

CITY OF CIRCLEVILLE ZONING ORDINANCE



REVISED DECEMBER 2019

**CITY OF CIRCLEVILLE
PLANNING AND ZONING CODE**

JANUARY 2020

PART ONE

GENERAL PROVISIONS

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ARTICLE I

PURPOSE AND AUTHORIZATION

Section 1.01 Title

This Ordinance shall be known and may be cited as the

PLANNING AND ZONING CODE OF THE CITY OF CIRCLEVILLE, OHIO.

This Ordinance is enacted under the authority of the City pursuant to Chapters 711 and 713 et. al. of the Ohio Revised Code. Unless otherwise provided herein or by the law or implication thereof, the same rules of construction, definition, and application shall govern the interpretation of this Ordinance as those governing the interpretation of the Ohio Revised Code.

Section 1.02 Purpose

This Ordinance is enacted for the general purpose of promoting and protecting the public health, safety, comfort, prosperity and general welfare of the residents of Circleville by regulating and limiting the subdivision and use of land areas, and the erection and/or alteration of buildings. In addition, it is the intent of these regulations to:

- A. protect the property rights of all individuals by assuring the compatibility of uses and practices within districts,
- B. facilitate the adequate, economic and efficient provision of public utilities and public services,
- C. provide for safe and convenient traffic circulation, and lessen congestion on public streets, roads and highways,
- D. protect the character of existing areas and provide for the orderly development of lands hereafter within the City,
- E. provide for sufficient land for future provision of open spaces for schools, recreation and other public purposes,
- F. obtain accurate surveying of land,
- G. provide for the administration and enforcement of this Ordinance, including the provision of penalties for its violation and any other purpose provided in this Ordinance, the Ohio Revised Code, or under common law rulings.

Section 1.03 Interpretation

The provisions of this Ordinance shall be held to be minimum requirements, adopted for the promotion of public health, safety, and the general welfare. It is not intended that this Ordinance shall abrogate, annul or interfere with any easements, covenants, or other agreements between parties, unless they violate this Ordinance. When any provision of this Ordinance conflicts with any other lawfully adopted rules, regulations, ordinances, or resolutions, the most restrictive, or that imposing the higher standards, shall apply.

Section 1.04 Applicability

The regulations set forth in this Ordinance shall be applicable to all buildings, structures, uses and lands owned or controlled by any individual, organization, political subdivision, district, taxing unit or bond-issuing authority located within the corporate limits of the City of Circleville, and any additional lands over which the City may have future zoning or subdivision jurisdiction.

Section 1.05 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.

ARTICLE II

DEFINITIONS

Section 2.01 Interpretation

For the purpose of this Code, certain terms and words are to be defined as found in this Article. Words and terms not specifically defined carry their customarily understood meanings. Terms such as “he”, “she”, “him” and “her” shall be interpreted as “he/she” and “him/her” and otherwise considered gender neutral. The word “shall” is mandatory; the word “may” is permissive.

Section 2.02 Definitions

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

“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.

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

“Adult day care center” means a non-residential facility that supports the health, nutritional and daily living needs of adults in a professionally staffed group setting. Such responsibility shall consist of administering to the needs of those persons during any part of a twenty-four hour day

“Agriculture” means the same as stated in Chapter 1.61 of the Ohio Revised Code, as may be amended, to include farming; ranching; aquaculture; apiculture; horticulture; viticulture; animal husbandry, including but not limited to the care and raising of livestock, equine and fur-bearing animals; poultry husbandry and the production of poultry and poultry products; dairy production; the production of field crops, tobacco, fruits, vegetables, nursery stock, ornamental shrubs, ornamental trees, flowers, sod, or mushrooms; timber; pasturage; any combination of the foregoing; the processing, drying, storage and marketing of agricultural products when those activities are conducted in conjunction with, but are secondary to, such husbandry or production.

“Alley” means a public right-of-way ten (10) to twenty (20) feet wide which provides only secondary means of access to abutting property.

“Assisted living facility” means a state licensed facility providing comprehensive housing and limited care for senior citizens who need or desire some assistance with daily activities but do not require care in a nursing home. Assisted living facilities typically provide some combination of private residential quarters, meals, personal assistance, housekeeping and monitoring of medications and nurse visitation.

“Average Daily Traffic” or “ADT” means the average number of motor vehicles per day that pass over a given point in a street or thoroughfare during a particular twenty-four (24) hour period.

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

"Block" means the properties abutting one side of a street, and lying between two (2) consecutive intersecting streets.

"Bond" means cash deposit, surety bond, collateral, or other instrument of credit satisfactory to the City of Circleville for performance of the obligations of this Ordinance.

"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.

- A. "Height of building" means the vertical distance from the average grade surrounding the building to the highest point of the roof.
- B. "Building line" or "building setback" means the yard setback line established by this Ordinance, generally parallel with and measured perpendicularly from the property line, defining the limits of a yard in which no building or structure may be located, except as otherwise allowed by this Ordinance.

"Business Day" means a day of the week excluding Saturday, Sunday, or a legal holiday as provided in Section 1.14 of the Ohio Revised Code.

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

"Calendar day" means any day of the week including Saturday, Sunday, or a legal holiday

"Cemetery" means land used or intended to be used for the burial of human dead. A "pet cemetery" means a parcel of land that is principally used for the burial of more than five (5) domesticated animals considered as pets.

"Certificate of Zoning Compliance" means a certificate issued by the Zoning Inspector, pursuant to Section 4.08 of this Ordinance, confirming that the zoning requirements of this Ordinance have been met.

"City" means the City of Circleville, Ohio.

"City Standard Plans and Specifications" means the most recent edition of the engineering drawings and standards as adopted by the Director of Public Service for the City of Circleville, along with such written amendments and modifications to same as may be periodically made.

"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.

"Commission" means the Planning and Zoning Commission of the City of Circleville, Ohio.

"Comprehensive plan" means the comprehensive plan as may be prepared by and for the City of Circleville, as adopted by City Council.

“Concept plan” means a sketch or drawing prepared by the Owner/ Developer prior to the preliminary plan, which shows the general outline and layout of the proposed subdivision.

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

“Cul-de-sac” (see “Street”)

“Development Plan” means a site plan for a property and the physical development that is proposed on such site, as specified in Section 12.02.07 of this Ordinance.

“Development Resource Guide” means a document produced by the Department of Public Service, and amended from time to time, that outlines specific information and standards for development activity within the City.

“Director of Public Service” means the Director of Public Service of the City of Circleville, or his/her duly authorized agent

“Drive-through facility” means traffic lanes, drive-up windows and/or other physical accrements located on a business site which enable that business to provide goods or services to customers without such customers leaving his/her motor vehicle.

“Driveway” means a private road giving access from a street to a detached single family dwelling on abutting ground or to one (1) or more multi-family, commercial or industrial buildings.

“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.

- A. “Multiple-family dwelling” or “multiple-family residence” means a building designed or used as a residence and containing separate cooking facilities, for three or more families living independently,
- B. “Single family dwelling” or “single family residence” means a building designed for, or occupied exclusively by, one family.
- C. “Two-family dwelling” or “two-family residence” means a building containing separate cooking facilities and designed for, or occupied exclusively by, two families living independently.

“Easement” means a right or privilege of use of land, as distinct from fee simple ownership.

“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.

"Flood" or "flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from 1) the overflow of inland or tidal waters and/or 2) the unusual and rapid accumulation of runoff of surface waters from any source

"Flood plain" or "lands subject to flooding" means those lands adjacent to a watercourse subject to flooding as have been identified by the Federal Emergency Management Agency (FEMA) in various Flood Hazard Boundary Maps, as adopted by Circleville City Council in Ordinance #07-64-99, passed July 20, 1999, as may be amended.

"Floodway" means the portion of land subject to flooding that comprises the channel of a watercourse, and the adjacent lands, that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.

"Floodway fringe" means that portion of land subject to flooding that is outside the floodway.

"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 front property line.

"Garage, private" means a building, or portion of a 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.

"Group Residential Facility" means a community facility, licensed and/or authorized by the State of Ohio, which provides rehabilitative services in a residential setting. There are two (2) classes of group residential facilities:

- A. "Class I group residential facility" means any state, federal or locally approved dwelling or place used as a foster home for children or adults (not including nursing homes) or as a place for the care or rehabilitation of dependent or predelinquent children, for the physically handicapped or disabled, or for those with mental illness or developmental disabilities. A Class I Type A facility contains more than five (5) residents, exclusive of staff. A Class I Type B facility contains five (5) or fewer residents, exclusive of staff.
- B. "Class II group residential facility" means any state, federal or locally approved dwelling or place used as a home for juvenile offenders; a halfway house providing residential care or rehabilitation for adult offenders in lieu of institutional sentencing; a halfway house providing residence for persons leaving correctional institutions; and residential rehabilitation centers for alcohol and/or drug abusers, provided that detoxification is expressly

prohibited on such premises. A Class II Type A group residential facility contains more than five (5) residents, exclusive of staff. A Class II Type B facility contains five (5) or fewer residents, exclusive of staff.

“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 32.02 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.

“Improvements” mean any addition to the natural state of land which is designed or intended to increase its value or utility, including buildings, street pavements, sidewalks, crosswalks, water mains, sanitary sewers, storm sewers, landscaping, street lighting, street trees, public utilities, paved parking areas and other appropriate items.

- A. “Site improvements” mean the improvements made to the land outside the exterior limits of a structure or structures.
- B. “Public improvements” mean all improvements financed entirely or in part by public funds or which have been dedicated to public use by plat, easement or deed of transfer.

“Industrialized unit” means a building unit or assembly of closed construction that is fabricated in an off-site facility, that is substantially self-sufficient as a unit or as a part of a greater structure that requires transportation to the site of intended use. “Industrialized unit” includes units installed on the site as independent units, as part of a group of units, or incorporated with standard construction methods to form a completed structural entity. “Industrialized unit” does not include a manufactured or mobile home as defined herein.

“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 separate tract of real property described on recorded subdivision plat, recorded map or by metes and bound, and includes the terms “plat” and “parcel”.

- A. “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.
- B. “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.
- C. “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.

- D. "Side lot line" means a lot line running from the front lot line to the rear lot line. This line is also the line dividing two (2) interior lots.
- E. "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.
- F. "Minimum lot area" means the area of a lot computed exclusive of any portion of the right-of-way or any public thoroughfare.
- G. "Lot width" is the width of a lot at the building setback line measured at right angles to its depth.

"Manufactured home" means a building unit or assembly of closed construction that is fabricated in an off-site facility, that conforms with the federal construction and safety standards established by the Secretary of Housing and Urban Development pursuant to the *Manufactured Housing Construction and Safety Standards Act of 1974*, and has a label or tag permanently affixed to it, certifying compliance with all applicable federal construction and safety standards.

"Manufactured home community" or "manufactured home park" means a development constructed primarily for manufactured homes, with continuing local management and special facilities for common use by residents. Typically, the land or lots upon which the manufactured homes are located will not be owned by the resident of the individual manufactured home.

"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.

"Mobile home" means a building unit or assembly of closed construction that is fabricated in an off-site facility, is more than thirty-five (35) feet in length, or, when erected on the site, is 320 or more square feet, that is built on a permanent chassis and is transportable in one or more sections, and does not qualify as a manufactured home or industrialized unit, as defined herein. Because mobile homes, as defined herein, were not constructed to accepted standards, such mobile homes shall not be considered as a permitted or conditional use in any zoning district within the City of Circleville.

"Modular home" means a non-site-built home that is certified as meeting the requirements of the State of Ohio Building Code for *modular housing*. For the purposes of this Resolution, once certified by the State of Ohio, modular homes shall be subject to the same standards as site-built homes.

"Monument" means a permanent concrete or iron marker used to establish the lines of the plat of a subdivision, including all lot corners, boundaries, corners and points of change in street alignment.

“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 “child day care center” means a facility which temporarily assumes responsibility for more than five (5) 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 and is accessible to all users of the property.

“Owner/Developer” means any person proceeding under these regulations to create a subdivision of land hereunder.

“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.

“Parking space (off-street)” 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 XXXIV of this Ordinance.

“Permanent foundation” means a permanent masonry, concrete or locally approved footing or foundation that adequately transfers horizontal and vertical loads of the structure to the undisturbed ground below the frost line.

“Permanently sited manufactured home” means a manufactured home that meets all of the following criteria:

- (1) The structure is affixed to a permanent foundation and is connected to appropriate facilities;
- (2) The structure, excluding any addition, has a width of at least twenty-two (22) feet at one point, and a length of at least twenty-two (22) feet at one point, and a living area of at least 900 square feet, excluding garages, porches, or attachments;
- (3) The structure has a minimum 4:12 roof pitch, conventional residential siding, and a six-inch minimum eave overhang, including appropriate guttering;
- (4) The structure was manufactured after January 1, 1995;
- (5) The structure is not located in a manufactured home community or manufactured home park as defined herein.

“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.

“Plan” means a drawing showing the proportion and relation of parts of improvements to each other and their surroundings.

- A. "Construction plan" means a plan which gives information required to construct improvements including plan views, sections, profiles, details, quantities, reference specifications and standard drawings.
- B. "Grading plan" means a plan which shows the proposed grades for the development in a manner that reflects the scope of earthwork required and the finished site grades.
- C. "Preliminary plan" means a proposal for the subdivision of land as described in Article V of this Ordinance, submitted to the City pursuant to these regulations.

"Plat" or "Final Plat" means a plan of a tract or parcel of land made by a surveyor registered in the State of Ohio showing public dedications, property lines, lot lines and such other information as is required by these regulations.

"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.

"Recreational trail" means an improved path developed within a proposed subdivision, intended for pedestrian or bicycle use.

"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 lying between property lines, wherein is located a street, thoroughfare, alley or easement dedicated or otherwise acquired for use by the public.

"Sidewalk" means a paved path, intended for pedestrian use, lying outside the curb lines or edge of pavement of a roadway.

"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. Other definitions specifically related to signs are found in Section 35.02 of this Ordinance.

"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 12.02.05 of this Ordinance.

"Street" means the full width of the right-of-way between two (2) property lines, both paved and unpaved, intended to provide principal means of access to an abutting property. Streets shall be classified as follows:

- A. "Arterial Street" means a street connecting Circleville with outside activity centers and/or serving as the primary routes through and within the City.

Arterial streets carry the largest volume of traffic usually on a continuous route. Service to the adjacent land is subordinate to the provision of travel service on arterial streets.

- B. "Collector Street (Major)" means a thoroughfare which carries vehicular traffic from local streets to arterial streets, and is designed to accommodate 2,000 - 10,000 vehicles per day ADT.
- C. "Collector Street (Minor)" means a thoroughfare which primarily carries vehicular traffic from local streets to major collector and arterial streets, and is designed to accommodate 500-2,000 vehicles per day ADT.
- D. "Cul-de-sac" means a short local street having but one end open for motor traffic and the other end terminated by a vehicular turn-around or back-around.
- E. "Local Street" means a street on which the majority of the traffic originates or terminates in the abutting properties. These streets are designed to accommodate up to 500 vehicles per day ADT at low speeds.
- F. "Industrial Street" means a street on which more than twenty-five percent (25%) of the traffic is comprised of trucks, or where more than fifty percent (50%) of the abutting property is either occupied by industrial uses.
- G. "Private Street" means a strip of privately-owned land providing access to abutting properties.
- H. "Public Street" means a strip of land providing public access to abutting property, as dedicated to the City or Pickaway County, upon a plat which has been duly approved, filed and recorded in the Pickaway County Recorder's Office.
- I. "Service road" or "access road" means a minor street parallel to a thoroughfare to afford abutting property owners access to the thoroughfare at limited points.

"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. For the purposes of this Ordinance, "structure" shall include fences, and mobile or manufactured structures.

- A. "Temporary structure" means a structure erected or constructed for a limited period of time more than ten (10) days, but not exceeding one (1) year, without specific approval of the Planning and Zoning Commission.

"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.

