section 3.11.04. of this Ordinance.

ARTICLE XXVI

(GCV) GOLF COURSE VILLAGE OVERLAY DISTRICT

Section 26.01 Purpose

The purpose of the Golf Course Village Overlay District is to encourage the development of new housing carefully integrated with the existing Pickaway Country Club.

Section 26.02 Overlay Zoning District

The GCV Overlay District is intended as an *overlay* district to be used in conjunction with the R-1 and CF zoning districts, which shall be considered as the *base zoning districts* when the GCV District is used. The development standards of the base district shall apply unless they are in conflict with the provisions of this Chapter, in which case, the provisions of this Chapter shall apply.

Only property that is adjacent to the Pickaway Country Club, and/or any future public or private golf course is eligible to be placed in the GCV District,

Section 26.03 Permitted Uses

The permitted and/or conditional uses shall be as specified in the base district, in addition to single-family detached housing, private/semi-private or public golf courses and facilities ancillary to their operation, including but not limited to maintenance facilities, tennis courts, swimming pools, etc.)

Section 26.04 Residential Density

The maximum number of dwelling units permitted in a development in the GCV District shall not exceed 2.9 dwelling units per acre. The number of permitted dwelling units in a specific tract shall be determined by applying the factor of 2.9 dwelling units per acre to the net residential area of the tract. The *net residential area* shall be that remaining after the following areas have been deleted from the gross project area.

- A. land identified as within the 100-year flood plain on the official FEMA Flood Hazard Boundary Map 390445 0100 C, dated September 27, 1991, as may be subsequently amended.
- B. an area equal to twenty-five percent (25%) of the gross project area, representing that portion of the site devoted to streets, rights-of-way and other appurtenances, which would be undevelopable in the traditional subdivision.

Individual lots within the GCV residential development may be developed to R-2 or R-3 zoning standards; however, a minimum of sixty percent (60%) of the total lots in the development shall meet the R-1 standards.

Section 26.05 Open Space

At least twenty percent (20%) of the tract shall be devoted to permanent open space. Such open space shall be addressed in one, or some combination, of the following ways.

- A. dedicated to a homeowners association, which shall hold title to the land. The legal articles of such homeowners association shall provide for the perpetual care and maintenance of the open space, and shall be subject to review by the Planning and Zoning Commission.
- B. sold or dedicated to the Pickaway Country Club, for use as may be mutually agreed upon.

Section 26.06 Development Plan

A Development Plan shall be required for land developed within the GCV District. Such Development Plan shall contain the material and information as required for a Preliminary Development Plan in Section 27.13 of this Ordinance)

Section 26.07 Procedures

The procedures to be followed by the Planning and Zoning Commission in acting upon a development in the GCV District shall be as specified in Sections 27.12 through 27.16 of the Planned Unit Development provisions of this Ordinance.

ARTICLE XXVII

PLANNED UNIT DEVELOPMENT

Section 27.01 Purpose

The purpose of these regulations is to provide for Planned Unit Development (PUD) within the City of Circleville in order to achieve:

- A. A greater choice of living environments by allowing a variety of housing and building types within a single development and permitting an increased net density per acre for such developments
- B. A more useful pattern of open space and recreation areas and, if permitted as part of the project, more efficiency in the location of accessory commercial uses and services.
- C. A development pattern which preserves and utilizes natural topography and geologic features, scenic vistas, trees and other vegetation and prevents the disruption of natural drainage patterns.
- D. A more efficient use of land than is generally achieved through conventional development resulting in substantial savings through shorter utilities and streets.
- E. A development pattern in harmony with land use density, transportation facilities, and community facilities objectives of the community.

The City of Circleville is prepared to accept a higher density in undeveloped areas than that reflected by present zoning, provided the developer can demonstrate that any increment of public cost clearly attributable to increased densities will be compensated for by the private amenities and public benefits to be achieved by the plan of development.

Section 27.02 Definition

"Planned Unit Development", or PUD, shall mean an area of land in which a variety of housing types and subordinate commercial facilities are accommodated in a planned environment under more flexible standards, such as lot sizes and setbacks, than those restrictions that would normally apply under these regulations. The approval of such development contains requirements in addition to those of the standard zoning districts, such as building design principles, and landscaping plans.

Section 27.03 Permitted and Conditional Uses

Permitted uses within the R, AR, LB and CF Districts may be combined in the PUD District, provided that the proposed location of non-residential uses are compatible with the design of the overall tract, will not adversely impact adjacent property, and that the location of such uses are specified in the preliminary and final development plans.

The amount of land devoted to non-residential uses in a development combining residential and non-residential uses shall require approval by the Planning and Zoning Commission.

Section 27.04 Project Area

The gross area of a tract of land proposed to be developed in a planned unit development district shall be a minimum of ten (10) acres. This requirement may be waived by the Planning and Zoning Commission if all property abutting the subject tract is platted and/or developed.

Section 27.05 Common Open Space

A minimum of twenty (20) percent of the gross land area developed in any planned unit development project shall be reserved for common open space and/or recreational facilities of the residents or users of the area being developed. Such common open space shall be:

- A. dedicated to a homeowner's association who shall have title to the land which shall be retained as common open space. The legal articles relating to the organization of the homeowner's association shall be subject to review and approval by the Planning and Zoning Commission and shall provide adequate provisions for the perpetual care and maintenance of all such common areas; or,
- B. dedicated to the City for parks, open space, or the site of schools or other related public facilities. All land so dedicated to the City shall be subject to the review and approval of the Planning and Zoning Commission subject to size, shape and location; or,
- C. some combination of A and B.

Public utility and similar easements and rights-of-way for water courses or other similar channels are not acceptable for common open space dedication unless such land or right-of-way is usable as a bikeway, trail or similar facility and has been approved by the Commission.

Section 27.06 Utilities

All electrical, telephone, cable television, and similar utility transmission and distribution lines shall be located underground.

Section 27.07 Arrangement of Commercial Uses

When planned unit development districts include commercial uses, commercial buildings and establishments shall be planned as groups having common parking areas and common ingress and egress points in order to reduce traffic congestion and mitigate potential conflict points. Planting screens or fences shall be provided on the perimeter of the commercial areas abutting residential areas.

The plan of the project shall provide for the integrated and harmonious design of buildings, and for adequate and properly arranged facilities for internal traffic circulation, landscaping, and such other features and facilities as may be necessary to make the project attractive and efficient from the standpoint of the adjoining and surrounding non-commercial areas.

Service, delivery, and loading areas shall be, to the maximum possible extent, located to the rear of structures, and screened from view by landscaping.

Parking areas shall be designed so as to discourage single, large, unbroken paved lots, and shall encourage smaller defined parking areas within the total parking system. Such defined parking areas should be delineated and accented by landscaped areas.

Section 27.08 Residential Density

The maximum residential density of the entire planned unit development shall be consistent with the most previous zoning classification in which the tract was located, but shall not exceed eight (8) dwelling units per acre. The calculation of such density shall be based on the number of proposed dwelling units divided by the area of the site designated for residential use, excluding streets and common areas.

Section 27.09 Private Roads

Private roads as a common easement may be used to provide internal circulation to clustered lots and/or individual residential structures in residential planned unit developments in accordance with the following:

- A. The easement shall not be counted as required open space.
- B. Approved as part of the subdivision plat as the most appropriate form of access to lots and/or structures.

Private roads shall not be used to provide access to non-residential areas.

Section 27.10 Other Standards

The applicable sections of the Subdivision Regulations of the City of Circleville, and the off-street parking, signage and landscaping regulations of this Zoning Ordinance shall apply.

Section 27.11 Procedure for Approval of PUD District

Planned Unit Development Districts shall be approved in accordance with the procedures specified in Sections 27.12 through 27.21, as follows:

Section 27.12 Pre-Application

The developer is encouraged to meet with the Zoning Inspector and Planning and Zoning Commission prior to the submission of the preliminary development plan. The purpose of this meeting is to discuss early and informally the purposes of this section and the criteria and standards contained herein, and to familiarize the developer with the Planned Unit Development process, and major thoroughfare plan, the subdivision regulations, and the drainage, sewer, and water systems within the City.

Section 27.13 Contents of Application for Preliminary Development Plan

An application for preliminary planned unit development shall be filed with the Planning and Zoning Commission by at least one (1) owner of the property for which the planned unit development is proposed. The preliminary plan must cover the entire contiguous ownership of the applicant unless the applicant specifically states in writing that he/she does not intend to develop the withheld portion of the tract for at least five (5) years.

At a minimum, the application shall contain the following information:

- A. Name, address, and phone number of applicant.