"Subdivision" means either of the following:

- A. the division of any parcel of land shown as a unit or as contiguous units on the last preceding tax list and duplicate of real and public utility property, into two (2) or more parcels, sites or lots, any one of which is less than five (5) acres for the purpose, whether immediate or future, of transfer of ownership, provided, however, that the following are exempt:
 - (1) A division or partition of land into parcels of more than five (5) acres not involving any new streets or easements of access,
 - (2) The sale or exchange of parcels between adjoining lot owners, where that sale or exchange does not create additional building sites and where the lots resulting are not reduced below minimum sizes required by law, or

- B. the improvement of one (1) or more parcels of land for residential, commercial or industrial structures or groups of structures involving the division or allocation of land for the opening, widening or extension of any public or private street or streets, except private streets serving industrial structures, or involving the division or allocation of land as open spaces for common use by owners, occupants or leaseholds or as easements for the extension and maintenance of public or private sewer, water, storm drainage or other similar facilities.

"Thoroughfare Plan" means a plan, which may be part of a comprehensive plan, now or hereafter adopted by the Planning and Zoning Commission, which sets forth the location, alignment and/or classification of existing and proposed streets.

"Variance" means a modification of the strict terms and requirements of this Ordinance 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 actions of the applicant, a literal enforcement of these regulations would result in practical difficulties, in accordance with Article VII of these regulations.

"Zoning" or "Zoning Code" means the City regulations limiting the height, area and use of buildings, structures and/or areas.

"Zoning Inspector" means the employee of the City who is charged with enforcing the provisions of this Zoning Ordinance.

PART TWO

ADMINISTRATION AND ENFORCEMENT

PART TWO

ADMINISTRATION AND ENFORCEMENT

ARTICLE III

ADMINISTRATIVE BODIES AND THEIR DUTIES

Section 3.01 Planning and Zoning Commission

3.01.01 Planning and Zoning Commission Established

Pursuant to Chapters 711 and 713 of the Ohio Revised Code, the existing Planning and Zoning Commission legally established in and for the City of Circleville shall retain authority for matters as specified in this Ordinance. Such Commission shall have seven (7) members, consisting of the Mayor, Director of Public Service, President of the Board of Park Commissioners, and four (4) residents of the City, all to be appointed by the Mayor. Such members shall be appointed for terms of six (6) years. All vacancies shall be filled by the Mayor.

3.01.02 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. Prior to such removal, a hearing shall have been held before City Council regarding such charges. The member shall be given the opportunity to be heard and answer such charges.

3.01.03 Quorum

Four (4) members of the Commission shall constitute a quorum. Any action by the Commission must be by a concurring vote of the majority of the Commission membership present.

3.01.04 Organization and Procedures

The meetings of the Commission shall be public. However, after closing an administrative hearing, the Board may recess to deliberate privately, with or without its legal counsel, on the case or matter heard. After deliberation, all actions taken by the Board shall be in a public meeting. Deliberations on legislative matters shall be conducted in public. 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 and regulations as it may deem necessary to carry into effect the provisions of this Zoning Ordinance.

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 a public record.

The Commission shall have the authority to subpoena witnesses, administer oaths and may require the production of documents under such rules as it may establish.

The Commission may call upon the various departments of the City, or outside consultants hired for the specific purpose, for assistance in the performance of its duties. It shall be the duty of such departments to render assistance to the Commission as may reasonably be required.

3.01.05

Powers and Duties

For the purposes of this Ordinance, the Commission is hereby designated as the platting authority of the City of Circleville and shall have the powers and authority granted under Chapters 711, 713 and 735 of the Ohio Revised Code, including the following specific responsibilities:

- A. Review and recommend any revisions to the master plan, official map, area plans, and development standards of the city as often and as necessary, but not less frequently than every five (5) years.
- B. Take actions to approve, approve with modification or disapprove subdivisions, as authorized by this Ordinance.
- C. Review all proposed amendments to this Ordinance in accordance with Article VI, and make recommendations to the City Council.
- D. Recommend to Council amendments to the zoning plan and ordinances.
- E. Prepare and present a zoning plan for newly annexed territory, pursuant to Article XII of this Ordinance.
- F. Cooperate with the Regional Planning Commission on recommendations and requirements implemented by this body.
- G. Such other powers and duties as specified in the other Articles of this Ordinance.

In exercising its duties, the Commission may, as long as such action is in conformity with the terms of this Ordinance, reverse or affirm, wholly or partly, or modify the order, requirement, decision, or determination appealed from and may make such order, decision, or determination as ought to be made, and to that end shall have the powers of the Zoning Inspector from whom the appeal is taken. The concurring vote of four (4) members of the Commission shall be necessary to reverse any order, decision, or determination of the Zoning Inspector, pursuant to Section 7.01 of this Ordinance.

Section 3.02 Zoning Inspector

3.02.01 Office of Zoning Inspector Established

The Zoning Inspector, who shall be appointed by the Mayor, shall enforce the provisions of this Ordinance. In performance of his/her duties, the Zoning Inspector shall function as an employee of the City.

3.02.02 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 personal liability subject to the provisions of Chapter 2744 of the Ohio Revised Code

3.02.03 Duties of Zoning Inspector

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

- A. Enforce the provisions of this Ordinance and take such steps as may be necessary to remedy conditions found in violation. Such steps include ordering, in writing, the discontinuance of illegal uses or work in progress, and directing cases of noncompliance to appropriate City official(s) for action.
- B. Coordinate the submittal and processing of material so as to fulfill the requirements of Articles IV-VIII of this Ordinance
- C. Issue zoning permits when the provisions of this Ordinance have been met, or refuse to issue same in the event of noncompliance.
- D. Report to the Planning and Zoning Commission on a regular basis on development activity that has occurred in the City.
- E. Collect the designated fees as established for zoning permits and applications for appeals and conditional uses.
- F. 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 this Ordinance and action taken on same.
- G. Inspect any buildings or lands to determine whether any violations of this Ordinance have been committed or exist.
- H. Advise the Planning and Zoning Commission of other matters pertaining to the enforcement of and amendments to this Ordinance
- I. Other duties directly pertaining to the enforcement of this Ordinance that may be assigned by Director of Public Service.

Section 3.03 Board of Zoning Appeals

3.03.01 Board of Zoning Appeals Established

Pursuant to Chapter 713 of the Ohio Revised Code, the Board of Zoning Appeals is legally established in and for the City of Circleville and shall have

authority for matters as specified in this Ordinance. Such Board shall have five (5) regular members, consisting of electors of the City of Circleville, all to be appointed by the Council. Council may appoint up to two (2) alternate members who are electors of the City of Circleville to serve in the absence of a regular member. Regular members shall be appointed to terms of five (5) years, provided that the initial terms of each of the first regular members shall be for one (1), two (2), three (3), four (4) or five (5) years, so that one term expires each year. Alternate members shall be appointed to terms of one (1) year each. All vacancies shall be filled by Council. Members of the Board shall not simultaneously serve on the Planning and Zoning Commission or any municipal body or position from which appeals may be taken to the Board. Council may reappoint members of the Board who complete the training in Section 3.03.04 during each term.

3.03.02 Removal of Members

Members of the Board shall be removable for non-performance of duty, misconduct in office, malfeasance, or other cause by the City Council. Prior to such removal, Council shall hold a hearing regarding such charges.

3.03.03 Quorum

Three (3) members of the Board shall constitute a quorum. Any action by the Board must be by a concurring vote of the majority of the Commission members present. The Board shall endeavor to seat alternates whenever there is an absence of a regular member because of a conflict of interest or other reason, or there is a vacancy on the Board.

3.03.04 Organization and Meetings

Open Meeting, Exception. The meetings of the Board shall be public. However, after closing a hearing, the Board may recess to deliberate privately, with or without legal counsel, on the case or matter heard. After deliberation, all actions taken by the Board shall be made in a public meeting.

Organization. The Board shall organize annually and elect a Chair and Vice Chair. The Board may appoint a Secretary or, within budgetary limitations, retain the services of a Recording Secretary. The Board shall adopt, publish, and make publicly available, from time to time, written rules and regulations as it may deem necessary to carry into effect the activities of the Board.

Secretary. The Secretary or Recording Secretary shall keep minutes of proceedings of the Board, showing the motion, second, and 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, findings, and other official actions, all of which shall be a public record.

Procedures. The Board shall have the authority to subpoena witnesses and administer oaths, and may require the production of documents under such rules as it may establish. The Board shall hear any owner of property adjacent to the lot for which the granting of any application is pending and shall also hear any other parties having a substantial interest as determined by the Board of Zoning Appeals.

Assistance. The Board may call upon the various departments of the City, or upon outside consultants hired for the specific purpose, for assistance in the

performance of its duties. It shall be the duty of such departments to render assistance to the Commission as may reasonably be required.

Training. During each term, the Board shall provide for its members to complete three (3) hours of training by legal counsel on topics including, but not limited to, the duties of the Board, procedures for the conduct of hearings, decision making, due process considerations, ethics, and related topics.

3.03.05 Powers and Duties

For the purpose of this Ordinance, the Board is hereby designated, pursuant to Section 713.11 of the Ohio Revised Code, as the authority of the City of Circleville to hear administrative appeals where it is alleged there is an error in any order, requirements, decision, or determination made by the Zoning Inspector, and to hear applications for:

- a) Variances. The Board shall hear applications for variances from strict enforcement of the Zoning Ordinance and shall have the power to authorize variances from the provisions of the Zoning Ordinance only when all the following in Section 7.02 are met.
- b) Permits. The Board may declare a zoning permit null and void pursuant to Section 4.09 of this Ordinance.
- c) Conditional or special uses. The Board may grant zoning permits for conditional uses as specified in the district regulations and establish such additional safeguards as will uphold the intent of this Ordinance.
- d) Non-conforming Uses. The Board shall hear requests for other exceptions and matters involving the continuance, substitution, or extension of nonconforming uses that conform to the specifications of Article X of this Ordinance.
- e) In exercising its duties, the Commission may, as long as such action is in conformity with the terms of this Ordinance, reverse or affirm, wholly or partly, or modify the order, requirement, decision, or determination appealed from and may make such order, decision, or determination as ought to be made, and to that end shall have the powers of the Zoning Inspector from whom the appeal is taken. The concurring vote of three (3) or more members of the Commission shall be necessary to reverse any order, decision, or determination of the Zoning Inspector, pursuant to Article VII of this Ordinance.

Council may grant authority by separate Ordinance to hear appeals of decisions by other municipal bodies of the City of Circleville.

Section 3.06 Powers of Zoning Inspector, Board of Zoning Appeals, and City Council on Matters of Appeal

It is the intent of this Ordinance that all questions of interpretation and enforcement shall be first presented to the Zoning Inspector, and that such questions shall be presented to the Board of Zoning Appeals only on appeal from the decision of the Zoning Inspector. It is further the intent of this Ordinance that the powers of 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 overrule the decisions of the Board of Zoning Appeals and/or the Zoning Inspector on such matters of appeal or variance. The procedure for deciding such questions shall be as stated in this Article and Article VII of this Ordinance.

ARTICLE IV

ZONING PERMIT PROCEDURES

Section 4.01 Zoning Permits

No building or other structure shall be erected, moved, added to, structurally altered, nor shall any building, structure, or land be established or changed in use without a zoning permit therefor, issued by the Zoning Inspector. The zoning permit shall certify that the proposed action is in conformance with this Ordinance.

Section 4.02 Conditions Under Which a Zoning Permit is Required

A zoning permit shall be required for, and obtained prior to the undertaking or beginning, of any of the following;

- A. The occupancy and/or use of vacant land
- B. The construction, conversion, creation, in whole or in part, of any building or structure, or the location or placement of any structure, including temporary structures, on land
- C. A change, in whole or in part, in the use of any existing building, structure, or land
- D. The demolition of any building or structure within the City.

Section 4.03 Application for Zoning Permit

Applications for a zoning permit shall be obtained from the offices of the Zoning Inspector. The application shall contain 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 and proposed uses
- D. Zoning district in which property is located.
- E. Plans and/or drawings drawn to approximate scale, showing the dimensions and shape of the lot to be built upon; and the dimensions and location of existing and/or proposed buildings or alterations.
- F. Height of proposed buildings or alterations.
- G. Number and dimensions of existing and proposed off-street parking or loading spaces, as applicable.
- H. Such other material as may be requested by the Zoning Inspector to determine conformance with, and provide for the enforcement of this Ordinance.
- 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 disposal of sanitary wastes.

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 increase or reduce the submittal requirements for applications, when the scope and scale of the proposed action warrants.

Section 4.04 Approval of Zoning Permits

Within ten (10) days from submittal of the application, the applicant may amend said application at no additional cost, provided he/she certifies such amendment(s) on the original application. Within 30 days after the receipt, or amendment thereto, the application shall be either approved or disapproved by the Zoning Inspector, unless the provisions of Section 4.05, or other specific sections of this Ordinance apply. All zoning permits shall be conditional upon the commencement of work within one (1) year. One (1) copy of the application shall be returned to the applicant by the Zoning Inspector, after such copy is marked as either approved or disapproved and attested to same by the signature of the Zoning Inspector, or his/her designated agent, on such copy. In the case of disapproval, the Zoning Inspector shall state on the returned plans the specific reasons for disapproval. Two (2) copies of application, similarly marked, shall be retained by the Zoning Inspector. If approved, one (1) copy retained by the Zoning Inspector shall be forwarded to the County Auditor upon issuance of a Certificate of Zoning Compliance along with one (1) copy of the application. The Zoning Inspector shall issue a placard, to be posted in a conspicuous place on the property in question, attesting to the fact that the use or alteration is in conformance with the provisions of this Ordinance.

Section 4.05 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 4.06 of this Ordinance.

Section 4.06 Record of Zoning Permit

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

Section 4.07 Expiration of Zoning Permits

If the work described in any zoning permit has not begun within one (1) year from the date of issuance thereof, or has not been completed within two (2) years from the date of

issuance thereof, said permit shall expire. Further work as described in the expired permit shall not proceed unless and until a new zoning permit has been obtained or an extension has been granted by the Planning and Zoning Commission.

Section 4.08 Certificate of Zoning Compliance

4.08.01 Certificate of Zoning Compliance 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 Zoning Compliance shall have been issued therefor by the Zoning Inspector stating that the proposed use of the building or land conforms to the requirements of this Ordinance.

4.08.02 Application for Certificate of Zoning Compliance

Certificates of Zoning Compliance 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.

4.08.03 Approval of Health Department Required

If the property in question is not served by public water and sewer, a Certificate of Zoning Compliance shall not be issued by the Zoning Inspector until the water and sewage disposal systems have been approved by the Pickaway County Health Department, Ohio Environmental Protection Agency (OEPA) or other applicable entity.

4.08.04 Record of Certificate of Zoning Compliance

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

Section 4.09 Void Zoning Permits

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

- A. The zoning permit was issued by the Zoning Inspector contrary to the provisions of this Ordinance.
- 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, 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 V
SUBDIVISION PROCEDURES**

Section 5.01 Pre-Application Meeting

Prior to preparation of a preliminary plan, an Owner/Developer is encouraged to meet with the Director of Public Service and/or the Planning and Zoning Commission to familiarize himself/herself with the provisions of this Code, the zoning ordinance and other applicable regulations. The submittal of a concept or sketch plan for the proposed development, incorporating existing aerial photographs and topographic information, and plans for adjacent areas, is strongly recommended.

Section 5.02 Submittal of Minor Subdivisions ("Lot Splits")

If the Director of Public Service, or his/her designated agent, determines that the proposed subdivision of land meets the following criteria, then it shall be classified as a *minor subdivision*:

- A. adjoins an existing public street and does not involve opening, widening, extension or improvement of any roadway or the installation of any public utilities, and
- B. creates no more than five (5) lots including the remainder, and
- C. complies with the requirements of Chapter 711 of the Ohio Revised Code and applicable zoning regulations of the City.

If the subdivision is considered as a minor subdivision, only such drawings and information as is determined necessary by the Director of Public Service to determine compliance with pertinent subdivision, zoning and other regulations need to be submitted for approval. At a minimum, the submitted material shall include a survey of the property by a Registered Surveyor, along with a completed application form as provided for such purpose by the Office of Public Service.

After determination that such action meets the criteria for a minor subdivision and within ten (10) business days after it has been submitted, the Director of Public Service may approve or disapprove said minor subdivision by indicating upon the preliminary plan or instrument of conveyance "*Approved (Disapproved) Circleville Planning and Zoning Commission / No Plat Required*", or he/she may refer such submittal to the full Planning and Zoning Commission. In cases of approval or disapproval, one (1) copy of the preliminary plan or instrument of conveyance, with such notation thereon, shall be retained for the files of the Planning and Zoning Commission. The decision of the Director of Public Service may be appealed in writing to the full Planning and Zoning Commission within thirty (30) days from the date of the approval or disapproval.

If no action on the proposed minor subdivision is taken within thirty (30) days from submittal, then the minor subdivision shall be considered as approved by the Planning and Zoning Commission

Section 5.03 Application for Preliminary Plan

Upon determining to proceed with a preliminary plan, the Owner/ Developer shall submit nine (9) complete sets of drawings and other material for an application as specified in

Section 5.04 below, to the Director of Public Service, along with applicable fees as established by City Council in separate Ordinance.

Within fifteen (15) working days from receipt, the Director of Public Service shall review the submitted materials to determine completeness. If the application meets the submittal requirements as specified in Section 5.04 below, the Director of Public Service shall certify such application and proceed with review. If the application is found to be incomplete, the Owner/Developer shall be notified, and the submitted materials shall be so marked.

Section 5.04 Contents of Application for Preliminary Plan

The application for preliminary plan shall, at a minimum, include the following information:

- A. Proposed name of the subdivision and its location;
- B. Names, addresses and telephone numbers of owners and/or developers;
- C. Name, address and registration number of the Professional Engineer or Professional Surveyor preparing the plan.
- D. Date, north arrow and plan scale;
- E. Boundary lines of the proposed development and the total tract owned or controlled by Owner /Developer, along with the acreage of both;
- F. Existing physical features, including any existing structures, with contour lines at not more than two foot (2') intervals if slope of the site is fifteen percent (15%) or less, and five feet (5') feet if slope of the site is more than fifteen percent (15%). Contours shall be based on USGS topographic information, recent aerial photography and/or ground surveys;
- G. Portions of the site identified by the Federal Emergency Management Agency (FEMA) as within the Official Flood Hazard Area for the 100-Year Flood, as specified on Official Flood Hazard studies, or Flood Hazard Boundary Map(s) for Circleville, as may be amended.
- H. Portions of the site subject to federal wetlands requirements.
- I. Existing sewers, water mains, transmission lines, culverts and other underground structures within the tract, adjacent to the tract or that will be used in developing the tract, indicating pipe sizes, grades and locations;
- J. Proposed lot or parcel dimensions, street rights-of-way widths, water, sanitary sewer and storm sewer layout, along with grades and elevation of proposed streets, storm sewers and sanitary sewers;
- K. Other utility system layouts and requirements;
- L. Proposed methods for addressing storm runoff;
- M. Parcels of land intended to be dedicated or temporarily reserved for public use or reserved by deed covenant with the conditions proposed for such covenant, and for the dedications;
- N. For commercial and/or industrial development, the location, dimensions and grades of proposed parking and loading areas, alleys, streets and points of vehicular ingress and egress to the site.

All drawings shall be submitted in AutoCAD format and as PDF images.

Section 5.05 Submittal of Preliminary Plan to Planning and Zoning Commission

Upon certification of the preliminary plan application pursuant to Section 5.03 above, the Director of Public Service shall review said application and submit same to other City departments and/or other entities as deemed appropriate for input. In addition, the Director of Public Service may seek the input of special consultants for the express purpose of providing

input on particular issues. After review, the Director of Public Service shall submit the preliminary plan to the Planning and Zoning Commission, along with a compilation of comments, recommendations and input received from other sources and his/her recommendations for action. The date of submittal of the preliminary plan shall be deemed the date of the first Planning and Zoning Commission meeting following completion of review by the Director of Public Service.

Section 5.06 Action on Preliminary Plan by Planning and Zoning Commission

The Planning and Zoning Commission shall review and take action on the preliminary plan not later than thirty (30) days from submittal of the preliminary plan to the Commission by the Director of Public Service pursuant to Section 5.05 above, or within such further time as is agreed upon by the Owner/Developer. In reviewing the preliminary plan, the Planning and Zoning Commission shall consider the input received from the Director of Public Service.

A preliminary plan shall not be approved unless the Planning and Zoning Commission finds that:

- A. The preliminary plan complies with the provisions of the Ohio Revised Code these regulations and other codes of the City, and
- B. The subdivision can be adequately served with public facilities and services suitable under the specific circumstances, and
- C. Land intended for building sites appears suitable for development and is not likely to be subject to peril from floods, erosion, continuously high water table, poor soil conditions or other menace; however, preliminary approval shall not be construed to imply or infer any warranty or assurance by the City that such hazards do not exist, or any liability thereof.

The Planning and Zoning Commission may approve, disapprove, or approve with modification the submitted plan. The grounds for the action, including citation or reference for rules violated by the plan, shall be stated in the written record of the Commission. Any approval of a preliminary plan shall be effective for a period of two (2) years.

In the event that modifications are required, a copy of the revised preliminary plan incorporating such modifications shall be completed by the Owner/Developer and submitted to the Commission for the permanent file.

Approval of the preliminary plan shall confer upon the applicant the right for a two (2) year period from the date of approval that the general terms and conditions under which approval was granted will not be changed, and that within such two (2) year period, the whole, including all parts of the preliminary plan shall be submitted for final approval, pursuant to Section 5.07 below, unless an extension of such time is granted by the Planning and Zoning Commission

Section 5.07 Application for Final Plat

Upon approval of the preliminary plan, an application for a final plat for land being subdivided shall be submitted by the Owner/Developer to the Director of Public Service. It shall incorporate all modifications required by the Planning and Zoning Commission during approval of the preliminary plan, and otherwise conform to the preliminary plan as approved. The Owner/Developer may apply for a final plat covering that portion of an approved preliminary plan which he/she proposes to develop and record at the time, provided that such portion conforms to all provisions of these regulations.

Section 5.08 Plans and Specifications for Site Improvements

Prior to action on a final plat by the Planning and Zoning Commission, the applicant shall prepare Construction and Grading Plans, specifications and cost estimates of the required site improvements. Such cost estimates shall reflect current prevailing wage rates, and be prepared and certified by a Professional Engineer. A minimum of twenty (20) copies of such material shall be submitted to the Director of Public Service, who shall provide copies of the plans and estimates to local utilities, as applicable. All drawings shall be submitted in AutoCAD format and as PDF images, and shall comply with the requirements of the Department of Public Service

The estimates shall be grouped according to the following:

- A. Street improvements, including curb, gutter, pavement, sidewalks, street lighting, storm drainage and signage;
- B. Water mains, including lines, valves and hydrants;
- C. Sanitary sewers, including lines, manholes, lift stations and service taps if located within the public street right-of-way;
- D. Storm drainage improvements, including pipes, drainage structures, and grading and earthwork for detention/retention areas and open channels.
- E. Site improvements, including seeding, sodding, and erosion control.
- F. Other site improvements as required by the Director of Public Service.

Section 5.09 Review by Director of Public Service

The Director of Public Service shall review the plans submitted pursuant to Section 5.08 above, and, subject to his review, they shall be approved or returned with comments. The Director of Public Service may submit the plans for review by special consultants selected by the City for that purpose, if it is determined by the Director that such review is warranted. The costs associated with such reviews shall be paid for by the Owner/Developer.

Section 5.10 Construction of Improvements and Performance Guarantees

The Owner/Developer may install, construct, have inspected and approved by the Director of Public Service all required site improvements prior to submitting the application for approval of a final plat or he/she may furnish satisfactory performance guarantees, pursuant to Article XXXVII, for the construction of such improvements.

No lot, parcel or tract shall be transferred from the proposed development nor shall any construction work on such development, including street grading, be started until the Owner/Developer has obtained approval of the final plat, approval of the Construction and Grading Plans from the Director of Public Service, approval of necessary bonds and/or letters of credit, payment of all applicable inspection and other development fees, execution of any development agreement, and recording of such plat by the Pickaway County Recorder.

Section 5.11 Application for Approval of Final Plat

Upon determining to proceed with a final plat, the Owner/ Developer shall submit six (6) complete sets of drawings and materials as specified in Section 5.12 below to the Director of Public Service. The applicant shall submit all fees as applicable for a final plat, as established by City Council. The application shall be submitted within two (2) years after approval of the preliminary plan; otherwise, approval of the preliminary plan shall become null and void unless an extension is granted by the Planning and Zoning Commission. Within

ten (10) working days, the Director of Public Service shall review the application, and determine if such application is complete and if all applicable requirements of this Ordinance have been met. If he/she determines that all applicable requirements have been met, the Director of Public Service shall transmit the application to the Planning and Zoning Commission at its next regularly scheduled meeting, which shall be deemed the date of submission of the final plat.

Section 5.12 Contents of Application for Final Plat

A final plat shall be drawn to a scale of one (1) inch to one-hundred feet, capable of printing on sheet or sheets 24"X 36" in size, or other size and scale as determined appropriate by the Director of Public Service. All drawings shall be submitted in AutoCAD format and as PDF images. The final plat shall contain the following items:

- A. Name of the subdivision and the section number, if it is a portion of the total subdivision.
- B. A legal description giving the number of acres, City, township, section, range, parcel identification number and property owner's name.
- C. All required certifications and approvals
- D. Requested covenants and/or deed restrictions
- E. Sheet and total number for each sheet, including covenant sheet and construction plan
- F. Scale and north indicator
- G. The bearings and distances of the boundary lines of the subdivision
- H. The bearings and distances of all lot lines or areas dedicated to public uses within the subdivision. In case of curved sides of lots, the tangent deflection angle, the length of the tangent, the length of radius, the length of arc and the length and bearing of the chord shall be given
- I. Lot numbers
- J. The bearing and distances of all straight sections of street center lines. Curved sections of street center lines shall show the same information as curved lot lines
- K. Street names
- L. Street, alley and easement widths. Any easements not parallel to property lines shall show the bearings and distances of the lines
- M. The location of all permanent markers or monuments
- N. Building setback lines with their distance from the right-of-way lines
- O. The proposed location of all utilities and easements, including dimensions
- P. Certification of engineering data on the plat by a Professional Engineer or Surveyor
- Q. All of the above, including any additional requirements as may be cited by the Pickaway County Auditor or Recorder.

Section 5.13 Action by Planning and Zoning Commission

If the final plat as submitted to the Commission pursuant to Section 5.11 above conforms to the provisions of the Ohio Revised Code and this Ordinance, and is consistent with the preliminary plan with such changes as required by the Planning and Zoning Commission, and if satisfactory provision is made regarding site improvements, and costs pursuant to Section 5.08 of this Ordinance, the Commission shall take action on the final plat within thirty (30) days from the date that the final plat is submitted, or within such further time as the Owner/Developer may agree to. The approval of the final plat shall be indicated in writing on the original tracing by the signature of the Chairman of the Planning and Zoning Commission. Reasons for disapproval of a final plat shall be stated in the records of the

Commission, including citations or references to the requirements or provisions of the applicable Ordinance(s) that are inconsistent with the final plat.

If the Commission fails to act upon the final plat within the time allotted, the plat shall be considered as approved, and the certificate of the Planning and Zoning Commission as to the date of the submission of the plat for approval, and the failure to take action thereon within such time, shall be issued on demand and shall be sufficient in lieu of the written endorsement or other evidence of approval.

Section 5.14 Conditional Approval

The Commission may grant conditional approval to a final plat by requiring the Owner/Developer to alter the plat or any part of it, within a specified period after the end of the thirty (30) calendar days, as a condition for final approval. Once all conditions have been met within the specified period, the Commission shall cause its final approval to be endorsed on the plat. No plat shall be recorded until it is so endorsed with the Commission's final or unconditional approval.

Section 5.15 Appeal of Plat Refusal

Within sixty (60) days after final plat denial, the Owner/Developer may file a petition in the Court of Common Pleas, in which he/she shall be named Plaintiff. The petition shall contain a copy of the plat sought to be recorded, a statement of facts justifying the propriety and reasonableness of the proposed subdivision, and a prayer for an order directed to the Pickaway County Recorder to record such plat. Such petition may include a statement of facts to support the claim that the rules and regulations of the Planning and Zoning Commission are unreasonable and/or unlawful. The Planning and Zoning Commission of the City of Circleville and the Pickaway County Recorder shall be joined as Defendants, and summons shall be issued upon such Defendants as in civil action. This appeal shall proceed in accordance with the terms and conditions set forth in ORC Section 711.09.

Section 5.16 Acceptance of Public Lands and Improvements

Within thirty (30) days after approval of the final plat by the Planning and Zoning Commission, the Director of Public Service shall forward the plat to the City Council for acceptance of the public rights-of-way and easements dedicated or granted thereon. Action of the City Council shall be by separate ordinance, containing a statement authorizing the clerk of Council to sign the plat and instructing him/her when such signing shall occur.

Section 5.17 Recording of Plat

Upon approval of the final plat, a copy thereof shall be properly recorded in the office of the Pickaway County Recorder, at the sole expense of the Owner/Developer. The Final Plat shall be so recorded within sixty (60) days after such plat is approved by the City Council. In the event that the Final Plat is not recorded within sixty (60) days, the approval of such Final Plat shall thereupon become null and void, unless an extension of such time is granted by the City Council. At such time as the final plat is submitted for recording, the final plat shall contain the City lot number designations, as well as a statement that the public improvements associated with the plat shall be completed within twenty-four (24) months from final plat approval, pursuant to Section 5.13 above.

Subsequent to the recording required hereby, one copy shall be returned to the Director of Public Service, along with the assurances for completion of improvements as required in Articles XXXVIII and XXXIX of this Ordinance.

ARTICLE VI

AMENDMENTS

Section 6.01 Power of City Council

Pursuant to Chapter 713 of the Ohio Revised Code, whenever the public necessity, convenience, or general welfare 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 6.02 Initiation of 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 by at least one (1) owner or lessee of property, or his designated agent, within the area proposed or affected by the said amendment.

Section 6.03 Application

An application for amendment shall be transmitted by the applicant to the Zoning Inspector and shall contain the following information:

- A. Name, address, and phone number of the applicant.
- B. Proposed amendment to the text or, in cases where property is proposed to be placed in a different zoning district, a legal description of the property affected.
- C. Present use and district.
- D. Proposed use and district.
- E. A map 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 6.04 Transmittal of Proposed Ordinance, Amendment or Application 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 6.05 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, approved with modification, or that the amendment be denied. A public hearing may be held by the Planning and Zoning Commission for consideration of the proposed amendment. If such a hearing is held, the Planning and Zoning Commission shall follow the same requirements for notification as specified in Section 6.06 below.

In considering a proposed zoning amendment, the Planning and Zoning Commission may seek the input and recommendations of the Pickaway County Planning Commission, any other local entity established to promote planning, or outside consultants procured for that purpose.

Section 6.06 Action by City Council

6.06.01 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 City Council, by first-class mail, at least twenty (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 Pickaway County Auditor's current tax list, as provided by the applicant. The failure of delivery of such notice shall not invalidate such proposed Ordinance.

6.06.02 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 submitted to the Planning and Zoning Commission shall be on file, for public examination, in the office of the Director of Public Service.

6.06.03 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.

6.06.04 Criteria

In reviewing the proposed amendment and arriving at its decision, the City Council shall consider the following factors:

- A. Compatibility of the proposed amendment with the zoning and use of adjacent land, and with adopted land use plans for the general area.
- B. The effect of the adoption of the proposed amendment on motor vehicle access, traffic flow, and the provision of public services in the general area.
- C. The effect of the adoption of the proposed amendment upon the public health, safety and general welfare of the residents of the City

Section 6.07 Effective Date and Referendum

Such amendment adopted by City Council shall become effective thirty (30) days after the date of Ordinance, subject to the provisions for referendum specified in the Ohio Revised Code. If the amendment as passed by City Council pertains to a change in the Official Zoning Map, such change shall be incorporated onto the Map by reference to the Ordinance Number and date of adoption.

ARTICLE VII

APPEALS AND VARIANCES

Section 7.01 Appeals

7.01.01 Taking of Appeals

Appeals to the Board of Zoning Appeals concerning interpretation or administration of this Ordinance by the Zoning Inspector may be taken by any person aggrieved, including a tenant, or by a governmental officer, department, or board. Such appeal shall be taken within thirty (30) days after the date of the decision, by filing with the Zoning Inspector and with the Board of Zoning Appeals a notice of appeal specifying the decision of the Zoning Inspector which the appeal is being taken.