- B. Legal description of property.
- C. Description of existing use.
- D. Present and proposed zoning districts.
- E. A vicinity map at a suitable scale, showing property lines, streets, existing and proposed zoning for all property adjacent to and within 200 feet from the proposed site.
- F. A list of all property owners within 200 feet, contiguous to, and directly across the street from the parcel(s) proposed to be rezoned and their address as appearing on the Pickaway County Auditor's current tax list.
- G. Proposed schedule for the development of the site.
- H. Evidence that the applicant has sufficient control over the land in question to effectuate the proposed development plan.
- I. A Preliminary Development Plan drawn to scale, prepared by a registered architect, registered engineer and/or registered landscape architect. Such plan shall contain the following information at a minimum:
 1. Selected uses by area or specific building location, allocation of land use by type as measured in acres, adjacent existing land use, right-of-way, and relationship to adjacent land use.
 2. General location of thoroughfares, including type, as well as location and size measured in number of parking spaces for all off-street parking areas, including curb cuts.
 3. Open space and the intended uses therein and acreage provided.
 4. Residential land uses summarized by lot size, dwelling type and density.
 5. Existing and proposed roads, buildings, utilities, permanent facilities, easements, rights-of-way and abutting property boundaries.
 6. Physical features and natural conditions of the site including the location of vegetation and existing tree lines.
 7. Surface drainage and areas subject to flooding.
 8. Preliminary plan for water, sewer, storm drainage and other utility systems.

Section 27.14 Review Procedure

Ten (10) copies of the completed application and Preliminary Development Plan shall be submitted to the Zoning Inspector at least ten (10) days prior to the Planning and Zoning Commission's next scheduled meeting. Failure to submit a complete application, as determined by the Zoning Inspector, shall result in a refusal of acceptance.

The Zoning Inspector shall transmit the complete application package to the Planning and Zoning Commission, and other parties as the Zoning Inspector deems appropriate, for review and comment.

A public hearing by the Planning and Zoning Commission shall be held not more than forty-five (45) days from the date of acceptance of the application package. The procedure for notification of such hearing shall be set forth in Section 4.05 A and B of this Ordinance.

Section 27.15 Action by Planning Commission

Within thirty-five (35) days from the public hearing, The Planning and Zoning Commission shall review the application for Preliminary Development Plan and forward one of the following recommendations to City Council:

- A. Recommend that the zoning amendment be granted as requested.
- B. Recommend modification of zoning amendment.
- C. Recommend that the zoning amendment be denied.

Section 27.16 Criteria for Recommendations by Planning Commission

Before making its recommendation as required in Section 27.15, the Planning and Zoning Commission shall find that the facts submitted with the application and presented at the public hearing establish that:

- A. Each individual unit of the development, as well as the total development, can exist as an independent unit capable of creating an environment of sustained desirability and stability; 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.
- B. 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 unit development.
- C. Any proposed commercial development can be justified at the locations proposed.
- D. Any exception from standard district requirements is warranted by the design and other amenities incorporated in the final development plan, in accord with the Planning and Zoning Commission.
- E. The area surrounding said development can be planned and zoned in coordination and substantial compatibility with the proposed development.
- F. The existing and proposed public services are adequate for the population densities and uses proposed, and in conformance with planned capital improvements.

In making its recommendation, the Planning and Zoning Commission may seek the assistance and input of outside consultants and/or experts procured for that purpose.

Section 27.17 Action by City Council

Upon receipt of the recommendation by the Commission, City Council shall review and take action on the application, following the procedures specified in Section 4.06 of this Ordinance. Following approval by City Council, the subject shall be considered as zoned

PUD. The approval of that zoning shall be conditioned on development of the tract being in conformance with the Final Development Plan.

Section 27.18 Final Development Plan

Not later than twelve (12) months from the approval of the Preliminary Development Plan, the developer shall submit ten (10) copies of the Final Development Plan to the Planning and Zoning Commission. The Final Development Plan shall be in general conformance with the Preliminary Development Plan. Failure to submit a Final Development Plan within the specified time period shall render the approved Preliminary Development Plan and the rezoning of the property null and void.

Section 27.19 Contents of Application for Approval of Final Development Plan

An application for approval of the Final Development Plan shall be filed with the Zoning Inspector at least ten (10) days prior to the Commission's next scheduled meeting, by at least one (1) owner or lessee of property for which the planned unit development is proposed. Each application shall be signed by the owner or lessee, attesting to the truth and exactness of all information supplied on the application for Final Development Plan. The Final Development Plan shall be prepared by a registered architect, engineer, or landscape architect and, at a minimum, shall contain the following information:

- A. A survey of the proposed development site, showing the dimensions and bearings of the property lines, areas in acres, topography, existing features of the development site, including major wooded areas, structures, streets, easements, utility lines, and land uses.
- B. All the information required in the Preliminary Development Plan; including the location and sizes of lots, location and proposed density of dwelling units, non-residential building intensity; and land use considered suitable for adjacent properties.
- C. A schedule for the development of units to be constructed in progression and a description of the design principles for buildings and streetscapes; tabulation of the number of acres on the proposed project for various uses, the number of housing units proposed by type; estimated residential population by type of housing; estimated nonresidential population, anticipated timing for each unit; and population density and public improvements proposed for each unit of the development whenever the applicant proposes an exception from standard zoning districts or other resolution governing development.
- D. Engineering feasibility studies and plans showing, as necessary, water, sewer, drainage, electricity, telephone, and natural gas installations; waste disposal facilities; street improvements, and, nature and extent of earth work required for traffic circulation and street improvements, and nature and extent of earth work required for site preparation and development.
- E. Site plan, showing building(s), various functional use areas, circulation and their relationship.
- F. Architectural renderings and accompanying narrative to discuss in detail the design treatment of all buildings and structures where applicable.
- G. Landscaping plans.

- H. Deed restrictions, protective covenants, and other legal statements or devices to be used to control the use, development and maintenance of land, and the improvements thereon, including those areas which are commonly owned and maintained.

Section 27.20 Action by the Planning Commission

Within thirty-five (35) days of the public hearing, the Planning and Zoning Commission shall approve, or approve with modification, the Final Development Plan if it finds that said plan is in conformance with the approved Preliminary Development Plan, and that no significant constraints exist to construction of the project as planned.

Section 27.21 Expiration and Extension of Approval Period

The approval of the Final Development Plan shall be for a period of not to exceed two (2) years. If no construction has begun within two (2) years after approval is granted, the approved development plan shall be null and void, and the land shall revert to the zoning district in which it was located prior to the amendment. An extension of this time limit may be approved if the Planning and Zoning Commission finds that such extension is in the public interest.

Section 27.22 Platting

The creation of new parcels under any planned unit development shall be subject to platting under the City of Circleville Subdivision Regulations. Failure to submit an application for platting of a portion of such property no later than twenty-four (24) months from the effective date of the rezoning shall render the zoning null and void and the property shall revert to its previous zoning classification.

To reduce the length of the review and approval process, a preliminary subdivision plat can be submitted simultaneously with the Development Plan for rezoning to the PUD District to initiate both rezoning and subdivision processes. A final subdivision plat cannot be submitted for review until an amendment to the Zoning Ordinance has been approved by City Council and such amendment has become effective.

ARTICLE XXVIII

GENERAL DEVELOPMENT STANDARDS

Section 28.01 Lot Width

A. Frontage Required

No new principal building or structure shall be built or constructed unless its lot fronts on a publicly dedicated and improved street or thoroughfare within the City.

B. Lot Width

Lot width shall be measured along the minimum building setback line for the district within which such lot is located. For lots on curved streets or at the terminus of cul-de-sacs, lot width shall be determined by the chord length of the lot at the front building setback line.

Section 28.02 Front Yards

A. Front Yard Requirements

All front yard space shall be maintained in accordance with at least one of the following provisions:

1. Landscaped by lawns, shrubbery, trees or other plantings; maintained in a neat and orderly state.
2. In all districts, driveways may be located in front yards. In districts where single-family residences are not a permitted use, front yard setbacks may also be used for parking areas, consistent with the regulations of Article XXX of this Ordinance.

B. Front Yard Measurements

Front yard depth shall be measured from the right-of-way line of the street or highway to the building line.

C. Corner Lots

Lots fronting on more than one street shall provide the required front yard on both streets. Setbacks for one (1) of the other two (2) sides of a corner lot shall be as required for the rear yard in the district where the lot is located.

D. Open Porches

An open, uncovered porch or paved terrace may not project into the required front yard for distance of greater than six (6) feet.

E. Architectural Features

Cornices, canopies, eaves, pilasters, sills or other architectural features may project into a front yard no more than three (3) feet.

Section 28.03 Side Yards

A. Measurement

Side yard width shall be measured from the side lot line to the nearest point of the outside wall of the building.

B. Open Porches

In a residential district, an open, uncovered porch or paved terrace may project into a required side yard, if a minimum of three (3) feet is maintained to any adjoining lot line.

C. Architectural Features

Cornices, canopies, eaves, pilasters, sills or other architectural features may project into a side yard no more than three (3) feet with minimum of two (2) feet maintained to any adjoining lot line.

Section 28.04 Rear Yards

A. Measurement

Rear yard depth shall be measured from the rear lot line to the nearest point on the outside wall of the building. Where a lot abuts a service street or alley, the rear yard shall be measured from the right-of-way line of the existing street or alley.