7.01.02 Imminent Peril

An appeal shall stay all proceedings in furtherance of the action appealed from, unless the Zoning Inspector certifies to the Board of Zoning Appeals, after notice of appeal shall have been filed with him, that by reason of facts stated in the application a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed other than by a restraining order which may, on due cause shown, be granted by the Board of Zoning Appeals after notice to the Zoning Inspector, or by judicial proceedings.

Section 7.02 Powers of the Board of Zoning Appeals

The Board of Zoning Appeals shall have the power to authorize, upon appeal in specific cases, as hereinafter provided, such variances from the provisions or requirements of this 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 requirements would result in practical difficulties that would deprive the owner of the reasonable use of the land and buildings involved.

- A. Area Variances. The Board of Zoning Appeals shall consider and weigh the following factors to determine practical difficulty:
1. Whether special conditions and circumstances exist which are peculiar to the land or structure involved and which are not applicable generally to other lands or structures in the zoning district. Examples of such special conditions or circumstances are exceptional irregularity; narrowness, shallowness or steepness of the lot; or proximity to non-conforming inharmonious uses, structures or conditions;
 2. Whether the property in question will yield a reasonable return or whether there is any beneficial use of the property without the variance;
 3. Whether the variance is substantial and is the minimum necessary to make possible a reasonable use of the land or structures;

4. Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer substantial detriment as a result of the variance;
5. Whether the variance would adversely affect the delivery of governmental services;
6. Whether the property owner purchased the property with knowledge of the zoning restrictions;
7. Whether special conditions or circumstances exist as the result of actions of the owner;
8. Whether the property owner's predicament feasibly can be obviated through some method other than a variance;
9. Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting a variance;
10. Whether the granting of the variance requested will confer on the applicant any special privilege that is denied by this regulation to other lands, structures, or buildings in the same zoning district; and
11. Whether a literal interpretation of the provisions of this Code would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Code.

B. Use Variance

1. To grant a use variance, the Board of Zoning Appeals shall determine that strict compliance with the terms of this Code will result in unnecessary hardship to the applicant. To be eligible for a use variance, the applicant must demonstrate such hardship by clear and convincing evidence that all of the following criteria are satisfied:
 - i. The variance requested stems from a condition that is unique to the property at issue and not ordinarily found in the same zone or district;
 - ii. The granting of the variance will not have any material adverse effect on the rights of adjacent property owners or residents;
 - iii. The granting of the variance will not have any material adverse effect on the public health, safety, or general welfare of the City of Circleville;
 - iv. The variance will be consistent with the general spirit and intent of the Code; and
 - v. The variance sought is the minimum that will afford relief to the applicant.
2. The applicant may submit evidence and the Board of Zoning Appeals may also consider:
 - i. Whether the property cannot be put to any economically viable use under any of the permitted uses in the zoning district in which the property is located, and
 - ii. Whether, and the extent to which, if applicable, the hardship condition is not created by actions of the applicant. In general, a self-created hardship exists where an applicant has purchased property with knowledge of zoning restrictions that are the basis for requesting a use variance.
 - iii. Whether the variance, if authorized, will alter the essential character of the neighborhood or district in which the property is located.
 - iv. Whether the variance will substantially or permanently impair the appropriate use or development of adjacent property.

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:

Under no circumstances shall the Board of Zoning Appeals grant a 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 7.03 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, with the Zoning Inspector and the Board of Zoning Appeals, in care of the Secretary, on a form as specified for that purpose.

Eight complete sets of all information shall be submitted with an application. The Zoning Inspector may modify this requirement based upon the type of materials included. The applicant is encouraged to contact the Zoning Inspector prior to submitting an application to discuss the submission requirements. If any information is submitted in color or on non-standard paper, more copies may be required. The application for a variance or an appeal shall contain the following information:

- A. Name, address, and phone number of the applicant.
- B. If the applicant is not the owner, a statement (Letter of Agency) from the owner that the applicant is entitled or authorized to apply on his or her behalf.
- C. Legal description of property as recorded in the Pickaway County Recorder's office.
- D. A map or drawing to approximate scale, showing the north arrow; dimensions of the entire lot and any adjacent rights-of-way; any existing or proposed buildings; the location, height and use of all proposed and existing structures, vehicle management areas, signs, screening and landscaping; distances to residential zoning districts if within 1,000 feet of the lot, and the use of land and location of structures on adjacent property and across adjacent rights-of-way. The Zoning Inspector may require the elevations of proposed structures, or typical elevations if structures are not yet designed, if the proposed location, height, or bulk of the structure is such that it may negatively affect an adjacent use.
- 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 form the basis upon which the application is submitted.
- F. The zoning district in which the site is located.
- G. A narrative statement explaining the following:
 - 1. A description of the Use and Site.
 - 2. The use, setback, or other basis upon which the 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. For variance applications, the nature and magnitude of the requested variance.
 3. An explanation of how the proposed variance satisfies each of the decision standards required to grant a variance or the specific reasons why the appeal is justified, according to Section 7.02 A or B above.
- H. The application fee established by separate ordinance.
- I. Photographs of the existing use and its surroundings and other information regarding the proposed use, site, or surrounding area as may be required by the Board of Zoning Appeals.

Section 7.04 Variances

- A. Purpose
1. A variance provides variation from the strict interpretation of the Zoning Ordinance so that a specific provision does not prevent development of a specific site that would otherwise not be possible and that would satisfy the general intent of the Zoning Ordinance.
 2. Requirement. Each variance shall be granted according to the provisions of this chapter.
 3. Effect.
 - a. A variance shall be valid only for the specific use, site, location, and provision upon which it is granted and changes to the site that change the facts upon which a variance is granted shall be strictly interpreted.
 - b. A variance does not expire, but shall become invalid if the use, site, or location is changed in some way that changes the facts upon which the variance was granted.
 - c. An action or construction undertaken in accordance with the terms of a variance do not create a nonconformity.
- B. Procedure
1. Application. An application for a variance shall be filed with the Zoning Inspector. An application shall be complete prior to being scheduled for an adjudication hearing. An application shall be placed on the agenda only if the Zoning Inspector is satisfied that the materials required by this chapter are sufficient in their content to satisfy the intent of the application requirements. The Board of Zoning Appeals will not hear any appeal on an application that the Board deems incomplete.
 2. Contents of the application for variance. The application shall comply with the provisions of Section 7.03 that pertain to variances.
- C. Reapplication. No application for a variance that is substantially similar to an application that has been denied or granted, wholly or in part, shall be submitted for one year after the decision of the Board of Zoning Appeals. The Zoning Inspector shall consider factors such as the nature or size of a proposal, changes in the development or traffic patterns of the area, or newly discovered evidence pertinent to a decision on a previous application.
- D. Board of Zoning Appeals Review. The Board of Zoning Appeals shall base its review of the variance application upon the complete application, upon any staff report, and upon any relevant and credible public testimony and evidence presented during the adjudication hearing. If the Board of Zoning Appeals finds the information provided is insufficient to make a determination, it may suspend its review or continue the hearing until sufficient information has been provided.

- E. Burden of proof. The burden of proof is on the applicant to present reliable, probative and substantial testimony and evidence that supports the request for a variance.
- F. Decision Standards. Variance shall be granted for an area variance only upon a determination that practical difficulties exists with respect to the property in question that would render strict application of the Zoning Ordinance unreasonable. This determination shall be made without regard to the existence of variances and nonconformities on other land, sites, or structures not presently under consideration.
- G. Action by Board of Zoning Appeals
 - a. The Board of Zoning Appeals shall grant, grant with conditions, or deny a variance application as presented and shall clearly state the findings upon which its decision is based.
 - b. The Board of Zoning Appeals shall base its decision only upon the decision standards in this Chapter. In its decision, the Board of Zoning Appeals may waive or modify dimensional regulations of the Zoning Ordinance, or may impose more strict regulations and any additional conditions, guarantees, and safeguards it deems necessary to satisfy the purpose of the Zoning Ordinance.
- H. Issuance of Permits
 - a. The Zoning Inspector shall issue permits to permit the action for which a variance was sought after the Board of Zoning Appeals grants a variance. Construction permits shall not be issued unless the plans substantially conform to those upon which a variance was granted. Any action that exceeds a granted variance shall constitute a violation of the Zoning Ordinance.
 - b. No order of the Board of Zoning Appeals permitting the erection or alteration of a building or the use of a building or premises shall be valid for a period longer than six (6) months, and upon the expiration of such period shall automatically be deemed revoked, unless a building permit for such erection or alterations is obtained and the work is started within such period, or where no erection or alteration is necessary, the permitted use is established within such period, or an extension of time is requested in writing and granted by the Board.
- I. Appeal of the decision of the Board of Zoning Appeals.
 - a. Appeals of decisions of the Board of Zoning Appeals shall be made to the Court of Common Pleas of Pickaway County.

Section 7.05 Appeals

Appeals to the Board of Appeals concerning the interpretation or administration of the Zoning Ordinance may be taken by any person aggrieved by a decision of the Zoning Inspector or by any officer or head of any department or division of the City affected by any decision of the Zoning Inspector. Such appeals shall be taken within twenty-one days after receipt of such decision by filing with the Zoning Inspector and with the Board of Zoning Appeals a notice of appeal specifying the grounds upon which the appeal is being taken. The Zoning Inspector shall transmit to the Board of Zoning Appeals all the papers constituting the record upon which the action appealed from was taken.

A request for an appeal shall be submitted by the owner of the property involved or a person having an interest in such property and acting under written authority of the owner.

Section 7.06 Supplementary Conditions and Safeguards

In granting any appeal or variance, the Board of Zoning Appeals may prescribe appropriate and reasonable 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 9.02 of this Ordinance.

Section 7.07 Public Hearing by the Board of Zoning Appeals

The Board of Zoning Appeals shall hold a public hearing within thirty (30) days after receipt of a complete application for a variance or for an appeal from the decision of the Zoning Inspector. The Board may recess such hearings from time to time, and if the time and place of the continued hearing is publicly announced at the time of the adjournment, no further public notice shall be required. Any person in interest may appear at the public hearing in person or by attorney.

Section 7.08 Notice of Public Hearing

Before holding any public hearing pursuant to Section 7.05, 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 time and place of the public hearing, and the nature of the proposed appeal or variance. In addition, written notice of such hearing shall be mailed by the Zoning Inspector, 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 above. Parties of interest shall include at a minimum, 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 actions of the Board of Zoning Appeals.

Section 7.09 Review of Appeal

The Board of Zoning Appeals shall review the application for appeal or variance. To aid in the review of an appeal, the Board may transmit the application to appropriate administrative departments and professional consultants for review and comment. Any reports, comments, or expert opinions shall be compiled by the Zoning Inspector and transmitted to the Board of Zoning Appeals prior to the time of the review.

Section 7.10 Action by Board of Zoning Appeals

Within thirty (30) days after the public hearing pursuant to Section 7.05, the Board of Zoning Appeals shall either approve, approve with supplementary conditions as specified in Section 7.04, or disapprove the request for appeal or variance. The Board of Zoning Appeals shall transmit a written copy of its decision and findings to the Zoning Inspector, who shall forward such copy to the applicant. If the application is approved, or approved with supplementary conditions, the Board of Zoning Appeals 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.

The Zoning Inspector shall keep a record of the minutes of all proceedings upon appeal, showing the vote of each member thereon, and shall keep record of the Board's official actions. Where files are kept by address or property, the Zoning Inspector shall note in the file information referencing the decision and date of the decision made by the Board of Zoning Appeals.

If the request for appeal or variance is denied, the applicant may seek relief pursuant to procedures as cited in the Ohio Revised Code.

ARTICLE VIII

CONDITIONAL USES

Section 8.01 Purpose

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

Section 8.02 Application for Conditional Use

Any person owning or having an interest in property may file an application to use such property for 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 members of the Board of Zoning Appeals. The application shall contain the following information:

- A. All of the information required for a zoning permit, pursuant to Section 4.03.
- B. A plan of the proposed site for the conditional use showing the location of all buildings, parking and loading area, traffic circulation, open spaces, landscaping, refuse, and service areas, utilities, signs, yards, and such other information as the Commission may require to determine if the proposed conditional use meets the intent and requirements of this Ordinance.
- C. A narrative statement evaluating the effects on adjoining property, and a discussion of the general compatibility with adjacent and other properties in the district.
- 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. Such other information regarding the property, proposed use, or surrounding area as may be pertinent to the deliberations of the Board of Zoning Appeals.

Section 8.03 General Standards for Conditional Uses

The Board of Zoning Appeals 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 harmonious with the existing or intended character of the general vicinity and that such use will not change the general character of such area.
- B. Seeks to maintain, and will not be hazardous to, the health, safety and welfare of the existing neighboring, and the total community.

- C. 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 provide adequately any such services.
- D. Will not create excessive additional requirements for public facilities and services and will not be detrimental to the economic welfare of the community.
- E. Will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors.
- F. Will have vehicular approaches to the property which shall be so designated as not to interfere with traffic on surrounding public streets or roads.
- G. Complies with any other requirements or standards that are cited under the specific zoning district regulations of this Ordinance.

Section 8.04 Supplementary Conditions

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

Section 8.05 Public Hearing by the Board of Zoning Appeals

The Board of Zoning Appeals may hold a public hearing within thirty (30) days from the receipt of the application specified in Section 8.02. The requirements for public notice and notification of parties of interest shall be the same as for appeals and/or variances as specified in Section 7.05 and 7.06 of this Ordinance.

Section 8.06 Action by the Board of Zoning Appeals

Within sixty (60) days after the public hearing pursuant to Section 8.05, or within sixty (60) days from the date of the application if such hearing is not held, the Board of Zoning Appeals shall either approve, approve with supplementary conditions as specified in Section 8.04, or disapprove the application as presented. If the application is approved with supplementary conditions, the Board of Zoning Appeals shall direct the Zoning Inspector to issue a zoning permit listing the specific conditions listed by the Board of Zoning Appeals for approval. If the application is disapproved, the applicant may seek relief pursuant to the Ohio Revised Code. If no action is taken by the Commission within the specified time frame, the application shall be considered as approved.

Section 8.07 Expiration and Revocation of Zoning Permit Issued Under Conditional Use Provisions.

The approval of the zoning permit issued in accordance with Section 8.06 shall become null and void if such use is not carried out within one (1) year after date of approval; however, the Board of Zoning Appeals may grant an extension of a zoning permit for a conditional use for an additional period of six (6) months. The Board of Zoning Appeals may revoke the zoning permit, if it finds, based upon written evidence by any citizen or official of the City, of violation of this Ordinance and/or written terms and conditions upon which approval was based.

ARTICLE IX

FEES AND VIOLATIONS

Section 9.01 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, subdivision plats, appeals, and other matters pertaining to this Ordinance. The schedule of fees shall be posted in the office of the Director of Public Service, 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 9.02 Violation

9.02.01 Violation and Remedies

If any building is or is proposed to be located, erected, constructed, reconstructed, enlarged, changed, demolished, maintained or used, or any land is or is proposed to be used in violation of this Zoning Ordinance or any amendment or supplement thereto, City Council, the Director of Public Service or any citizen who would be specifically damaged by such violation may, in addition to other remedies provided by law, institute appropriate action or proceedings to prevent such unlawful location, erection, construction, reconstruction, alteration, demolition, conversion, maintenance. Or use; to restrain, correct or abate such violation; to prevent the occupancy of such building, structure or land; or to prevent any illegal act, conduct, business or use in or about such premises.

9.02.02 Failure to Obtain a Required Permit or Approval

Failure to obtain a zoning permit, Certificate of Zoning Compliance, or other approval as required by specific Sections of this Ordinance shall be a violation of this Ordinance and punishable under Section 9.02.05.

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

Zoning permits or other approvals issued on the basis of plans, plats and/or applications 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 9.02.05 below.

9.02.04 Complaints Regarding Violations

Whenever a violation of this Ordinance 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 properly such com-

plaint, immediately investigate, and take such appropriate action thereon as may be necessary and provided for by this Ordinance.

9.02.05

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 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 be subject to 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 immediate termination of such action, through injunction or other means.

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

ARTICLE X

NONCONFORMITIES

Section 10.01 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 such nonconformities to continue until they are removed and to allow reasonable expansion and/or substitution.