B. Accessory Uses or Structures

Accessory uses or structures may be allowed in a rear yard, subject to requirements of Article XXIX.

C. Open Porches

In a residential district, an open, uncovered porch or paved terrace may project into a required rear yard, if a minimum distance of twenty (20) feet is maintained to any rear lot line.

D. Architectural Features

Cornices, canopies, eaves, pilasters, sills or other architectural features may project into a rear yard no more than three (3) feet.

Section 28.05 Other Development Standards

A. Height

Height regulations specified in the various zoning districts shall not apply to chimneys, tanks, cupolas, domes, spires, or similar structures attached to principal structures, provided that the height of all structures and buildings, including those mentioned above, shall not constitute a hazard to safe landing and take-off of aircraft from an established airport.

B. Minimum Floor Area Requirements

Minimum floor area requirements as specified in the various zoning districts shall not include open porches, decks or outdoor living areas, garages, breezeways or steps.

C. Lot Coverage

In any R District, the coverage of the lot shall be not more than thirty-five percent (35%). The calculation of such coverage shall include principal and accessory structures, but shall not include open decks, porches or steps.

ARTICLE XXIX

ACCESSORY USES AND STRUCTURES

Section 29.01 General Provisions

A. Number

Not more than three (3) accessory buildings or structures shall be permitted on a single residential lot, not more than one of which may be a storage building.

B. Height

An accessory use or structure shall not exceed eighteen (18) feet in height, unless the subject property is located within the Historic District, and specific approval for a higher accessory building is granted by the Historic District Review Board, in order to promote consistency with the architectural character of the other structures on the site.

C. Location

An unattached use or structure shall be located to the rear of the principal dwelling structure within any side or rear yard no closer than six (6) feet from any side or rear lot line in the R-1, R-2 or R-3 District, and three (3) feet in the R-4, R-5 or RO District.

D. Permitted Area

The total area of all accessory uses or structures shall not exceed 720 square feet, except for swimming pools and tennis courts which shall be exempted from these area requirements.

Section 29.02 Home Occupations

Home occupations or professions shall be considered as permitted or conditional uses in the various residential districts. A home occupation shall comply with the following standards:

A. The use shall be clearly incidental and secondary to residential use of the dwelling and not more than fifteen percent (15%) of dwelling unit floor area is devoted to the home occupation.

B. The home occupation shall not generate greater traffic volume than is normal for a residential neighborhood.

C. Not more than one (1) person, other than immediate family residing at the premises, shall be employed in such occupation.

D. External indication of such home occupation shall be limited to one non-illuminated sign, not more than four (4) square feet, attached flat against the principal structure.

- E. No equipment or process shall be used which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to normal senses off the lot.
- F. No home occupation shall be conducted from any accessory building on the lot.

In particular, a home occupation shall consist primarily of rendering specific personal services, such as those performed by a seamstress, member of the clergy, physician, dentist, lawyer, engineer, architect, accountant, artist, or private teacher. The home occupation shall be performed by the occupant of the premises and shall include employment of not more than one (1) non-resident of the premises.

Section 29.03 Private Swimming Pools

A "private swimming pool" as regulated herein, means any pool or open tank not located within a completely enclosed building and containing water to depth, at any point greater than one and one-half (1 1/2) feet. No such swimming pool, exclusive of portable swimming pools with an area of less than 100 square feet, shall be allowed in any residential district unless the following conditions and requirements are complied with:

- A. The pool is intended to be used solely for the occupants of the principal use of the property on which it is located.
- B. Such pool, including any walks, paved areas, and appurtenances thereto, shall not be located in any front yard, nor closer than ten (10) feet to any property line or structure.
- C. The area of the swimming pool, exclusive of decks, walks and other appurtenances, shall not exceed ten percent (10%) of the area of the lot or parcel.
- D. Any private swimming pool, or the property on which the pool is located, shall be enclosed by a wall or fence constructed so as to prevent uncontrolled access. Such wall or fence shall not be less than five (5) feet in height, maintained in good condition, and affixed with an operable gate and lock.
- E. All lights used for the illumination of the swimming pool and adjacent areas shall be designed, located and installed so as to confine the direct beams thereof to the lot or parcel on which the pool is located.

A zoning permit shall be required for the construction or installation of any private swimming pool. The owner of the property, or his agent, shall certify that the pool will be constructed, installed and maintained in conformance with the above requirements.

Section 29.04 Residential Fences and/or Hedges

Section 29.04.01 Definition

"Fence" or "wall" means any structure composed of wood, metal, stone, brick or other material, including hedges or other plants, erected in such a manner and location so as to enclose, partially

enclose or divide any premises or part of premises for the purpose of confinement, screening, partitioning, or decoration. Trellises or other structures for the purpose of supporting vines, flowers or other vegetation, when erected in such a position so as to enclose, partially enclose or divide any premises or any part of premises shall also be considered a fence.

A "decorative fence" means a fence that is not suited for the containment of animals or property, in which the opacity of the fence is less than twenty-five percent (25%).

Section 29.04.02 Permit Required

No fence or wall, as defined above, may be erected within the City unless the property owner or his agent files application with the Zoning Inspector. Such application shall include a drawing of the lot, showing the actual location of the proposed fence or wall. The property owner shall determine property lines and certify that the fence or wall does not encroach upon another lot or parcel of land.

Section 29.04.03 Height and Location

The permitted height of a fence or wall shall be determined by its location on the property as follows:

- A. A decorative fence or wall not exceeding 48 inches in height may be erected within the front yard provided that the fence or hedge is located not less than three (3) feet from the street right-of-way line, and further provided that the provisions of 29.04.03.C. below are met.
- B. A fence or wall not exceeding seventy-two inches (72 ") in height may be erected in any area of the lot behind the building setback line.
- C. No fence, hedge, or wall shall be erected on any lot in such a manner so as to obscure the vision of motorists approaching a street intersection, within a twenty-five (25) feet clear sight distance along either street approaching said intersection.

Section 29.04.04 Prohibited Fences

No person shall erect or maintain any fence or wall charged with electrical current, nor shall any person erect or maintain any fence or wall having wire or metal prongs or spikes, or other cutting points or edges.

ARTICE XXX

OFF-STREET PARKING AND LOADING REQUIREMENTS

Section 30.01 Purpose

The purpose of these requirements for off-street parking and loading facilities is to encourage the orderly development of parking areas within the City and to promote the safety of residents and visitors by insuring the efficient handling of vehicular traffic.

Section 30.02 Provision for Parking and Loading Required

In all zoning districts, at the time any building, structure or use is changed, established, erected, developed, or is enlarged or increased in capacity, there shall be provided off-street parking and loading spaces in accordance with the provisions of this Article.

Section 30.03 General Specifications and Requirements

A. Area and Dimensions - Parking Spaces

	<u>Minimum Width</u> <u>(Measured in Feet</u> <u>Parallel to Aisle)</u>	<u>Minimum</u> <u>Length</u> <u>(Feet)</u>	<u>Maneuvering Lane</u> <u>Width</u> <u>(Feet)</u>
Parallel Parking	9	23	12
30-53 Degree Angle Parking	13	20	15
54-74 Degree Angle Parking	10	20	20
75-90 Degree Angle Parking	10	20	20

B. Area and Dimensions - Loading Spaces

Loading spaces shall conform to the following minimum requirements:

<u>Length</u>	<u>Width</u>	<u>Height Clearance</u>
30 Feet	12 Feet	15 Feet

C. Access

All off-street parking and loading areas provided in accordance with this Section shall have direct access to a publicly dedicated and improved street or alley.

D. Surfacing

All off-street parking and loading areas shall be properly graded, drained, marked and surfaced so as to provide a hard, durable and dustless surface. All off-street parking and loading areas located in front yard setbacks, serving other than single family residential uses, shall be paved with asphalt, Portland concrete, brick, or other material.

E. Lighting

Any lighting used to illuminate any off-street parking or loading area shall be so arranged as to reflect light away from any adjoining premises in any zoning district where residences are a permitted use. In addition, such lighting shall be so arranged as to not interfere with traffic on any adjoining street or to be confused with any traffic control lighting.

F. Location of Parking and Loading Spaces

1. Proximity to Street Right-of-Way

- a. For single- and two-family residential uses, no off-street parking space (or portion thereof) shall be located closer than five (5) feet to any established street right-of-way line.
- b. In the R-4, R-5 or RO District, no off-street parking space, or portion thereof, shall be located closer than 2) feet to any established street right-of-way line.
- c. In all other districts, a five (5) foot clear zone shall be maintained between the street right-of-way line, and any vehicle. Parking areas shall be so designed and arranged as to not allow the protruding of any vehicle (or portion thereof) over the clear zone.

2. Proximity to Use

- a. In the LB and DB Districts, required parking spaces may be located within 300 feet of the use they serve.
- b. In all other zoning districts, required parking and spaces shall be provided on the same lot as the principal use which they serve.

3. Joint Provision of Parking Facilities

Two or more buildings or uses located in the same area may meet parking and loading requirements by the joint provision of parking and loading facilities, provided those facilities are located so as to meet the requirements of Section 29.03F, and the number of spaces so provided shall not be less than the sum of required spaces as per Section 29.05 of this Ordinance. A written agreement between the parties, stating the terms under which the proposed parking shall be developed and maintained, shall be filed with the application for a zoning permit. Such agreement may be submitted by the Zoning Inspector to the City Law Director for review and comment prior to issuance of a zoning permit.

Section 30.04 Parking Limitations in Residential Districts

Travel trailers, motor homes, pick-up campers, folding tent trailers, boats or boat trailers and similar recreational equipment and/or inoperable vehicles shall not be parked on streets or alleys in any district where residences are a permitted use, for a period of time exceeding one (1) hour. The storage of such equipment shall be subject to the following requirements:

- A. Not more than two (2) pieces of recreational equipment, not more than one which can be a motor home, shall be permitted to be stored outside on a parcel containing a single family or two-family dwelling. For the purpose of this Section, a boat stored on a boat trailer shall be deemed one piece of recreational equipment. For multi-family uses, an area shall be designated for outdoor storage of recreational equipment and shall be limited in area to accommodate no more than one (1) piece of recreational equipment for each fifteen (15) dwelling units.

- B. Recreational equipment shall not be occupied or used for living, sleeping, housekeeping, storage or business purposes.

Section 30.05 Provision of Parking in the DB District

The Downtown Business (DB) District contains small lots and has historically had a portion of its parking needs met by on-street parking. For this reason, special parking regulations are warranted. For non-residential uses located within the DB District, only twenty-five percent (25%) of the required spaces as specified in Section 29.06 below must be provided, provided that in all cases, sufficient off-street spaces shall be provided for all employees of the establishment.

Section 30.06 Required Number of Off-Street Parking Spaces

Parking spaces shall be provided according to the following Schedule, which is hereby made a part of this Ordinance. If a use consists of more than one component use (e.g., a school with a stadium) the required number of parking spaces shall be the sum of the required spaces for those component uses. For uses that are not listed in the Schedule, the determination of the required spaces shall be made by the Planning and Zoning Commission.

SECTION 30.06 SCHEDULE OF REQUIRED OFF-STREET PARKING SPACES

Use	Number of Parking Spaces	Use	Number of Parking Spaces
A. Residential			
1. Single or multiple-family residences	Two (2) per dwelling unit	4. Personal services, including banks, savings and loans, repair services without drive-through facilities.	One (1) for each 200 square feet of gross floor area.
2. Institutional housing	One (1) per three (3) occupants plus one (1) for each main work shift.	5. Banks, savings and loans and similar uses with drive-through facilities.	One (1) for each 200 square feet of gross floor area plus additional spaces in all drive-through lanes equal to 80 percent (80%) of the required number of parking spaces.
B. Recreational			
1. Softball, baseball, football, soccer or similar organized sport playground.	20 for each playground, plus one (1) for each six (6) seats in stands.	6. Barber and beauty shops.	Two (2) for each work station.
2. Tennis, handball, or racketball courts.	Three (3) for each court.	7. Gasoline and service stations, automobile service.	Two (2) for each service bay plus one (1) for each two (2) gasoline dispensing units, plus one (1) for each employee during main shift.
3. Bowling alleys.	Five (5) per lane plus necessary spaces as required for affiliated uses, such as restaurants.	8. Self-serve laundries	One (1) for each three (3) washers.
4. Theaters, stadium or sports arenas, auditoriums or other assembly halls other than schools.	One (1) for each four (4) seats.	9. Hotels, bed and breakfast establishments.	One (1) for each sleeping room or suite, plus one (1) for each employee during main shift.
C. Institutional			
1. Churches and other places of public worship.	One (1) for each five (5) seats in main auditorium.	10. Funeral homes.	One (1) for each 50 square feet of gross floor area.
2. Public or private school.	Three (3) for each classroom or one (1) for each five (5) seats in main auditorium whichever is greater.	11. Medical or dental offices; animal hospitals / clinics.	Five (5) for each doctor or dentist.
3. Nursery School/Day Care.	One (1) for each 15 students of proposed capacity.	12. Professional, administrative and business offices.	One (1) for each 400 square feet of gross floor area.
4. Libraries, museums, community centers.	One (1) for each 400 square feet of gross floor area.	E. Industrial	
5. Civic, social, fraternal organizations.	One (1) for each three (3) persons allowed under maximum occupancy of main meeting room.	1. Manufacturing, compounding, processing, assembling, packaging or treating of goods; warehousing, distribution and service industries.	Two (2) for each three (3) employees during work shift having greatest number of employees, plus (1) for each vehicle maintained on the premises.
6. Hospitals, nursing facilities.	One (1) for each four (4) beds plus one (1) per employee on main shift.		
D. Commercial			
1. Food, department or general merchandise, hardware, drugs, and other retail sales.	One (1) for each 200 square feet of gross floor area.		
2. Eating and drinking establishments without drive-through facilities.	One (1) for each 100 square feet of gross floor area.		
3. Restaurants with drive-through facilities.	One (1) for each 75 square feet of gross floor area, plus additional spaces in the drive-through lanes equal to 25 percent (25%) of the required number of parking spaces.		

ARTICLE XXXI

SCREENS AND BUFFERS

Section 31.01 Purpose

The purpose of these requirements is to specifically encourage the preservation and replacement of major trees removed in the course of land development, to promote the proper utilization of landscaping as a buffer between particular land uses, and to minimize noise, air and/or visual pollution and artificial light glare.

Section 31.02 Tree Preservation

When preparing and reviewing site and development plans, good faith effort shall be made to preserve natural vegetation. Streets, lots, structures and parking areas should be laid out to avoid unnecessary destruction of heavily wooded areas or outstanding tree specimens.

Section 31.03 Screening

A. Screening of Uses in Particular Districts

The development standards for particular districts require the installation of landscaped "buffer" areas of side or rear yards that are adjacent to districts where single or two-family residences are permitted uses. When required, such screening shall consist of walls, landscaped earthen mounds, fences, natural vegetation or an acceptable combination of these elements, provided that screening must be at least seven (7) feet in height. The use of year-round vegetation, such as pines or evergreens, is encouraged. Landscaped screening shall have at least seventy-five percent (75%) opacity during full foliage.

B. Screening of Trash Receptacles

The development standards for particular zoning districts require the screening of trash receptacles to effectively screen them from view. In those cases where screening is required, landscaping can be utilized to meet the requirement, provided the standards for such landscaping meet the requirements of Section 31.03.A.

C. Maintenance of Shrubbery and Hedges

In any district, no shrubbery or hedge shall be planted, in such a manner that any portion of growth extends beyond the property line. The owner or occupant of property on which there is shrubbery, hedges, or trees located so as to affect the vision of drivers on adjacent streets shall keep shrubbery and hedges trimmed to a maximum of thirty (30) inches in height, and keep trees trimmed so as to avoid covering or obscuring of traffic visibility or traffic control signals.

Section 31.04 Landscape Materials Used as Buffers

Landscape materials utilized in meeting requirements of this Section should complement the form of existing trees and plantings, as well as the general design and architecture of the developed area. The type of sun or shade should be considered in selecting plant materials. Artificial plants are prohibited. All landscape materials shall be living plants and shall meet the following requirements.

- A. Quality - All plant material shall conform to the standards of the American Association of Nurserymen and shall have passed any inspections required under State regulations.
- B. Deciduous Trees - Trees which normally shed their leaves in the fall, shall be species having an average mature crown spread of greater than fifteen (15) feet and having trunks which can be maintained with over five (5) feet of clear wood in areas where visibility is required, except at vehicular use intersections where the clear wood requirement shall be eight (8) feet. A minimum of ten (10) feet overall height, or a minimum caliper (trunk diameter as measured six inches above the ground) of at least two (2) inches immediately after planting shall be required. Trees of undesirable species, as cited in 31.04.C below, are prohibited.
- C. In meeting the planting and maintenance requirements of this Ordinance, the following species of trees shall be considered undesirable species, and shall not be utilized.
 - 1. Box-Elder (*Acer negundo*)
 - 2. Silver Maple (*Acer saccharinum*)
 - 3. Catalpa (*Catalpa speciosa*)
 - 4. Tulip Tree (*Liriodendrum tulipifera*)
 - 5. Mulberry (*Morus alba*)
 - 6. Poplars and Cottonwoods(all kinds) (*Populus*)
 - 7. Willows (all kinds) (*Salix*)
 - 8. Siberian Elm (*Ulmus pumila*)
- D. Evergreen trees - Evergreen trees shall be a minimum of three (3) feet high with a minimum caliper of one (1) inch immediately after planting.
- E. Shrubs and Hedges - Shrubs shall be planted at least two (2) feet in average height when planted and shall conform to specified requirements within four (4) years after planting.
- F. Vines - Vines shall be at least twelve (12) inches high at planting and generally used in conjunction with walls or fences.
- G. Grass or Ground Cover - Grass of the fescue (Gramineae) or bluegrass (Poaceae) family shall be planted in species normally grown as permanent lawns, and may be sodded or seeded. In swales or similar areas subject to erosion, nets or suitable mulch shall be used; nurse grass shall be sown for immediate protection until complete coverage otherwise is achieved. In certain cases, ground cover consisting of rocks, pebbles, sand or similar materials may be approved.