Section 10.02 When Permitted

10.02.01 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 building or use was legally existing prior to the establishment of this Ordinance. No non-conforming building, structure, or use shall be moved, extended, enlarged, reconstructed, or structurally altered, except as provided in this Ordinance.

10.02.02 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.

10.02.03 Permit Required

Any change, in whole or in part, of a lawful nonconformity pursuant to the provisions of this Ordinance, shall require the issuance of a nonconforming use permit.

Section 10.03 Substitution

The Board of Zoning Appeals 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 Board of Zoning Appeals to any use which is not a permitted or conditional use in any "R" District.

A nonconforming mobile home, as defined in Article II of this Ordinance, located in any district, once removed shall not be relocated on such lot, or replaced with another mobile home.

Section 10.04 Extension

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

- A. The Board of Zoning Appeals may permit, on a once-only basis, a building containing a nonconforming use to be enlarged to an extent so the resulting building shall be not more than one-hundred- fifty percent (150%) of the ground floor area of the existing building or structure devoted to a nonconforming use at the time of enactment of this Ordinance. The Board shall not authorize an enlargement which would result in a violation of the provision of this Ordinance with respect to a yard or setback affecting any adjoining premises.
- B. Notwithstanding the above, no enlargement, extension or expansion of a nonconforming mobile home, as defined in Article II, shall be permitted within the City of Circleville.
- C. The expansion or extension of the nonconforming use of land shall be limited to an area consisting of one-hundred-fifty percent (150%) of the area enclosing the nonconforming use at the time of enactment of this Ordinance, provided such expansion does not encroach on any yard or setback required for the district in which the nonconforming use is located.
- D. 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.
- E. Any structure which is nonconforming due to its location or configuration on the lot, resulting in lot coverage or yards inconsistent with the requirements of the zoning district where it is located, may be enlarged, extended or structurally altered in a manner that decreases or maintains its existing degree of nonconformity, but in no case shall such structure be enlarged, extended or structurally altered in a manner that increases its degree of nonconformity.
- F. 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 most proximate R-District.

Section 10.05 Discontinuance

A nonconforming use which has been discontinued or abandoned shall not thereafter be returned to a nonconforming use. A nonconforming use shall be considered abandoned whenever either of the following conditions exists:

- 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 10.06 Damage and/or Destruction of a Nonconforming Building or Use

When a building or structure, the use or location 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 following conditions are met:

- A. the restoration or rebuilding is commenced within six (6) months of the time of damage, and construction is completed within one (1) year from commencement of restoration and/or rebuilding, unless an extension is requested from and granted by the Board of Zoning Appeals, and
- B. the damaged or destroyed building was not located in such a manner so as to encroach or intrude on adjacent property, and
- C. such restoration or rebuilding would not extend or expand the existing use beyond the parameters established in Section 10.04 above.

If any part of the damaged or destroyed building encroaches or intrudes on adjacent property, the location of the restored or rebuilt structure is subject to approval by the Board of Zoning Appeals. If the restoration or rebuilding of the structure involves extension or expansion of the use, then the provisions of Section 10.04 shall apply.

Section 10.07 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 when at least one of the following conditions exists:

- 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 10.08 Nonconforming Lots of Record

In any district where dwellings are permitted, a one-family detached dwelling 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 a minimum lot area of three thousand (3,000) square feet and at least twenty-five (25) feet frontage on a public right-of-way; 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 such property at the time this Ordinance became effective, two (2) inches may be deducted from the required minimum width of each side yard and four (4) inches from the required sum of minimum widths 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.

- B. If the owner of such lot owns two (2) or more adjacent lots, or other adjacent property, such owner shall re-divide the property in such a manner that they conform to the minimum width of such lots in the most proximate single-family district. However, if such re-division would result in lots that exceed width requirement of lots in the most proximate district, such re-division shall provide for one (1) more building lot than would otherwise be allowed.

ARTICLE XI

RESERVED FOR FUTURE USE

PART THREE

ZONING DISTRICTS

PART THREE

ZONING DISTRICTS

**ARTICLE XII
STANDARD ZONING DISTRICT REGULATIONS**

Section 12.01 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 XIII, are hereby established and adopted.

Section 12.02 Rules of Application

12.02.01 Identification of Uses

Listed uses are to be defined by their customary name or identification, except as specifically defined or limited in this Ordinance.

12.02.02 Permitted Uses

A. 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 unless:

1. A permitted use may be added to a zoning district by formal amendment, in conformance with Article IV of this Ordinance.
2. An unlisted use may be determined by the Planning and Zoning Commission to be a similar use, in accordance with Sections 12.02.05 of this Article.

B. No more than one (1) permitted use shall exist on any one zoning lot.

12.02.03 Accessory Uses

An accessory use or structure is a subordinate use or structure clearly incidental and secondary to 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 XXXII of this Ordinance.

12.02.04 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 Board of Zoning Appeals may 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 VIII of this Ordinance.

12.02.05 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 uses not specifically listed in the permitted building or use classifications of the zoning district, which the applicant feels qualify as a similar use under the provisions of this Section, shall be submitted to the Board of Zoning Appeals.

Within thirty (30) days after such submittal, the Board of Zoning Appeals 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 Planning and Zoning 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 increased danger to health and safety, creates no increased level of noise, vibration, dust, heat, smoke, odor, glare, or other objectionable influences, and does not create traffic congestion to an extent greater than normally resulting from uses listed in the classification to which it is to be added.

12.02.06 Development Standards

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

12.02.07 Development Plan

For particular uses in specific districts, a Development Plan will be cited as required. In such cases, the Development Plan shall be submitted by the applicant at the time of the application for a zoning permit, or at such time when the property is rezoned into that district. The Development Plan shall contain a site plan for the property, drawn to approximate scale, showing all property lines, existing buildings, access drives, parking areas, and other notable physical features. The Development Plan shall also show the location, outlines and size of all proposed structures including the design of all improvements including drainage, private streets, water and sanitary sewer lines, as well as the size, design, materials and location of all signage proposed for the development. The Development Plan shall also contain a narrative description of the proposed use, and an evaluation of how such use may impact adjacent property

The Development Plan shall be reviewed by the Board of Zoning Appeals and must be approved as a condition for the issuance of a

zoning permit. In reviewing such Plan, the Board of Zoning Appeals may seek the timely input from specific consultants. In approving a Development Plan, the Board of Zoning Appeals shall find that the following criteria have been met:

- A. The proposed building or use shall have sufficient yard space to provide for adequate parking and screening of adjacent residential areas as may be required in this Ordinance.
- B. The proposed use and structures, as proposed, can be adequately and efficiently served by public streets and utilities.
- C. The location, design and operation of the proposed use shall not impose undue adverse impacts on surrounding residential neighborhoods, and/or the Development Plan for the proposed facility has incorporated measures to lessen and/or alleviate such adverse impacts and protect the character of such adjacent residential areas.

12.02.08 Temporary Structures

Temporary structures, as defined in Article II of this Ordinance, shall be considered a conditional use in any and all zoning districts within the City, subject to the Development Standards for the specific district where the structure is to be located. Such temporary structure shall require a zoning permit. The application for such permit shall clearly state the time period for which the structure is in place. The application shall also include a site plan showing the location of the structure on the property and the methods that will be used to ensure the stability and safety of the structure.

12.02.09 Essential Services

Essential Services, as defined and specified in Article II of this Ordinance, shall be permitted in any and all zoning districts within the municipality.

ARTICLE XIII

ZONING DISTRICTS AND ZONING DISTRICT MAP

Section 13.01 Zoning Districts Established

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

<i>(AG)</i>	<i>Agricultural Estate District</i>
<i>(R-1)</i>	<i>Single Family Residential District (15,000 SF)</i>
<i>(R-2)</i>	<i>Single Family Residential District (10,000 SF)</i>
<i>(R-3)</i>	<i>Single Family Residential District (7,500 SF)</i>
<i>(R-4)</i>	<i>Historic Neighborhood Single Family Residential District</i>
<i>(R-5)</i>	<i>Two Family Residential District</i>
<i>(RO)</i>	<i>Residential Office District</i>
<i>(AR)</i>	<i>Apartment Residential District</i>
<i>(R-MH)</i>	<i>Manufactured Home Residential District</i>
<i>(LB)</i>	<i>Limited Business District</i>
<i>(GB)</i>	<i>General Business District</i>
<i>(DB)</i>	<i>Downtown Business District</i>
<i>(SU)</i>	<i>Special Use District</i>
<i>(LI)</i>	<i>Limited Industrial District</i>
<i>(GE)</i>	<i>General Employment District</i>
<i>(FP)</i>	<i>Flood Plain District (Overlay)</i>
<i>(HD)</i>	<i>Historic District (Overlay)</i>
<i>(H)</i>	<i>Hunting Reserve District (Overlay)</i>
<i>(PUD)</i>	<i>Planned Unit Development</i>
<i>(CV)</i>	<i>Campus Village District</i>

Section 13.02 Official Zoning Map

The districts established in Section 13.01 above 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 City Offices.

Section 13.03 Interpretation of Zoning District Boundaries

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

Section 13.04 Newly Annexed Areas

Subject to the conditions stated below, 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 present a zoning plan for the annexed territory to City Council, however such plan may be submitted prior to annexation. City Council may hold a public hearing on the proposed zoning plan, as recommended by the Commission. If such hearing is held, notice of such hearing shall be given in a newspaper of general circulation within the municipality not less than thirty (30) days before the date of the hearing. Within thirty (30) days after such hearing, City Council shall approve, or approve with modification the zoning plan. If such zoning plan is approved by City Council prior to the effective date of annexation, then the annexed property shall be considered to be zoned as specified in such plan on such date.

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 VI of this Ordinance.

ARTICLE XIV

(AG) AGRICULTURAL ESTATE DISTRICT

Section 14.01 Purpose

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

- A. to promote the continuance of agriculture and farm-based uses, and
- B. to provide areas for low density single family residential environments not normally served by public water and/or sewer and reflecting a rural lifestyle, and
- C. to physically conserve such areas as needed for future more intensive development.

Section 14.02 Permitted Uses

- A. Agricultural uses as defined in Article II, along with 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. One-family detached nonfarm dwelling.
- C. Public parks and nature preserves.
- D. Projects specifically designed for watershed protection, conservation of water or soils for flood control.
- E. Greenhouses and nurseries, including tree farms and woodlots.

Section 14.03 Accessory Uses

- A. Accessory buildings or structures customarily associated with single-family residential use, including detached garages or carports, tool or garden sheds, playhouses, swimming pools and/or similar facilities for primary use by occupants of the principal use of the property on which the facility is located, subject to the requirements of this Ordinance.
- B. Home occupations, subject to the requirements of Section 32.02 of this Ordinance.
- C. Temporary seasonal roadside stands offering for sale primarily agricultural products grown on the premises

Section 14.04 Conditional Uses

- A. Kennels and similar facilities for boarding of animals, provided adequate measures will be employed to minimize any adverse impacts on adjoining properties.
- B. Golf courses, provided a Development Plan showing the location of all facilities is submitted and approved by the Planning and Zoning Commission.
- C. Bed and Breakfast establishments, provided the facility is owned and operated by the resident of the property, and subject to the following:

1. Structures shall maintain the appearance of a single-family residence and be compatible with surrounding residences, in size and scale
2. Off-street parking shall be provided for all guests in specially designated improved areas.
3. Exterior signage shall be limited to a single nameplate not more than twelve (12) square feet in size. No signs shall be internally illuminated and all lighting shall be arranged so as not to shine on adjacent properties.
4. Accommodations shall be limited to three (3) guest rooms.

Section 14.05 Development Standards

14.05.01 Minimum Lot Area

For permitted and conditional uses, the lot area shall be not less than five (5) acres, or such size as determined by the Pickaway County Health Department, whichever is larger.

14.05.02 Minimum Lot Width

All lots shall have a minimum lot width of 200 feet, or such distance as is required by the Pickaway County Engineer, Ohio Department of Transportation or other applicable agency for obtaining a permit for driveway installation, whichever is larger. In addition, all lots less than ten (10) acres in size shall have a depth width ratio of not higher than 3:1.

14.05.03 Minimum Front Yard Depth

All structures shall be located not less than 100 feet from the center line of any roadway.

14.05.04 Minimum Side Yard Width

Twenty (20) feet.

14.05.05 Minimum Rear Yard Depth

Fifty (50) feet.

14.05.06 Maximum Building Height

Forty-five (45) feet for buildings. Silos, windmills, or other structures listed as permitted, accessory or conditional uses may exceed this height provided such structures maintain a distance equal to their height to any adjacent property.

ARTICLE XV

(R-1, R-2, R-3) SINGLE-FAMILY RESIDENTIAL DISTRICTS

Section 15.01 Purpose

The Single-Family Residential Districts are established to provide for new single-family residential development at various densities typical of contemporary suburban environments. The R-1, R-2 and R-3 Districts are to be utilized in areas on the periphery of the City that are generally vacant at the time of development, but are capable of being served by public water and sewer.

Section 15.02 Permitted Uses

- A. One-family detached dwelling.
- B. Public parks and open space.
- C. Public playgrounds of less than one (1) acre in size.

Section 15.03 Accessory Uses

- A. Accessory buildings or structures customarily associated with single-family residential use, including detached garages or carports, tool or garden sheds, playhouses, swimming pools and tennis courts and similar facilities for primary use by occupants of the principal use of the property on which the facility is located, subject to the requirements of this Ordinance.
- B. Home occupations, subject to the requirements of Section 32.02 of this Ordinance.

Section 15.04 Conditional Uses

- A. Public parks or playgrounds of one (1) acre or more

Section 15.05 Development Standards

The development standards for the R-1, R-2 and R-3 Districts shall be as shown on the chart on the following page:

**SINGLE FAMILY RESIDENTIAL DISTRICTS
DEVELOPMENT STANDARDS**

	R-1	R-2	R-3
MINIMUM LOT AREA	15,000 S.F	10,000 S.F.	7,500 S.F.
MINIMUM LOT WIDTH	100 feet	80 feet	65 feet
MINIMUM CORNER LOT WIDTH	120 feet	100 feet	85 feet
MINIMUM FRONT YARD DEPTH	30 feet	25 feet	25 feet
MINIMUM SIDE YARD WIDTH	10 feet	8 feet	6 feet
MINIMUM REAR YARD DEPTH	40 feet	40 feet	35 feet
BUILDING HEIGHT	35 feet	35 feet	35 feet
MAX. % OF LOT COVERAGE	35%	35%	35%
MIN. FLOOR AREA (1 STORY)	1,800 S.F	1,500 S.F.	1,200 S.F.
MIN. FLOOR AREA (1.5 - 2 STORY)	2,000 S.F.	1,900 S.F.	1,600 S.F.

ARTICLE XVI

(R-4) HISTORIC NEIGHBORHOOD SINGLE-FAMILY RESIDENTIAL DISTRICT

Section 16.01 Purpose

The R-4 District is established to provide for the continuance of single-family housing and reinvestment within the older portions of the City of Circleville, and expansion of such uses at densities consistent with existing development, thereby encouraging the revitalization of older neighborhoods and increasing the diversity of housing choice, while maintaining adequate development standards. This district could also be used to allow for new development in peripheral areas by meeting standards intended to promote the neighborhood character of such new development.

It is recognized that property in the R-4 District is located in the older areas of the City, and that such areas are likely to be characterized by patterns of mixed land use. Many of these mixed uses are the result of past development practices and might not be allowed under the current provisions of this Ordinance. It is the intent of this Ordinance, and this district in particular, to protect and preserve the basic property rights of such existing nonconforming uses. Specific provisions are made for the continuance, substitution and extension of such use, pursuant to Article X of this Ordinance and Section 713.16 of the Ohio Revised Code.

Section 16.02 Permitted Uses

- A. One-family detached dwelling.
- B. Public parks, playgrounds and open space.

Section 16.03 Accessory Uses

- A. Accessory buildings or structures customarily associated with single-family residential use, including detached garages or carports, tool or garden sheds, playhouses swimming pools and similar facilities for primary use by occupants of the principal use of the property on which the facility is located, subject to the requirements of this Ordinance.
- B. Home occupations, subject to the requirements of Section 32.02 of this Ordinance.