ARTICLE XXXII

SIGNS

32.01 Purpose

The purpose of these regulations is to encourage the proper development of signs and signage systems. It is the intent of these regulations to prevent signs from becoming a distraction or obstruction to the safe flow of pedestrian and vehicular traffic, to prevent signs from becoming a nuisance to adjacent properties or uses, to encourage the development of signage that promotes a healthful economic and business environment and thereby protect the general health, safety, and welfare of the City of Circleville.

32.02 Definitions

As used in this Article, the following words or phrases shall have the meanings herein:

- A. "Awning" means a hood or cover that projects from the wall of a building
- B. "Banner" means a nonrigid cloth, plastic or canvas sign typically related to a special event or promotion.
- C. "Canopy" means a structure separate from, but associated by use with the principal building. Such structure is supported independently by posts or columns, is open on all sides, and is intended only for shelter or ornamentation. A "canopy sign" is a sign that is attached to or a part of the roof of such a structure.
- D. "Directional sign" means any sign which indicates the direction or specific location of an institution, organization or business, which does not include advertising or any information regarding product lines or services offered.
- E. "Flashing" means a sign or graphic which in any manner, as a whole or in part, physically changes in light intensity or gives the appearance of such change.
- F. "Freestanding sign" means a sign erected on a pole, poles, pillars, or posts and which is wholly independent of any building for support.
- G. "Joint Identification sign" means a sign intended to provide the identity or name, for two or more uses within one building or on one property or the name of the building or its address for property occupied by two or more businesses.
- H. "Marquee" means an awning which has been specially constructed so as to support a sign.
- I. "Moving sign" means any sign, all or any part of which physically moves or is animated so as to give the appearance of movement.
- J. "Off-premises sign" means any sign more than four (4) square feet in area that identifies or provides information related to a good, service or event that is not located on the property where such sign is located.

- K. "Pennant" means a triangular-shaped banner.
- L. "Permanent subdivision identification sign" means those signage features specifically related to the denotation of a major entrance or entrances to a subdivision.
- M. "Permanent sign" means a sign intended to be erected or used, or in fact which is used for time period in excess of one (1) year.
- N. "Portable sign" means a sign designed or constructed in such a manner that it can be moved or relocated without involving any structural or support changes and shall include:
 - "Trailer sign" meaning a sign that is constructed on a chassis intended for the mounting of wheels, thereby permitting the sign to be moved forward.
 - "Folding portable sign" meaning a sign constructed of wood or other durable material which can be folded or collapsed for ease of transport.
- O. "Projecting sign" means a sign which extends outward perpendicular to the building face.
- P. "Roof sign" means any sign erected upon or completely over the roof of any building.
- Q. "Sign" means any device for visual communication which is designed, intended, or used to convey a message, advertise, inform or otherwise direct attention to a person, institution, organization, activity, business, place, object or product. Signs that are placed internally within a structure or building that are not externally visible shall be excluded from the sign regulations of this Ordinance. Signs erected by the local, state or federal government for the purposes of discharging in any normal governmental function, such as traffic control or safety, are likewise excluded from the regulations of this Article.
- R. "Streamer" means a ribbon-shaped or cord-like rope, which may have pennants and/or banners attached which is stretched or hung between two (2) or more supports.
- S. "Temporary sign" means a sign intended to be used, or in fact used, for a time period of ninety (90) days or less.
- T. "Wall sign" means a sign attached to a building face, with the exposed face thereof in a plane parallel to the plan of the wall. Wall signs include painted murals, messages, graphics and other designs painted along with any letters or numerals mounted directly on buildings.
- U. "Window sign" means a sign, graphic, poster, symbol or other identification which is physically affixed to or painted on the glass or other structural component of the window.

32.03 Sign Permits

A. Permit Required

No permanent or temporary sign, except as exempted in Section 32.04 of this Ordinance shall hereafter be erected, constructed or maintained within the City

of Circleville unless a permit for the same has been issued by the Zoning Inspector.

B. Contents of Application

Application for a permit to construct or erect a sign shall be made by the owner of the property upon which the sign is proposed, or his agent. The fee shall be established by separate Ordinance.

Each application for a sign permit shall be made on forms provided by the Zoning Inspector, and shall include the following information:

1. Name, address, and telephone number of the applicant.
2. Drawings to an appropriate scale, showing at a minimum:
 - a. The width of the building face or faces that abut the streets and the width of the lot not occupied by a building.
 - b. The design and layout of the proposed sign, including the total area of the sign and the size, height, character, materials and color of letters, lines, and symbols. If more than one sign face is proposed, separate information on each face shall be provided
 - c. The method of illumination.
 - d. The exact location of the sign in relation to the building and property.
- C. Details and specifications for the construction, erection and attachment of the sign.
- D. Name, address and telephone number of the sign contractor or company.
- E. Other information as may be required by the Zoning Inspector to ensure compliance with the provisions of this Ordinance.

32.04 Signs Which Do Not Require a Permit

The following signs may be erected without a permit:

- A. Address and name of occupant of premises for a residential structure, not to include designations as to employment or home occupation, and to be limited in size to two (2) square feet.
- B. Signs required or authorized for a public purpose by any law, statute or ordinance, such signs to include traffic control devices provided that such signs contain no supplementary advertising.
- C. Signs which are in the nature of cornerstones, commemorative tables and historical designations, provided that such signs are less than nine (9) square feet in size and not illuminated.
- D. Signs clearly in the nature of decorations customarily associated with any

national, local or religious holiday. Such signs may be of any illumination or animation provided that safety and visibility hazards are not clearly created.

- E. Political signs or posters concerning candidates for elective office, public issues and similar matters to be decided by public election, to be displayed beginning no more than 45 days prior to election and to be removed no later than three (3) days after such election, subject to penalty. Such signs shall not exceed six (6) square feet in area, shall not be illuminated, and shall not be located within a public right-of-way nor be affixed to any public utility pole or street tree. In addition such sign shall not be located in any manner so as to create a safety or visibility hazard.
- F. Signs that indicate the sale, development, rental or lease of a particular structure or land area, provided such sign does not exceed fifteen (15) square feet in area. One such sign be allowed per street front. Such signs shall not be located in a public right-of-way.
- G. Temporary window signs which promote special business sales, promotion or occasions. No business shall display such signs for more than thirty (30) days per calendar year. The date for each sign is first displayed and the time period for which the sign will be displayed shall be legibly marked on the sign.
- H. Signs, which are less than two (2) square feet in size and mounted or attached flat or parallel onto a building face of an administrative, business or professional office building, which denote the name and address of an occupant in a building where more than one tenant is located and which has individual and separate entries.
- I. A sign which advertises the sale of personal property, such as a garage, yard, porch or moving sale sign provided such sign, is located on the sale premises for a time period not greater than three (3) consecutive days, and is not to be located in a public right-of-way, nor affixed to any public utility pole or street tree. Such signs shall not be located in such a manner so as to create a safety or visibility hazard.
- J. Temporary construction signs which display the identification of the construction project, including identification of the contractors, architects and other construction principals. Such construction sign shall be limited to one (1) per construction site, shall not exceed thirty-two (32) square feet in area and shall be removed upon the completion of construction or the commencement of occupancy, whichever event occurs first. Such signs shall not be located within the public right-of-way.
- K. Signs promoting community events and programs which last for a time period of fourteen (14) days or less and which are sponsored by nonprofit, public, educational, religious and charitable organizations. All such signs shall be removed not later than forty-eight (48) hours after the scheduled activity.

32.05 General Requirements - Temporary Signs

Temporary signs shall be subject to the following general requirements:

- A. Not more than one (1) temporary sign shall be permitted on any property at one time.

- B. Banners less than thirty (30) square feet in area are permitted provided they are secured at each corner, point and/or end so as to prevent movement. Streamers are prohibited.
- C. Trailer signs as defined in Section 32.02 N are prohibited. Folding portable signs, as defined in Section 32.02 N shall be permitted if such signs are anchored so as to prevent accidental collapse.
- D. The date upon which a temporary sign is first displayed shall be legibly marked on the sign.
- E. Not more than four (4) off-premises signs for community events pursuant to Section 32.04 N shall be permitted. Each additional signs shall require a permit, shall not exceed ten (10) square feet in area, and shall be removed not later than forty-eight (48) hours after the scheduled activity.

32.06 General Requirements - Permanent Signs

- A. Compliance Required

Permanent signs shall be subject to the following requirements, as well as the requirements of the Schedule of Sign Regulations in Section 32.10.

- B. Wall Signs, Awning / Canopy Signs, Projecting Signs

Wall signs may be erected on any building wall or extension of a building wall which faces a street, parking lot or service drive, and such sign may not extend beyond any building setback line. Wall signs shall be attached parallel to the building face and extend outward perpendicular from the building face a maximum of twelve (12) inches, except as follows:

- 1. Signs may be painted on an awning area or attached to a canopy, marquee or roof which projects beyond the building provided that no part of such sign may extend above the roof line, canopy or marquee.
- 2. Projecting signs not to exceed eight (8) square feet in size, is placed not less than eight (8) feet above the sidewalk or ground level, and projects no more than six (6) feet outward from the building face.

- C. Freestanding Signs

The location, height and other characteristics of freestanding signs must meet the regulations of this Article. No portion of any freestanding sign shall be erected over the street right-of-way.

- D. Window Signs

Permanent window signs shall be limited to signs denoting the identification of the occupant, the address of the premises, and its use. Window signs shall be limited to one sign per window and shall not exceed thirty-three percent (33%) of the total area of the window.

- E. Off-Premises Signs

Off-premises signs as defined in Section 32.02 J are designated as a permitted principal uses in the LI and GE Districts. Not more than one (1) off-premises sign with a sign face area not exceeding 200 square feet is permitted on a

single lot. Off-premises signs shall conform to all applicable yard, setback and height restrictions for structures in the zoning district where they are located.

F. General Requirements

1. Illumination - Illuminated signs shall be permitted in all districts. Illumination shall be from a concealed or indirect light source and shall not flash, blink, fluctuate in intensity, travel, move or in any manner fail to provide constant illumination, and shall not create a hazard or visibility problem or interfere with or impair vehicular traffic. The level of illumination emitted from a sign shall not be of an intensity to constitute a demonstrable safety hazard to vehicular movement on any street. Illuminated signs shall be constructed and maintained so that the source of illumination is shielded or otherwise prevented from beaming directly onto adjacent properties or streets.
2. Moving Signs - Moving signs and the animation of signs are prohibited.
3. Pennants and/or Streamers - No permanent sign shall contain or consist of banners, pennants, ribbons, streamers, balloons or similar devices.
4. Construction - All signs and parts thereof, including any electrical wiring, shall be erected, constructed, and maintained so as to not constitute a safety hazard. The construction and installation of all signs shall be subject to inspection by the City.
5. Location - No part of any sign shall be placed in, over, or extend onto any public right-of-way, except for awning, canopy or projecting signs in the DB District. In no case shall any part of a sign be placed over, or extend above the roof of any structure.
6. Joint Identification Signs - Joint identification signs shall be limited to wall or freestanding signs, and to premises where there are two (2) or more uses located on one (1) public street. If the property fronts on one (1) public street, only one (1) joint identification sign is permitted. If the property fronts on two (2) public streets, two (2) joint identification signs shall be permitted. Each joint identification sign shall not exceed fifty (50) square feet and fifteen (15) feet in height if in the GB, LI or GE District, and no more than twenty (20) square feet in area and eight (8) feet in height in any other district.
7. Roof Signs - Roof signs are prohibited.
8. Permanent Subdivision Identification Signs - Such signs shall be limited to wall mounted signs or graphics only, with placement on walls, railroad ties, entrance columns or similar architectural or landscaping features used to denote the entrance to the subdivision and not more than five (5) feet in height and shall set back at least twenty-five (25) feet from the right-of-way of both streets.
9. Signs in Planned Unit Development Districts - Signs in the Planned Unit Development District shall generally meet the requirements for similar uses in the Residential and LB Districts. The applicant

shall submit a total signage plan for the proposed planned unit development as part of the final development plan.

32.07 Measurement of Sign

For the purposes of this Ordinance, the measurement of sign area shall comply with the following standards:

- A. Sign area shall include the face of all the display area of the sign not including bracing, framing and structural supports of the sign, unless such support members are made part of the message or face of the design.
- B. Where a sign has two or more display faces, the area of all faces of the sign shall be included in determining the area of the sign. For spherical signs, the sphere shall be bisected by an imaginary line through the center of the sphere, and the surface area of the half sphere shall be counted as the sign face. For cubical signs, the area of all display faces shall be included in determining the area of the sign.
- C. The area of the letters, numbers or emblems mounted on a building wall or wall extension shall be computed by enclosing such sign with the smallest single continuous perimeter consisting of rectangular or series of rectangles around the letters, number or emblems, and determining the area.
- D. The height of the sign shall be measured from the elevation of the ground at the point which the base of the sign meets the ground, to the highest point on the sign.
- E. For structures and uses having no direct frontage on public roads, as within shopping centers, frontage shall be counted as the measurement of the building line along adjacent drives or parking areas.

32.08 Nonconforming Signs

A Abandonment

The continuance of an existing sign which does not meet the regulations and requirements of this Article shall be deemed a nonconforming sign which shall terminate by abandonment when any of the following conditions exist:

- 1. When the sign is associated with an abandoned use.
- 2. When the sign remains after the termination of a business. A business has ceased operations if it is closed to the public for at least ninety (90) consecutive days. Seasonal businesses are exempt from this requirement.
- 3. When the sign is not maintained or does not conform to the following:
 - a) All signs, together with all supports, braces, guys and anchors shall be kept in a proper state of repair.
 - b) Every sign and the immediately surrounding premises shall be maintained by the owner, or his agent, in a clean, sani-

tary and inoffensive condition, free from all obnoxious substances, rubbish and weeds.

Upon finding that the sign is abandoned, the right to maintain and use such sign shall terminate immediately.

B. Relocation or Replacement

A nonconforming sign shall not be structurally relocated or replaced unless it is brought into compliance with the provisions of this Section. Should any replacement or relocation occur without being brought into compliance, the sign shall be existing illegally, and subject to the penalties as specified in Section 32.10 of this Ordinance.

C. Maintenance

A nonconforming sign shall be maintained or repaired in accordance with the following provisions:

1. The size and structural shape of the sign shall not be changed or altered. The copy may be changed provided that the change applies to the original use associated with the sign at the time the sign became nonconforming, and a permit is obtained. The copy area shall not be enlarged.
2. In case damage occurs to the sign to the extent that more than 50 percent (50%) of the replacement value is lost, the sign shall be removed within sixty (60) days.

D. Inspection by the City

If any existing sign is found, upon inspection by the City, to constitute a hazard to public safety, such sign shall be subject to removal.

32.09 Variances

Variances to this Article may be granted pursuant to the procedures and policies set forth in Article V of this Ordinance. Variances for signage pertaining to property in the Historic District, as designated by Council pursuant to Article XXV, may be granted by the Historic District Review Board, utilizing procedures and requirements developed by the Board for that purpose.

32.10 Penalties

Any person, firm, corporation, partnership or association violating any provision of this Article or failing to obey any lawful order issued pursuant to its terms shall be subject to fines and penalties as specified by separate Ordinance.

32.11 Schedule of Sign Regulations

The Schedule of Sign Regulations as follows on the accompanying table is hereby made a part of this Ordinance.

32.11 SCHEDULE

USE / DISTRICT

Residential

Single Family (all districts)

Subdivision Identification Sign

Two-Family in R-5 District

Two- and Multi-Family Dwellings
in AR District

Offices in RO District

Nursery Schools, Day Care
Facilities in R-4, R-5 Districts

Commercial/Office/Institutional

Schools, churches, hospitals and
other institutions in CF District

Buildings housing Essential Services
similar public facilities

Churches in R-4 and R-5 Districts

Permitted / conditional uses in LB

Business / professional offices in D

Other general retail / service / commercial
in DB District

Permitted / conditional uses in GB

Industrial

Permitted uses in the LI and GE Districts

- NOTES:**
- Permitted signage for each unit.
 - Plans for signage in the Development Plan: the Planning Commission.
 - See Section 29.02 for

ARTICLE XXXIII

SATELLITE SIGNAL RECEIVERS AND ANTENNAS

Section 33.01 Purpose

It is the purpose of this Article to protect the health, safety, welfare and property rights of all property owners within the City by permitting the reasonable use of dish-type receiving stations and/or antennas designed to receive television or radio signals remote locations via satellite, hereinafter referred to as "satellite dishes".

Section 33.02 Permit Required

No person, firm, or corporation shall erect a satellite dish within the City of Circleville without first securing a permit from the Zoning Inspector, in accordance with the provisions of this Ordinance. The application for such permit shall be made on forms furnished by the City and shall contain, at a minimum, the following information.

- A. Name, address, and telephone number of the applicant, and owner of the property, if different from the applicant.
- B. Name of occupant of the property, if different from above.
- C. Name, address, and telephone number of contractor or other person who is responsible for erection or construction of the satellite dish.
- D. Plot plan of the lot showing the exact location of the satellite dish.
- E. Description of the kind and type of satellite dish or antenna to be erected.
- F. Plans and specifications showing the elevations, where sufficient details of the method of assembly and construction to determine compliance with the provisions of this Ordinance.
- G. An application fee, as established by City Council.