Section 16.04 Conditional Uses

- A. Churches and similar places of public assembly, provided the seating capacity of the sanctuary or main seating area is not more than 300 persons.
- B. Day-care centers and schools associated with conditionally permitted churches.
- C. Bed-and-Breakfast establishments, subject to the following standards:
 - 1. Structures shall maintain the appearance of a single-family residence and be compatible with surrounding residences, in size and scale
 - 2. The Bed-and-Breakfast establishment shall be owned and operated by the occupant of the premises.

3. Exterior signage shall be limited to a single nameplate not more than twelve (12) square feet in size. No signs shall be internally illuminated
 4. Accommodations shall be limited to not more than three (3) rooms.
 5. Off-street parking shall not be allowed in the front yard.
- D. Conversion of an existing nonresidential primary structure to a use cited as a conditional use in the RO District.

Section 16.05 Development Standards

- | | |
|----------|---|
| 16.05.01 | Minimum Lot Area |
| | 4,000 square feet. |
| 16.05.02 | Minimum Lot Width |
| | Forty (40) feet of lot width with frontage on a publicly dedicated, improved street or highway. |
| 16.05.03 | Minimum Front Yard Depth |
| | Twenty (20) feet, or the distance of the most proximate existing principal structures on the same side of the street and facing thereon within the same block, whichever is less. |
| 16.05.04 | Minimum Side Yard Depth |
| | Three (3) feet. |
| 16.05.05 | Minimum Rear Yard Depth |
| | Thirty (30) feet. |
| 16.05.06 | Minimum Area of Principal Building |
| | 600 square feet of living area for structures with a basement; 750 square feet for structures without a basement. |
| 16.05.07 | Lot Coverage |
| | All structures, including accessory structures, shall cover not more than 45% of the area of the lot. |
| 16.05.08 | Maximum Building Height |
| | Thirty-five (35) feet. |
| 16.05.09 | Additional Requirements for New Lots Developed in the R-4 District |
| | Presently undeveloped areas outside the older portion of the City may be developed in the R-4 District, subject to the following regulations: |

A. Adjacent to R-4 District

The property to be zoned for new R-4 development must be located adjacent to area of the City zoned in the R-4 District.

B. Development Plan

A Development Plan shall be required for all new residential development within the R-4 District, containing more than five (5) dwelling units. Such Development Plan shall show the proposed layout of all streets, lots and buildings, as well as the location of all public spaces.

C. Garages

All garages shall be located within the rear yard.

D. Street Trees

Street trees shall be required along all new streets developed within R-4 District. Such trees shall be spaced not further than thirty feet (30') apart and shall be a minimum of twelve feet (12') of overall height or a minimum caliper (trunk diameter measured six inches above the ground) of at least two inches (2") at time of planting. Such trees shall not be of a variety or species listed as undesirable in Section 33.04 of this Ordinance.

E. Sidewalks

Sidewalks of not less than four (4) feet in width shall be required for both sides of all new streets developed within the R-4 District.

F. 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 - with the approval of the City Council - may be granted to 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 XVII

(R-5) TWO-FAMILY RESIDENTIAL DISTRICT

Section 17.01 Purpose

The R-5 District is established to provide for the orderly development of two-family residential dwellings and customary facilities in existing neighborhoods.

Section 17.02 Permitted Uses

- A. Two-family dwelling units.
- B. One-family detached dwelling.
- C. Public parks, playgrounds and open space.

Section 17.03 Accessory Uses

- A. Accessory buildings or structures customarily associated with single-family residential use, including detached garages or carports, tool or garden sheds, playhouses, swimming pools and similar facilities for primary use by occupants of the principal use of the property on which the facility is located, subject to the requirements of this Ordinance.
- B. Home occupations, subject to the requirements of Section 32.02 of this Ordinance.

Section 17.04 Conditional Uses

- A. Churches and similar places of public assembly, provided the seating capacity of the sanctuary or main seating area is not more than 300 persons.
- B. Day-care centers and schools associated with conditionally permitted churches.
- C. Bed-and-Breakfast establishments, subject to the following standards:
 - 1. Structures shall maintain the appearance of a single-family residence and be compatible with surrounding residences, in size and scale.
 - 2. The Bed-and-Breakfast establishment shall be owned and operated by the occupant of the premises.
 - 3. Exterior signage shall be limited to a single nameplate not more than twelve (12) square feet in size. No signs shall be internally illuminated.
 - 4. Accommodations shall be limited to not more than three (3) rooms.
 - 5. Off-street parking shall not be allowed in the front yard.
- D. Conversion of an existing nonresidential primary structure to a use cited as a conditional use in the RO District.

Section 17.05 Development Standards

- 17.05.01 Minimum Lot Area
- 3,000 square feet per dwelling unit for two-family dwellings; 4,000 square feet for single-family residences and conditional uses. Only one permitted or conditional use shall be allowed on a single zoning lot.
- 17.05.02 Minimum Lot Width
- Sixty-five (65) feet for two-family dwellings; forty (40) feet for single-family dwellings. All lots shall have frontage on a publicly dedicated, improved street or highway.
- 17.05.03 Minimum Front Yard Depth
- Twenty (25) feet, or the distance of the most proximate existing principal structures on the same side of the street and facing thereon within the same block, whichever is less.
- 17.05.04 Minimum Side Yard Depth
- Six (6) feet for two-family dwellings; three (3) feet for single-family dwellings.
- 17.05.05 Minimum Rear Yard Depth
- Thirty (30) feet.
- 17.05.06 Minimum Building Area
- 700 square feet per unit for two-family structures; 900 square feet for single-family structures.
- 17.05.07 Lot Coverage
- All structures, including accessory structures, shall cover not more than 45% of the area of the lot.
- 17.05.08 Maximum Building Height
- Thirty-five (35) feet.

ARTICLE XVIII

(RO) RESIDENTIAL OFFICE DISTRICT

Section 18.01 Purpose

The RO District is established to provide areas along older major thoroughfares that are currently occupied by single-family residences, but are subject to development pressure for commercial use. The intent of the district is to provide for smaller low intensity administrative and/or professional offices while retaining the area's residential character.

Section 18.02 Permitted Uses

- A. Any use or structure as specified in the R-1 District.
- B. Two family dwellings.

Section 18.03 Accessory Uses

- A. Accessory buildings or structures customarily associated with single-family residential use, including detached garages or carports, tool or garden sheds, playhouses, swimming pools and similar facilities for primary use by occupants of the principal use of the property on which the facility is located, subject to the requirements of this Ordinance.
- B. Home occupations, subject to the requirements of Section 32.02 of this Ordinance.

Section 18.04 Conditional Uses

- A. Churches and similar places of public assembly, provided the seating capacity of the sanctuary or main seating area is not more than 300 persons.
- B. Day-care centers and schools associated with conditionally permitted churches.
- C. Bed-and-Breakfast establishments, subject to the following standards:
 - 1. Structures shall maintain the appearance of a single-family residence and be compatible with surrounding residences, in size and scale
 - 2. The Bed-and-Breakfast establishment shall be owned and operated by the occupant of the premises.
 - 3. Exterior signage shall be limited to a single nameplate not more than twelve (12) square feet in size. No signs shall be internally illuminated.
 - 4. Accommodations shall be limited to not more than three (3) rooms.
 - 5. Off-street parking shall not be allowed in the front yard.
- D. Administrative, business or professional 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.
 - 4. Medical and medical-related activities, but not including veterinary offices or animal hospitals.

5. Professional, legal, engineering and architectural services, not including the outside storage of equipment.
6. Accounting, auditing and other bookkeeping services.

Section 18.05 Special Provisions for Conditional Uses

A. Development Plan

A Development Plan, pursuant to the provisions of Section 12.02.07 of this Ordinance shall be required. Such Plan shall be approved by the Planning and Zoning Commission prior to issuance of a zoning permit.

B. Hours

Activities shall be conducted principally during daylight hours.

C. Nuisance

Activities shall not create a nuisance from noise, smoke or odor.

D. Appearance

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

E. Lighting

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

F. Signage

Exterior signage shall be limited to a single sign not more than twelve (12) square feet in area, identifying the business. No signs shall be internally illuminated.

G. Storage

Storage of materials and equipment shall be within enclosed buildings.

H. Parking

Sufficient off-street parking shall be provided as specified in Article XXXIV. All parking shall be provided in designated areas in rear yards.

I. Landscaping and Screening

The landscaping and screening of side and rear yards, including any parking areas, shall be required so as to meet the provisions of Article XXXIII.

Section 18.06 Development Standards

The minimum lot area, lot width, front yard depth, side yard width, and rear yard depth, and the maximum building height and lot coverage for all permitted and conditional uses in the RO District shall be as required in the R-4 District.

ARTICLE XIX

(AR) APARTMENT RESIDENTIAL DISTRICT

Section 19.01 Purpose

It is recognized that housing at higher densities creates particular opportunities and problems separate and distinct from lower density development. This district is established to provide for the continuance, redevelopment and/or limited expansion of multiple-family developments in areas best equipped to accommodate such higher density development. This district can also be used to provide for other similar forms of development, such as condominiums.

Section 19.02 Permitted Uses

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

Section 19.03 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 19.04 Conditional Uses

- A. Home occupations, subject to the requirements of Section 32.02 of this Ordinance.
- B. Nursery schools and day care centers.
- C. Class I Type A group residential facilities, subject to the requirements of Section 32.05 of this Ordinance.

Section 19.05 Development Standards

- 19.05.01 Minimum Lot Area
4,500 square feet per dwelling unit for two-family dwellings. 4,000 square feet per dwelling unit for all other multiple-family dwellings.
- 19.05.02 Minimum Lot Width
Eighty (80) feet of frontage on a publicly dedicated and improved street or highway.

- 19.05.03 Minimum Front Yard Depth
 Thirty (30) feet.
- 19.05.04 Minimum Side Yard Width
 Twenty-five (25) feet.
- 19.05.05 Minimum Rear Yard Depth
 Forty (40) feet.
- 19.05.06 Maximum Building Height
 Thirty-five (35) feet.
- 19.05.07 Minimum Distance Between Buildings
 If there are two or more buildings on a single lot, the minimum distance between buildings shall be fifteen (15) feet.
- 19.05.08 Lot Coverage
 Buildings or structures shall not occupy more than sixty percent (60%) of the total lot area.
- 19.05.09 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 of adjacent properties. Screening of trash and garbage areas shall meet the requirements of Article XXXIII of this Ordinance. The disposal of trash and maintenance of the area shall be the responsibility of the owner of the property.
- 19.05.10 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 XXXIII of this Ordinance. Such landscaping and/or screening shall consist of walls, fencing, mounding, natural vegetation or a combination of these elements.
- 19.05.11 Open/Play Area
 In cases where multiple family dwellings consist of more than three (3) units, an open space/play area must be established. Such open area shall not be less than 1,000 square feet for each five (5) units, or portion thereof, within the complex. Such open area shall be maintained by the owner of the complex.

19.05.12

Development Plan

A Development Plan, pursuant to the provisions of Section 12.02.07 of this Ordinance shall be required. In addition, the applicant shall provide an analysis of existing and proposed storm drainage on the site. Such Development Plan shall be approved by the Planning and Zoning Commission prior to rezoning of the site into the AR District, or issuance of a zoning permit.

ARTICLE XX

(R-MH) MANUFACTURED HOME RESIDENTIAL DISTRICT

Section 20.01 Purpose

The City of Circleville recognizes that manufactured housing presents residential options and opportunities, especially related to cost, which are unavailable with conventional site-built housing. The Manufactured Home Residential (R-MH) District is established to provide a desirable residential environment for manufactured homes, protected from adverse neighboring influences, with adequate access for vehicular traffic and circulation. These residential communities shall be developed and located to provide overall desirability equivalent to that for other forms of residential development.

Section 20.02 Requirements Generally

Permanently sited manufactured homes, as defined in Article II of this Ordinance, shall be considered as a permitted use in any zoning district that permits single-family residential dwellings. Manufactured homes not meeting the criteria for permanently sited manufactured homes in Article II of this Ordinance shall only be allowed under terms as specified in this Article. Mobile homes as defined in Article II and/or Section 4501.01 of the Ohio Revised Code shall not be considered as a permitted or conditional use in this or any other zoning district. A nonconforming mobile home may be replaced by a manufactured home, provided such home meets the standards of this Article.

Section 20.03 Permitted Uses

- A. One-family detached dwellings.
- B. Manufactured home communities, provided a Development Plan is approved by the Planning and Zoning Commission.
- C. Individual manufactured homes not considered as permanently sited manufactured homes on single lots, provided such homes are placed on a permanent foundation as defined in Article II.
- D. Public or private parks or playgrounds.

Section 20.04 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 20.05 Conditional Use

- A. Nursery schools and day care centers.
- B. Class I Type A group residential facilities, subject to the requirements of Section 32.05 of this Ordinance.

Section 20.06 Development Standards

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

20.06.01 Minimum Lot Area

- A. The minimum lot area for any manufactured home community shall be ten (10) acres. Maximum gross density shall not exceed six (6) dwelling units per acre.
- B. Individual manufactured home lots shall be not less than 3,000 square feet.
- C. For any other permitted use, the minimum lot area shall not be less than 7,000 square feet.

20.06.02 Minimum Lot Width

- A. The minimum lot width for any manufactured home community shall be not less than 300 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 within such a community shall be not less than thirty (30) feet.
- C. For any other permitted use, the minimum lot width shall be seventy-five (75) feet.

20.06.03 Minimum Front Yard

- A. The minimum front yard depth for any manufactured 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.

20.06.04 Minimum Side Yard Width

- A. The minimum side yard width for any manufactured home community shall be not less than thirty-five (35) feet.
- B. The minimum side yard width for any individual lot within a manufactured home community shall be not less than five (5) feet.
- C. For any other permitted uses, the minimum side yard width shall be not less than eight (8) feet, with minimum of twenty (20) feet for the sum of side yards.

20.06.05 Minimum Rear Yard Depth

- A. The minimum rear yard depth for any manufactured home community shall be not less than thirty-five (35) feet.
- B. The minimum rear yard depth for any individual lot within a manufactured home community 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.

20.06.06 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 manufactured home lot.

20.06.07 Required Open Space and Recreational Areas

At least twenty percent (20%) of the gross land area for any manufactured 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.

20.06.08 Off-Street Parking

Off-street parking for permitted uses shall be provided. In manufactured home communities and conditional uses, parking spaces shall be provided for two (2) vehicles for each dwelling unit. 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 400 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.

20.06.09 Access

All manufactured 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.

20.06.10 Streets and Street Layout

All streets, whether private or dedicated to the City, providing access to the individual lots in a manufactured home community, shall be dimensioned and improved in accordance with the subdivision standards and requirements of this Ordinance.

The proposed layout of streets within a manufactured home community shall be approved by the Planning and Zoning Commission. In making such determinations, the Board may procure the assistance of a Professional Engineer or other professional. All costs associated with

such approval shall be paid by the applicant prior to issuance of a Certificate of Zoning Compliance.

20.06.11 Landscaping/Screening

If side or rear yards are located adjacent to any areas where single-family or two-family residences are permitted uses, the screening of such yards shall be required. Such landscaping shall consist of walls, fences, mounding, natural vegetation or a combination of these elements, so as to meet the requirements of Article XXXIII of this Ordinance.

20.06.12 Water and Sewer

Any manufactured home community shall be provided with a water and sanitary sewer distribution system, serving each individual 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 issuance of a Certificate of Zoning Compliance.

20.06.13 Storm Drainage

All areas within a manufactured 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 Zoning Compliance.

20.06.14 Underground Utilities

Within any manufactured home community, all utility lines, including electricity, telephone, and cable television shall be located underground.

20.06.15 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. The disposal of trash and maintenance of the area shall be the responsibility of the owner of the manufactured home community.

20.06.16 Fire Protection

Within each manufactured 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 any structure, or other system constructed which in the judgment of the local fire authority, provides an equal or greater measure of protection.

ARTICLE XXI

(LB) LIMITED BUSINESS DISTRICT

Section 21.01 Purpose

The purpose of the Limited Business District is to provide for the orderly development of neighborhood-oriented small businesses, particularly those serving the personal service needs of residents. Because commercial establishments within the LB District are closely associated with the residential land uses, more restrictive requirements related to size and scale, traffic control and landscaping are needed than in other commercial districts.