Section 33.03 Approval of Permit

Upon receipt of the application, the Zoning Inspector shall issue a permit for a satellite dish, if the application shows that all the requirements of this Ordinance have been met. If the application is denied, the applicant may follow procedures for appeal and/or variance as specified in Article V of this Ordinance.

Section 33.04 Location of Satellite Dish

- A. Satellite dishes shall be permitted as an accessory use in those zoning districts where they are so specified.
- B. All satellite dishes shall be constructed or erected to the rear of the premises where not visible from the street.

- C. No satellite dish shall be erected within twenty (20) feet from any lot line in the AG, R-1, R-2 and R-3 Districts, and fifteen (15) feet in any R-4, R-5, AR or RO District.
- D. No satellite dish shall be linked to receivers which are not located on the same lot or premises.
- E. No satellite dish or antenna shall be erected on the roof of any principal or accessory building or structure in an R District. Satellite dishes or antennas that are located on the roof of a non-residential structure shall not exceed eighteen inches (18") in diameter, shall be located toward the rear of the structure, and shall not extend higher than the ridgeline of the roof of the structure.
- F. Evergreen or landscaping shall be provided so as to effectively conceal the satellite dish from view of adjacent parcels. Such landscaping shall be installed within thirty (30) days from the date of the erection of the satellite dish.

Section 33.05 Size and Height

The maximum diameter of any satellite dish mounted on the ground shall not exceed twelve (12) feet. The maximum installed height of any such satellite dish shall not exceed fifteen (15) feet above natural grade level.

Section 33.06 Satellite Dish Support Structures

- A. Only metal supports of galvanized construction, or equal thereto, shall be permitted.
- B. Only a concrete base or caissons, depending on soil conditions, shall be permitted.
- C. The installed satellite dish structure shall be capable of withstanding a wind force of up to eighty-five (85) miles per hour.
- D. Any driving motor shall be limited to 110 volts maximum power and encased with protective guards.
- E. Any satellite dish must be grounded to an eight (8) foot grounding rod.

Section 33.07 Violation and Penalty

Whoever violates or fails to comply with any of the provisions of this Article shall be guilty of a misdemeanor, subject to the penalties specified in Section 3.11.04.

ARTICLE XXXIV

ADULT ENTERTAINMENT FACILITIES

Section 34.01 Purpose

The purpose of this Article is to promote the public health, safety and welfare through the regulation of adult entertainment businesses. It is the intent of this section to regulate businesses, as defined herein, in such a manner as to prevent the erosion of the character of the surrounding neighborhoods and to prohibit the establishment of such businesses within close proximity to existing adult entertainment businesses, residential areas, schools, churches, parks and playgrounds within the City.

Section 34.02 Definitions

- A. "Adult Entertainment Facility" means any establishment which is involved in one or more of the following listed categories.
1. "Adult Book Store" means an establishment which utilizes fifteen percent (15%) or more of its retail selling area for the purpose of retail sale or rental, or for the purpose of display by coin or slug-operated, or motion picture machines, projectors, or other image-producing devices, or both, books, magazines, other periodicals, films, tapes and cassettes which are distinguished by their emphasis on "specified sexual activities" or "specified anatomical areas" as defined below.
 2. "Adult Motion Picture" means a facility for the display of motion pictures which is regularly used or utilizes fifteen percent (15%) or more its total viewing time for presenting material distinguished or characterized by an emphasis to "specified sexual activities" or "specified anatomical areas," for observation by patrons therein.
 3. "Adult Entertainment Business" means any establishment involved in the sale or services of products characterized by the exposure or presentation of "specified anatomical areas" or physical contact of live male or females, and which is characterized by salacious conduct appealing to prurient interest for the observation or participation in by patrons. Services or products included within the scope of adult entertainment business are photography, dancing, reading, massage, and similar functions which utilize activities as specified above.
- B. "Specified Sexual Activities" means any of the following:
1. Human genitals in a state of sexual stimulation or arousal.
 2. Acts, real or simulated, or human masturbation, sexual intercourse, sodomy, cunnilingus, fellatio, or sadomasochistic sexual abuse.
 3. Fondling or other erotic touching of human genitals, pubic regions, buttocks, or female breasts.
- C. "Specified Anatomical Areas" mean any of the following:
1. Less than completely covered human genitals, pubic region, buttocks, and female breasts below a point immediately above the top of the areola.

- 2. Human male genitals in a discernible turgid state.
- D. "Fine Art Gallery" means any display of art work which is individually crafted and signed by the artist or which is limited in edition to 1,000 or less.
- E. "Sexually explicit nudity" means the sexually oriented and explicit showing of nudity, including, but not limited to, close-up views, poses, or depiction in such position or manner which present or expose such nudity to prominent, focal, or obvious viewing attention.
- F. "Sadomasochistic sexual abuse" means actual or simulated flagellation, rape, torture, or other physical or sexual abuse, by or upon a person who is nude or partially denuded, or the condition of being fettered, bound for sexual gratification or abuse or represented in the context of a sexual relationship.
- G. "Visibly displayed" means the material is visible on a billboard viewing screen marquee, newsstand, display rack, window, show case, display case, or other similar display area that is visible from any part of the general public or otherwise, or that is visible from any part of the premises where a juvenile is or may be allowed, permitted, or invited, as part of the general public or otherwise, or that is visible from a public street, sidewalk, park, alley, residence, playground, school, or other place to which juveniles, as part of the general public or otherwise, has unrestrained and reasonable anticipated access and presence.

Section 34.03 Exceptions

Nothing in this Article shall be construed to pertain to:

- A. The purchase, distribution, exhibition and/or loan of any work of art, book, magazine or other printed material or manuscript by an accredited museum, library, fine art gallery, school or museum of higher learning.
- B. The exhibition and/or performance of any play, drama tableau, or motion picture by any theater, museum, library, fine art gallery, school, or institution of higher learning either supported by public appropriation or which is an accredited institution supported by private funds.

Section 34.04 Location

Adult Entertainment Facilities are to be considered a conditional use in the GB District, and are additionally subject to the following conditions:

- A. No adult entertainment facility shall be established within 1,500 feet of any residence or district where residences are a permitted use.
- B. No adult entertainment facility shall be established within a radius of 1,500 feet of any school, library, or teaching facility, whether public or private, when such school, library, or teaching facility is attended by persons under 18 years of age.
- C. No adult entertainment facility shall be established within a radius of 1,500 feet of any park or recreational facility attended by persons under 18 years of age.

- D. No adult entertainment facility shall be established within a radius of 1,500 feet of any church, synagogue, or permanently established place of religious services attended by persons under 18 years of age.
- E. No adult entertainment facility shall be established within a radius of 1,500 feet of any other adult entertainment facility.
- F. No advertisements, displays or other promotional materials displaying specified sexual activities or specified anatomical areas shall be shown or exhibited so as to be visible to the public from pedestrian sidewalks or walkways, or from other public or semi-public areas.
- G. All building openings, entries, windows, etc. for adult entertainment uses shall be located, covered, or serviced in such a manner as to prevent a view into the interior from any public or semi-public area, sidewalk or street.
- H. No screens, loudspeakers or sound equipment shall be used for adult motion picture theaters (enclosed or drive-in) that can be seen or discerned from public or semi-public area.

ARTICLE XXXV

DEFINITIONS

Section 35.01 Interpretation

For the purpose of this Zoning Ordinance, certain terms and words are to be defined as found in this Article. Words and terms not specifically defined carry their customarily understood meanings. Words used in the present tense include the future tense. The singular form shall include plural and plural shall include singular. The word "shall" is intended to be mandatory. "Occupied" or "used" shall be considered as though followed by the words "or intended, arranged or designed to be used or occupied".

Terms related to specific Articles or Sections may be defined within the specific portions of the Ordinance where those general requirements are found.

Section 35.02 Definitions

"Accessory use" means a use subordinate, secondary, incidental to, and customary in connection with the principal building or use and located on the same lot as the principal building or use.

"Accessory building" or "accessory structure" means a building or structure occupied by an accessory use.

"Administrative and business offices" means offices which carry on no retail trade with the public and maintain no stock of goods for sale to customers.

"Agriculture" means the use of land for growing crops in the open, dairying, pasturage, horticulture, floriculture and necessary accessory uses, as further defined and specified in Section 10.02 of this Ordinance.

"Alley" means a public right-of-way, usually abutting the rear property line, which provides only secondary means of access to abutting property.

"Basement" means a story whose floor level, two (2) feet or more below grade level, but having less than half its clear height above grade level.

"Building" means a structure permanently affixed to the land with one (1) or more floors and a roof supported by columns or walls, used or intended to be used for shelter or enclosure of persons, animals and/or property.

"Height of building" means the vertical distance from the average grade surrounding the building to the highest point of the roof.

"Building line" means the front yard setback line established by this Ordinance, generally parallel with and measured perpendicularly from the front lot line, defining the limits of a front yard in which no building or structure may be located.

"Business services" means any profit-making activity which renders services primarily to other commercial, institutional, or industrial enterprises, or which services and repairs appliances and machines used in other businesses.

"Cemetery" means land used or intended to be used for the burial of human dead.

"Certificate of occupancy" means a certificate issued by the Zoning Inspector, pursuant to Section 3.09 of this Ordinance, confirming that the requirements of this Ordinance have been met, and the building can be occupied.

"City" means the City of Circleville, Ohio.

"Clinic, Human" means an establishment where patients who are not lodged overnight are admitted for examination and/or treatment by a physician or group of physicians.

"Conditional use" means an uncommon or infrequent use which may be permitted in specific zoning districts subject to compliance with certain standards, explicit conditions, and the granting of a conditional use permit as specified in Article VI of this Ordinance.

"Congregate or group home" means a residential care facility in which not less than nine (9) but not more than sixteen (16) persons are provided with room, board, specialized care, rehabilitative services and supervision in a family environment.

"Drive through facilities" mean a designated place, in conjunction with a retail or service establishment, from which persons can conduct the major portion of their business without leaving their motor vehicle.

" Dwelling" or "residence" means any building or portion thereof which is designed or used for residential purposes, but not including a cabin, hotel, motel, rooming house, or other such accommodation used for transient occupancy.

"Multiple-family dwelling" or "multiple-family residence" means a building designed or used as a residence for three or more families living independently and doing their own cooking therein.

"Single family dwelling" or "single family residence" means a building designed for or occupied exclusively by one family.

"Two-family dwelling" or "two-family residence" means a building designed for or occupied exclusively by two families living independently.

"Essential Services" means the erection, construction, alteration, or maintenance, by public utilities or municipal or other governmental agencies, of underground or overhead gas, electrical, steam, or water transmission or distribution systems; collection, communication, supply, or disposal systems, including poles, wires, mains, drains, sewers, pipes, conducts, cables, traffic signals, hydrants and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate service by such public utilities or municipal or other governmental agencies or for the public health, safety, or general welfare, but not including buildings.

"Failure of delivery" means that a particular notice was not received, due to circumstances beyond the control of the City, and does not include the lack of mailing of the subject notices in the matter specified in the Ordinance.

"Floor area" of a building means the sum of the gross horizontal areas of the building floors, measured from the exterior faces of exterior walls. Floor area shall not include basements, elevator and stair bulkheads, unfinished attic spaces, terraces, breezeways, open porches, uncovered steps, or garages.

"Frontage" or "lot frontage" means that portion of the lot that directly abuts the street, and has direct access thereto. Lot frontage shall be measured along the minimum building setback line for the district within which such lot is located.

"Garage, private" means a building, or portion of building, designed or used for the storage of motor-driven vehicles owned and/or used by the occupants of the principal use of the property.

"Home occupation" means any occupation or profession conducted primarily by immediate resident family members, which is clearly incidental and secondary to the dwelling's residential use. A home occupation must meet the standards and requirements specified in Section 28.02 of this Ordinance.

"Hospital" means a building or structure containing beds for at least four (4) patients allowing for overnight or continuous care, diagnosis and treatment of human ailments.

"Hotel" or "motel" means a building in which lodging is provided or offered to the public for compensation and which is open to transient guests, in contradiction to a boarding house or lodging house operated on a membership basis.

"Institution" means an organization providing social, cultural, educational or health services to member agencies, organizations, and individuals, or to the general public.

"Loading space" is a space within the main building or on the same lot therewith, providing for the standing, loading, or unloading of trucks.

"Lot" means a division of land separated from other divisions for purposes of sale, lease, or separate use, described on recorded subdivision plat, recorded map or by metes and bound, and includes the terms "plat" and "parcel".

"Corner lot" means any lot at the junction of and abutting on two (2) or more intersecting streets, where the angle of intersection is not more than 135 degrees.

"Lot coverage" means the ratio of enclosed ground floor area of all buildings on a lot to the horizontally projected area of the lot, expressed as a percentage.

"Rear lot line" means that lot line which is opposite and furthest removed from the front lot line. In the case of a lot where the side lot lines meet at the rear of the lot (i.e., a triangular lot), the rear lot line shall be considered to be the point of intersection of the side lot lines. In the case of a corner lot, the rear lot line is opposite and furthest removed from the lot line considered to be the front lot line for purposes of computing the front yard depth.

"Side lot line" means the lot line running from the front lot line to the rear lot line. This line is also the line dividing two (2) interior lots.

"Lot of record" means any lot which individually or as a part of a subdivision has been recorded in the Office of the Recorder, Pickaway County, Ohio, as of the effective date of this Ordinance.

"Minimum area of lot" means the area of a lot computed exclusive of any portion of the right-of-way or any public thoroughfare.

"Lot width" is the width of a lot at the building setback line measured at right angles to its depth.

"Manufacturing" means any production or industrial process, including food processing, which combines one (1) or more raw materials or components into a product or which changes the nature of the materials entering the process, and which by the nature of the materials, equipment and/or process utilized is not objectionable by reason of odor, noise, vibration, gas fumes, dust, smoke, refuse, or water-carried wastes.

"Nonconforming use" means the use of land or a building, or a portion thereof, which does not conform with the use regulations of the district in which it is situated, which use was lawful prior to the enactment of this Zoning Ordinance.

"Nursery" or "Day care center" means a facility which temporarily assumes responsibility for more than four (4) children other than those related to the resident of the premises. Such responsibility shall consist of administering to the needs of those children during any part of a twenty-four hour day for a period of two (2) consecutive days.

"Nursing home" includes convalescent and extended care facilities: an establishment which specializes in providing necessary care, shelter and nursing services and services to those unable to be responsible for themselves.

"Open space" means that part of a zoned property, including courts or yards, which is open and unobstructed from its lowest level to the sky, accessible to all tenants upon the zoning property.

"Off-street parking space" means any parking space located wholly off any street, alley, or sidewalk, either in an enclosed building or on an open lot and where each parking space conforms to the standards as specified in Article XXIX of this Ordinance.

"Parking area" or "parking lot" means any area other than street, drive, or alley used or intended to be used for the storage of motor vehicles, with or without a fee.

"Person" means any individual, corporation, company, business, partnership, association or legal entity.

"Personal services" means any enterprise, conducted for gain, which primarily offers services to the general public such as shoe repair, watch repair, retail dry cleaning, barber and beauty shops, and related activities.

"Professional office" means the business office of a person or persons engaged in providing to the general public services of a professional nature such as legal, medical, accounting, and architectural services.

"Recreational facilities" means public or privately-operated uses such as country clubs, golf courses, swimming pools, or other areas maintained for the purpose of providing active and passive recreation.

"Residence" - see "Dwelling".

"Restaurant" means a business establishment where food and beverages are prepared and presented for human consumption on the premises.

"Retail stores" means stores primarily engaged in selling merchandise for personal or household consumption and in rendering services incidental to the sale of goods.

"Right-of-way" means a strip of land taken or dedicated for use as a public way. In addition to the roadway, it normally incorporates the curbs, lawn strips, sidewalks, lighting and drainage facilities, and may include special features required by the topography or treatment such as grade separation, landscaped areas, viaducts and bridges.

"Similar use" means a use not specifically listed in any of the permitted building or use classifications of any district, but which may be found analogous and added to the classification, according to the procedures and requirements of Section 9.02.05 of this Ordinance.

"Street" and "thoroughfare" means a public way for the purpose of vehicular travel, including the entire area within the right-of-way.

"Structure" means anything constructed or erected, the use of which requires location on the ground or attachment to something having a fixed location on the ground, including among other things walls, buildings, and patios. "Structure" does not include fences.

"Structural alteration" means any change which would replace or tend to prolong the life of a supporting member of a structure, such as bearing walls, columns, beams, or girders.

"Survey" means the legal description of a property, with text and map, that precisely locates the property by referencing permanent monuments, markers and/or pins.

"Use" means the purpose for which a building or land is arranged, designed, or intended, or for which such or building may be occupied or maintained.

"Variance" means a modification from the strict terms of the relevant regulations 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 action by the applicant, a literal enforcement of the regulations would result in unnecessary and undue hardship.

"Yard" means a required open space other than a court unoccupied and unobstructed by any structure or portion of a structure from three (3) feet above the general level of the graded lot upward.

"Front yard" means that portion of a lot extending across the front of the lot between the side lot lines and being the minimum horizontal distance between the street right-of-way and the front of the building or structure.

"Rear yard" means that portion of a lot extending across the rear of the lot between the side lot lines and being the required minimum horizontal distance between the rear lot line and the rear of the building or structure.

"Side yard" means that portion of a lot that is located between the side lot line and the nearest building or structure.

"Zoning Inspector" means the zoning enforcement official of the City appointed pursuant to Article II, who is charged with the enforcement of this Ordinance.

"Zoning permit" means an official statement certifying that a proposed building or use complies with all the provisions of this Zoning Ordinance.

"Zoning District" means a portion of the City within which certain regulations and requirements or various combinations thereof apply under the provisions of this Zoning Ordinance.

"Zoning district map" means the Zoning District of the City, together with all amendments subsequently adopted by City Council.