Section 21.02 Permitted Uses

- A. Administrative, business or professional 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.
 - 4. Medical and medical-related activities, but not including veterinary offices or animal hospitals.
 - 5. Professional, legal, engineering and architectural services, not including the outside storage of equipment.
 - 6. Accounting, auditing and other bookkeeping services.

- B. 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; and not including drive-through establishments or businesses selling gasoline or similar fuels. Examples include:
 - 1. Food and food products.
 - 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 LB District.

- C. Personal Services, involving the care of the person and his/her personal effects, consisting of consumer services generally involving the care and maintenance of tangible personal property, except for motor vehicles. Examples include:
 - 1. Restaurants, but not including restaurants with drive-through facilities and/or outside dining areas.
 - 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 four work stations.
 - 4. Funeral services.
 - 5. Human medical and/or dental clinics.
 - 6. Commercial photography.
 - 7. On-premises duplication services.

- D. Nursery schools and day care facilities.
- E. Churches and similar places of public assembly, provided the seating capacity of the primary assembly area is not more than 400 persons.

Section 21.03 Conditional Uses

- A. Veterinary offices, not including outside boarding of animals. A Development Plan, pursuant to the standards of Section 12.02.07 of this Ordinance, shall be required.
- B. Class I Type A group residential facilities, subject to the requirements of Section 32.05 of this Ordinance.
- C. Class II Type A or B group residential facilities, subject to the requirements of Section 32.05 of this Ordinance.
- D. Multiple family residences, pursuant to the requirements of Article XIX of this Ordinance.
- E. Similar small business uses consistent with the purposes of the LB District, subject to the approval of the Planning and Zoning Commission, pursuant to Section 12.02.05 of this Ordinance.

Section 21.04 Development Standards

21.04.01 Lot Area

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

21.04.02 Lot Width

No minimum lot width is required; however all lots shall abut an improved public street designated as having not less than secondary collector status. All lots shall have adequate width to provide for required parking and yard area.

21.04.03 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 no adjacent commercial structures, the front yard setback shall not be less than thirty (30) feet measured from the street right-of-way.

21.04.04 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.

21.04.05 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.

- 21.04.06 **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.
- 21.04.07 **Maximum Building Size**
- Individual uses within LB District shall have usable floor area of not more than 5,000 square feet, even if such uses occupy more than one building. Any single building containing multiple uses within the LB District shall have a usable floor area of not more than 15,000 square feet.
- 21.04.08 **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.
- 21.04.09 **Parking and Loading**
- Parking and loading requirements shall be as specified in Article XXXIV of this Ordinance. Generally, parking areas shall be arranged so as to minimize the visual and functional impacts of business-related parking on any adjacent residential areas. In addition, parking spaces shall be designed to allow a minimum of five (5) feet between structure(s) and any parked vehicle.
- 21.04.10 **Landscaping/Screening**
- If side or rear yards are located adjacent to any areas where single-family or two-family residences are permitted uses, the screening of such yards shall be required. Such landscaping shall consist of walls, fences, mounding, natural vegetation or a combination of these elements, so as to meet the requirements of Article XXXIII of this Ordinance.
- 21.04.11 **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.
- 21.04.12 **Outside Vending Machines**
- Freestanding vending machines located outside the primary or accessory structures, not including ATM machines, shall not be permitted in the LB District.

ARTICLE XXII

(GB) GENERAL BUSINESS DISTRICT

Section 22.01 Purpose

The General Business District is established to provide areas for business uses that typically generate a high degree of activity dependent on high traffic volumes. The intent of the GB District is to encourage such business growth while promoting a compatible relationship between permitted uses and overall traffic movement, and 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 22.02 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 including:
 - 1. Insurance agents and brokers and associated services.
 - 2. Professional, legal, engineering and architectural services, not including the outside storage or equipment.
 - 3. Accounting, auditing and other bookkeeping services.
- B. Retail Stores primarily engaged in selling merchandise for personal or household consumption including:
 - 1. Food and food products, consisting of grocery, meat, fish, fruit or vegetable markets or combinations thereof.
 - 2. General merchandise, including limited price variety stores and other similar stores selling a variety of general merchandise.
 - 3. Similar retail stores selling specialty goods, including drug stores, hardware and home repair goods, gift and novelty stores, etc.
- 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 and taverns,
 - 2. Banks, savings and loans, and credit agencies.
 - 3. Barber and beauty shops.
 - 4. Self-service laundries and/or dry-cleaning establishments.
 - 5. Human medical and/or dental clinics.
 - 6. Funeral services.
- D. Business Services engaged in the providing of services to business establishments on a free or contract basis, consulting services, protective services, office equipment rental, lease or purchase, commercial research and development.
- E. Commercial recreational facilities such as community and public swimming pools, skating rinks, bowling alleys, physical fitness centers.
- F. Lumber and home improvement sales.
- G. Motor vehicle sales.
- H. Hotels and motels.

- I. Garden centers.
- J. Carry out food and beverage establishments with drive-through facilities.
- K. Self-service storage facilities
- L. Churches and similar places of public assembly
- M. Similar uses, as determined by the Planning and Zoning Commission, in accordance with the provisions by Section 12.02.05 of this Ordinance.

Section 22.03 Conditional Uses

- A. Self-service car washes, provided a Development Plan is approved, pursuant to Section 12.02.07 of this Ordinance.
- B. Temporary or seasonal outdoor sales lots having a maximum operating duration of four (4) months, provided a Development Plan, including a plan for all signage, is approved pursuant to Section 12.02.07 of this Ordinance and all other permits are obtained.
- C. Self-service storage facilities.
- D. Outside dining areas associated with restaurants or eating establishments, provided such areas are located not less than 500 feet from any existing residence or R-District, and that a Development Plan, including a specific operations and management plan for the facility, is submitted to and approved by the Planning and Zoning Commission.
- E. Automobile service establishments including gas stations, but not including truck servicing establishments.

Section 22.04 Development Standards

22.04.01 Minimum Lot Area

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

22.04.02 Minimum Lot Width

100 feet of frontage on a publicly dedicated and improved street or highway.

22.04.03 Minimum Front Yard Depth

Forty (40) feet.

22.04.04 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: Forty (40) feet for structures, thirty-five (35) feet for paved areas.

22.04.05 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.

22.04.06 Building Height

Thirty-five (35) feet.

22.04.07 Parking and Loading

Parking and loading requirements shall be as specified in Article XXXIV.

22.04.08 Landscaping/Screening

If side or rear yards are adjacent to property in which single family residences are a permitted use, the screening of such yards shall be required. Such landscaping shall consist of walls, fences, mounding, natural vegetation or a combination of these elements to meet the requirements of Article XXXIII of this Ordinance.

22.04.09 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.

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

Section 23.01 Purpose

The purpose of the Downtown Business district is to promote and foster the economic and physical revitalization of downtown Circleville, while recognizing the unique physical characteristics of the area and preserving the historic mixed use, historic character, and pedestrian focus of the downtown. The standards and requirements of the DB District are based on the following principles:

- A. The downtown should contain a healthy mix of land uses. The marketplace - not regulations - should be the primary force driving the mix of downtown uses.
- B. The downtown should be particularly receptive to small local-based entrepreneurship and start-up businesses.
- C. Housing - and particularly owner-occupied housing - should be an integral component of the physical fabric of areas adjacent to and around the downtown.
- D. The maintenance and improvement of the downtown physical environment is important in promoting an active and vital business environment.
- E. Development standards and regulations should encourage the adaptive use of older structures.

Section 23.02 Permitted Uses

- A. Any use specified as a permitted use in Sections 22.02 A through D, but not including uses with drive-through facilities.
- B. Hotels and Bed-and-Breakfast Establishments.
- C. Community facilities such as governmental offices, post office, libraries, museums, private schools, public parks and similar uses.
- D. Churches and places of public assembly.
- E. Similar Uses, which conform to the purpose of the Downtown Business District, as determined by the Board of Zoning Appeals in accordance with the provisions of Section 12.02.05 of this Ordinance.

Section 23.03 Conditional Uses

- A. Two or more family residences, provided the development standards of the AR District are met, and a Development Plan, pursuant to the requirements of Section 12.02.07 is approved by the Planning and Zoning Commission.
- B. One-family detached dwelling.
- C. Outside dining areas for consumption of food or beverages, associated with and accessory to established restaurants or eating establishments, subject to the following:
 - 1. A Development Plan, pursuant to Section 12.02.07 of this Ordinance, shall be required for all outdoor dining areas in

the DB District. The approval of such Development Plan by the Board of Zoning Appeals shall be required prior to approval of the application.

2. Outdoor dining areas may be allowed on sidewalks adjacent to the restaurant, provided a minimum six (6) foot clear zone for the unhindered flow of pedestrian traffic is maintained.
3. Alcoholic beverages may be served in outdoor dining areas only in conjunction with service of food and meals.
4. Any proposed outdoor entertainment or activities, whether by radio, band, musicians, organized games, loudspeaker or microphones shall be specifically identified and described in the required Development Plan, including noise parameters and how they will be met. All such activities shall be in strict compliance with Chapter 745.03 (g) of Ordinance 17-87, as may be subsequently amended.

D. Processing, assembly and/or packaging of products or materials, provided such operations are carried out totally within the building, such operations do not produce levels of noise or odors perceptible outside the building, and such use promotes the purpose of the DB District as stated in Section 23.01 above.

Section 23.04 Development Standards

23.04.01 Lot Area

No minimum lot area is required.

23.04.02 Lot Width

No minimum lot width is required.

23.04.03 Setbacks

The distance between any building or structure and the right-of-way line of any public street shall be zero for commercial buildings, apartment buildings, and mixed-use buildings. The distance between any building or structure and the right-of-way line of any public street shall be not greater than that of the most proximate building on the same side of the street for single-family residential buildings, two-family residential buildings, and government-owned buildings. No minimum side yard setback shall be required, unless the building or structure is located adjacent to an R District, in which case the setback shall be fifteen (15) feet.

23.04.04 Maximum Building Size

Individual uses within the DB District shall have a usable floor area of not more than 5,000 square feet per floor, unless the use is located in an existing building, in which case such restriction shall not apply.

23.04.05 Parking and Loading

Subject to the exemption in Section 34.02, if parking is provided, uses within the DB District shall be required to provide only 25% of the number of parking spaces required in Section 34.03 I of this Ordinance, provided such areas are paved with asphalt, Portland concrete, bricks or similar material and maintained in a neat and orderly manner.

23.04.06 Manufactured/Modular Buildings

The use of manufactured and/or modular buildings for business purposes shall be prohibited.

23.04.07 Property Maintenance

No owner of a property or structure in the DB District shall by willful neglect, fail to provide sufficient and reasonable care, maintenance and upkeep to such property or structure. For the purposes of this Section, maintenance and upkeep shall include keeping exterior surfaces free from debris, garbage, noxious weeds, or free from hazardous objects or conditions such as holes, broken concrete, broken glass, and dead or dying trees or vegetation.

23.04.08 Screening

If side or rear yards are adjacent to property in which single family residences are a permitted use, the screening of such yards shall be required. Such landscaping shall consist of walls, fences, mounding, natural vegetation or a combination of these elements.

23.04.09 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.

ARTICLE XXIV

(SU) SPECIAL USE DISTRICT

Section 24.01 Purpose

“Special use”, as used throughout this Ordinance, means facilities classified as main and accessory uses listed in Section 24.02. The SU District and regulations are established in order to achieve the following purposes:

- A. To regulate the location and standards for development of such facilities so as to ensure their proper functioning in consideration of traffic, access, and general compatibility.
- B. To protect listed facilities and uses from the encroachment of particular incompatible uses and to promote their compatibility with adjoining residential uses.

Section 24.02 Conditional Uses

Since specific approval of the Planning and Zoning Commission and City Council is required for the rezoning of property into the SU District, all listed uses shall be considered as conditional uses. Buildings and land within the SU District shall be utilized only for the uses set forth in the following schedule:

MAIN BUILDINGS / USES

Public Facilities: Buildings or areas for administrative and/or utility functions, including public buildings and/or parks, memorials and monuments.

Civic: Art galleries, libraries, museums, fraternal organizations and private clubs.

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

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

Senior Citizen Housing: Assisted living facilities, retirement centers, and/or extended care facilities, including adult day care centers.

Class I & II Type A or B Group Residential Facilities:

ACCESSORY BUILDINGS / USES

Maintenance facilities. Bulletin boards and signs as hereinafter regulated.

Parking areas, signs

Parking areas, playgrounds, signs.

Parking areas, signs.

Parking areas, signs.

Parking areas, signs.

Public Assembly: Churches with more than 300 seats in the main sanctuary and similar places of public assembly

Maintenance facilities and parking areas, signs.

Infrastructure: Buildings housing equipment and offices related to the provision of essential services, but not including actual lines and smaller structures such as pump stations.

Parking areas, signs.

Commercial Recreational Facilities: Private parks, golf courses, swim clubs, recreation fields and playgrounds, and similar facilities, not including such facilities developed for private use by occupants or residents of the premises.

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

Communication: Cellular telephone towers; commercial radio and television antennas and towers.

Maintenance facilities

Cemeteries:

Signs, maintenance facilities, mausoleums

Section 24.03 Development Standards

The area or parcel of land for a special use shall not be less than that required to adequately provide for the main building, accessory buildings and uses, off-street parking, set backs, yards and open spaces to accommodate the facility and maintain the character of the neighborhood. The suitability of the area or parcel of land for a permitted special use shall be approved by the Board of Zoning Appeals through review of the Development Plan, pursuant to Section 24.05.

Section 24.04 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 building or structure in the SU District 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 / USES

MINIMUM SIDE/REAR YARDS (FT)

Public Facilities:

Non-assembly buildings
Assembly buildings

50
75

MAIN BUILDING / USES	MINIMUM SIDE/REAR YARDS (FT)
<u>Civic:</u>	
Non-assembly buildings	50
Assembly buildings	75
<u>Educational:</u>	
	75
<u>Health Care:</u> Buildings	
	50
<u>Senior Citizen Housing:</u>	
	50
<u>Infrastructure:</u> Buildings	
	50
<u>Communication:</u> Antennas or antenna towers	100% of the height
<u>Commercial Recreation Facilities</u>	
Buildings	75
<u>Cemeteries:</u>	
	75

If the proposed special use is located adjacent to a non-residential zoning district, then the side and rear yards shall be not less than the largest yard required in that district. If side or rear yards are adjacent to a district where single-family residential uses are a permitted use, the screening or buffering of such yards shall be required. The identification, description and location of the screening or buffering methods used to meet this requirement shall be specified in the Development Plan.

Section 24.05 Development Plan Required

In addition to the material required for the application for a zoning amendment, as specified in Article VI of this Ordinance, a Development Plan shall be submitted for land proposed to be zoned into the SU District. Such Development Plan shall contain all the information and material required pursuant to Section 12.02.07 of this Ordinance. Including a detailed sign package containing the number, size, type, design material and location of all signs, and renderings of same.

Section 24.06 Action by Planning and Zoning Commission and City Council

In approving the redistricting of land into the SU District, the Planning and Zoning Commission and City Council may specify appropriate conditions and safeguards applying to the specific proposed facility.

Section 24.07 Compliance with Development Plan

The construction of all buildings and the development of the site as redistricted into the SU District shall be in conformity and compliance with the Development Plan, as approved by the Planning and Zoning Commission and City Council. Any subsequent substitution of uses or significant change in development of the property from that shown on

the Development Plan shall not be permitted as a matter of right, but shall require specific approval of the Planning and Zoning Commission.

ARTICLE XXV

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

Section 25.01 Purpose

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

A. LI – Limited Industrial District

This district provides areas where most industrial and industrial-related activities may locate. Limited retail activities are allowed. 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 primarily intended for undeveloped areas.

Section 25.02 Permitted and Conditional Activities

Permitted and conditional uses in each district are as shown on the following table. Descriptions and characteristics of activity categories are listed in Section 25.03.

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

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

Section 25.03 Activity Categories for Industrial Districts

25.03.01 Industrial Categories

A. Industrial Product Sales

Characteristics: Firms that are involved with 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/or 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 rental.

Exceptions: Firms primarily engaged in retail sales to the general public are classified as retail Product Sales and Service.

B. Industrial Service

Characteristics: Firms that are engaged in the repair or servicing of industrial or business 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, plumbing and heating or electrical contractors, printing, publishing and blueprinting, janitorial and/or building maintenance services, medical research and testing facilities, laundry and dry-cleaning, carpet cleaning, photo-finishing laboratories.

C. Manufacturing and Production

Characteristics: Firms that are involved in the manufacturing, packaging and/or assembly of goods. Raw, secondary, or partially completed materials may be used. Products may be 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,

warehouses and storage yards. Retail outlets 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 under the Retail Product Sales and Service category.

D. Warehouse and Distribution

Characteristics: Firms that 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 limited.

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 use 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. This shall not include self-service storage facilities.

25.03.02 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 activities may include cafeterias, health facilities or other amenities primarily for use of employees.

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/or government offices.

B. Personal Services

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

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

Examples: Examples include barbers, hair salons and similar personal care services; banks, savings and loans and credit unions; continuous entertainment activities such as arcades, bowling alleys, ice rinks, libraries and museums; cafes and restaurants; day care facilities; laundromats; business and trade schools; dance and martial arts schools; health clubs, gymnasiums, 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 that are involved in the sale, lease or rent of 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 time on the site.

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

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 Service

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

Accessory Activities: Accessory activities may include offices, storage and sales of parts.

Examples: Examples include gas stations, vehicle repair, auto body shops, alignment shops, auto upholstery shops, tire sales and mounting, towing and vehicle storage, and/or surface or garage fee parking.

25.03.03 Other Activity Categories

A. Radio or Television Facility

Characteristics: Any and all devices, equipment, machinery, structures or supporting elements necessary to produce non-ionizing electromagnetic radiation within a 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 XXXV of this Ordinance.

Section 25.04 Lot and Area Requirements

25.04.01 Minimum Lot Area

No minimum lot size 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

25.04.02 Minimum Lot Width

No minimum lot width is required; however, all lots shall abut a publicly dedicated and improved street and shall have adequate width to provide for yard spaces and parking areas.

25.04.03 Side Yards

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

25.04.04 Front Yard Depth

Any new structure or parking area must be located not less than fifty (50) feet from the right-of-way of the road or highway on which the use has frontage.

25.04.05 Minimum Rear Yard Depth

For any structure or service area within the LI or GE District, the required rear yard shall be not less than forty (40) feet from any interior lot line.

25.04.06 Maximum Lot Coverage

The maximum lot coverage for structures and paved areas within the LI or GE District, the maximum lot coverage is 60%.

25.04.07 Height

No building shall exceed a height of forty-five (45) feet.

- 25.04.08 Distance from Residential Districts
- A. For any land in the City as of the effective date of this Ordinance which is zoned into the LI District, no structure, service or parking area shall be located less than 100 feet from any district where residences are a permitted use
 - B. In no case shall any structure, service or parking area in any GE District be located less than 100 feet from any district where residences are a permitted use.

25.04.09 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.

Section 25.05 Exterior Development

25.05.01 Exterior Operations

Exterior Operations includes: 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.

25.05.02 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 District unless an acceptable plan for screening such storage is submitted to and approved by the Planning and Zoning Commission.

25.05.03 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. Exterior display shall not be permitted in the LI District but shall be permitted in the GE District.

Section 25.06 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 adjacent or proximate property which is located in any other zoning district. Such impacts may result from noise, vibration, odor, smoke or dust, glare or other factors. Statements in writing that such uses comply or will comply with such standards may be

required by the Planning and Zoning Commission from the owner. In cases of doubt, the city is hereby authorized to select and arrange for an independent survey by a professional qualified in the particular field and the costs for such services shall be paid by the applicant.

A. Noise

The sound pressure level of any operation on a lot within the LI or GE District shall not exceed the average intensity of street traffic in the most proximate residential district, and no such sound shall be objectionable due to intermittence, beat, frequency or shrillness. Any applicable standards of Ohio Environmental Protection Agency (OEPA) shall apply.

B. 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 the rate of emission or quantity deposited do not create a public nuisance, as measured on the most proximate lot within a non-industrial district. No emission of air pollutants shall be permitted which violate the Clean Air Act as enforced by the OEPA.

C. Glare, Heat and Exterior Light

Any operation producing intense light or heat, such as high temperature processes like combustion, welding, or otherwise, shall be performed within an enclosed building and not be visible beyond the lot line bounding the property whereon the use is conducted.

D. Liquid or Solid Wastes

No discharge at any point into any public sewer, private sewage disposal system, or stream, or onto the ground, of any materials of such nature or temperature as may contaminate any water supply or interfere with bacterial processes in sewage treatment, shall be permitted. The standards of the OEPA shall apply.

E. Vibration

No uses shall be located and no equipment shall be installed in such a manner as to produce intense, earth shaking vibration which is discernable without instruments at or beyond the property line of the subject premises.

F. Odors

The applicable standards of the OEPA shall be adhered to.

G. Fire and Explosion Standards

All activities, including storage, involving flammable or explosive material shall comply with regulations as enforced by the Ohio State Fire Marshal. All standards enforced by the Occupational Safety and Health Administration shall be adhered to. Burning of waste materials in open fire is prohibited, as enforced by the OEPA.

ARTICLE XXVI

(FP) FLOOD PLAIN DISTRICT (OVERLAY)

Section 26.01 Purpose

It is the intent of the Flood Plain Overlay District to regulate the use of flood plains for uses which could be detrimental to health and welfare for citizens of the City. The FP District is an overlay zoning district. This means that the underlying district standards and requirements shall apply in addition to the Flood Plain Overlay District (FP) regulations and requirements.

Section 26.02 Lands Subject to Flooding

For the purposes of this Ordinance, "land subject to flooding" means those lands adjacent to a watercourse subject to flooding as have been identified by the Federal Emergency Management Agency (FEMA) in a scientific and engineering report entitled "Flood Insurance Study for the City of Circleville," and referenced in Chapter 1331 of the Codified Ordinances of the City of Circleville, as may be subsequently amended.

Section 26.03 Permitted Uses

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

Section 26.04 Development Standards

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

ARTICLE XXVII

[RESERVED. DELETE TEXT IF A LANDMARKS COMMISSION IS ESTABLISHED.] (HD) HISTORIC DISTRICT (OVERLAY)

Section 27.01 Purpose

The City of Circleville contains areas with unique and valuable historic, architectural and /or cultural resources. The preservation of these resources is directly linked to the cultural, social and economic well-being of the community. The purposes of this Article are:

- A. to protect and preserve these resources and prevent intrusions and alterations within the established districts which would be incompatible with their established character, and
- B. to encourage infill development and property improvement that respects the context of the existing built environment and reduce conflicts between new construction and existing development, and
- C. to stabilize and enhance property values and economic value of identified resources, and
- D. to promote economically viable reuse of historic structures within Circleville's historic core, and
- E. to promote and enhance revitalization of downtown Circleville.

The standards of this Article are requirements which must be met in addition to the established requirements and standards of the underlying zoning district and/or other lawfully adopted regulations.

Section 27.02 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 Design Review 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 an established Historic Design Review District.
- F. "District" means a Historic District(s) as may be established by City Council, pursuant to Section 27.03 above.
- 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 27.03 District Boundaries

A 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, at least one (1) notification shall be given in a newspaper of general circulation in the City.

Section 27.04 Historic District Review Board

27.04.01 Establishment and Corporation

The Historic District Review Board is hereby established consisting of five (5) citizens appointed by Mayor for terms of three (3) years. Current members on the Board at the time of the adoption of this Ordinance may continue to serve until the end of their current term(s), even if this results in a temporary Board comprising more than five (5) members. At least one (1) member of the Board shall also be a member of the Planning and Zoning Commission, and at least three (3) members of the Historic District Review Board shall be residents, business owners, employees of businesses and/or property owners in the District. In appointing members, the Mayor shall make good faith effort to appoint persons with professional training or demonstrated interest and expertise in the fields of historic preservation, architecture, design, or related disciplines.

27.04.02 Meetings

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

27.04.03 Quorum

Three (3) members of the Historic District Review Board shall constitute a quorum. The concurring vote of three (3) members shall be necessary to pass any motion or action.

27.04.04 Procedures and Guidelines

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

Section 27.05 Certificate of Appropriateness Required

No environmental change shall be made to any property within the Historic Design Review District until a Certificate of Appropriateness has been properly applied for, and issued by the Historic District Review 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 hereafter in the Historic Design Review District or subject to the process as specified in this Ordinance, unless a Certificate of Appropriateness has been authorized by the Historic District Review Board.

Section 27.06 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 Historic District Review Board shall determine whether the proposed environmental change will be appropriate to the preservation of the environmental, architectural or historic character of the Historic Design Review District, pursuant to the criteria specified in Sections 27.07 below.
- D. In determining the appropriateness of a specific environmental change, the Historic District Review Board may conduct a public hearing on the project and/or solicit input from consultants that shall be approved and hired by the City.
- E. If no action is taken by the Historic District Review Board within ninety (90) days from the date of application, the Certificate of Appropriateness shall be issued as a matter of law.

Section 27.07 Criteria of Evaluation of Application for Certification of 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 shall be generally compatible with the historic context of its surroundings. Such components shall include, 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 applicant shall provide evidence that new material matches the material being replaced in composition, design, texture and other visual qualities as closely as possible. 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, 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.

- J. Reconstruction or rehabilitation within the Historic Design Review District shall conform to the distinguishing, original exterior qualities or character of the structure, its site, and its environment.
- K. 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 and material of other structures and premises within the individual precinct.
- L. All new structures and all reconstruction or remodeling of existing structures within the Historic Design Review 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 applicant provides evidence that the use of such materials would contribute to the enhancement of existing traditional materials and the overall integrity and longevity of the structure.
- M. All signs within the Historic Design Review District shall conform to the 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 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.
- N. The proposed action is consistent with design guidelines for the Historic District, as may be subsequently prepared for and adopted by the Historic District Review Board.

Section 27.08 Demolition of Structures

- A. Whenever a structure within the Historic District is proposed to be demolished, partially demolished or removed, the application for the Certificate of Appropriateness shall clearly set forth the intent to demolish and shall include all additional information and material as specified in Section 27.08 B. below. In addition, the application shall include written consent for the City to inspect the interior and exterior of the building by an architect and structural engineer. Any application shall be refused for filing if it does not contain all information and material as required. In such case, the application will be returned to the applicant, with such refusal so indicated.

The Board shall schedule a public hearing on the application to occur not more than sixty (60) days from the date the application is accepted and filed. Notwithstanding the provisions of Section 27.06 E. of this Article, the Board shall take action within ninety (90) days from the date of the conclusion of the public hearing.

- B. The Historic District Review Board shall grant the demolition and issue a Certificate of Appropriateness when the applicant submits suitable evidence so as to clearly demonstrate that one (1) or more of the following conditions exists:

1. The structure contains no features of architectural and historic significance contributing to the character of the Historic District within which it is located. Such analysis shall be prepared by a person with documented professional experience in the field of historic preservation.
 2. The reasonable economic use for the structure as it exists or as it might be preserved is of such minimal level, and the reuse value of the property without the structure is of such level, that there exists no feasible and prudent alternative to demolition. The applicant shall provide a detailed economic analysis documenting the future use and likely revenue stream for each alternative. Such analysis shall include costs associated with preservation and renovation of the existing structure, identification, removal and disposal of hazardous material, stabilization and repair of adjacent structures and common walls and the preparation and development of the site after demolition. The economic analysis shall be prepared with the documented input of a registered architect having documented extensive experience in the preservation of historic structures
 3. Deterioration has progressed to the point where it is not economically feasible to preserve the structure consistent with the standards of Section 27.07 above. In such cases, the application shall include an evaluation of existing structure by the local building authority. In addition, the applicant shall provide a detailed evaluation of structural conditions and a cost analysis of preservation and renovation prepared by a registered architect having documented extensive experience in the preservation of historic structures.
- C. The application shall include the proposed measures to be taken to stabilize and repair as needed adjacent structures and common walls, along with associated costs. In addition the applicant shall provide evidence of an enforceable order or agreement with the adjacent property owner documenting respective responsibilities pursuant to the above issues.
- D. The application shall include a detailed description and explanation of the short and long term disposition and use of the site after demolition. A separate Certificate of Appropriateness shall be required for any environmental change on the cleared site after demolition. If the subject lot is vacant more than eighteen (18) months from the date of the Certificate of Appropriateness authorizing the demolition, the site shall be considered undeveloped. Any subsequent use shall be subject to the requirements of Section 23.02 of this Ordinance.
- E. The Board may approve, deny or approve with supplemental conditions any application for demolition. In taking action, the Board shall clearly cite the reasons for its decision and certify how the applicant has met or not met the provisions of this Section and this Article.

Section 27.09 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, or exterior appearance; nor shall anything in this Article be construed to prevent any change, including the construction, reconstruction, alteration or demolition of any structure, or component of a structure, which in the view of the Zoning Inspector is required for the public safety because of an unsafe, insecure or dangerous condition. In making such decision, the Zoning Inspector may seek the input and recommendation of the local building authority.

Section 27.10 Appeals

Any applicant aggrieved by any decision of the Board may appeal the decision to the Planning and Zoning Commission. Such appeal shall be taken by the filing of a written statement, setting forth the grounds for the appeal, with the Zoning Inspector within thirty (30) days of the decision of the Board. The Planning and Zoning Commission may reverse, remand, or modify such decision if such action is passed or approved by not less than three-fourths (3/4) of the membership of the Planning and Zoning Commission. In any case, the Planning and Zoning Commission shall specify the reasons for its decision.

Section 27.11 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 Article IX of this Ordinance.

ARTICLE XXVIII

(H) HUNTING RESERVE DISTRICT (OVERLAY)

Section 28.01 Purpose

The purpose of these regulations is to provide open areas of low population density within the City of Circleville that are conducive to recreational hunting activities. These areas are directly linked to the social, historical and cultural well being of the community. The purpose of the Hunting Reserve District is to protect and preserve these assets while providing necessary safeguards to protect and preserve public health and safety. The Hunting Reserve District is an overlay zoning district. This means that the underlying district standards and requirements shall apply in addition to the H District regulations and requirements as cited below.

Section 28.02 District Boundaries

The Hunting Reserve District shall consist of areas to be identified and designated by City Council under separate ordinance. City Council shall make this designation after receiving a recommendation from the 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 in a newspaper of general circulation in the community, pursuant to the requirements of Article VI of this Ordinance.

Section 28.03 Permitted Uses

Hunting with firearms in accordance with applicable state, federal and/or local laws, in addition to permitted and/or conditional uses as specified in the base district.

Section 28.04 Additional Development Standards

The minimum acreage requirement for inclusion into the Hunting Reserve Overlay District shall be fifty (50) acres. The maximum permitted residential density shall be not more than one (1) dwelling unit per fifty (50) acres. No business activities shall be allowed in a Hunting Reserve District.

ARTICLE XXIX

(PUD) PLANNED UNIT DEVELOPMENT

Section 29.01 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 and densities within a single development.
- B. A development pattern which uses the principles of conservation design to preserve and utilize natural topography, significant environmental resources and scenic vistas, and prevents the disruption of natural drainage patterns.
- C. A more efficient use of land resulting in substantial savings through shorter utilities and streets.
- D. A development pattern in harmony with land use, density, transportation, and community facilities objectives of the City.

The Planned Unit Development process shall be treated as a zoning amendment.

Section 29.02 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.

PUD also can be used to accommodate conservation development, i.e., the grouping or “clustering” of residential units – at somewhat higher densities - on a portion of the site, using the remainder as permanent open space, comprising the most significant identified environmental resources.

Section 29.03 Permitted and Conditional Uses

Permitted uses within the R, AR, LB and SU Districts may be combined in the PUD District, provided that the proposed locations 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 planned unit development combining residential and non-residential components shall be clearly designated on the Sketch Plan, as required by Section 29.11 below.

Section 29.04 Project Area

The gross area of a tract of land proposed to be developed in a single PUD District shall be a minimum of five (5) acres. This requirement may be waived by the Planning and Zoning Commission if all property abutting the subject tract is platted and/or developed and the overall design of the project is consistent with the purposes of this Article.

Section 29.05 Common Open Space

A minimum of thirty percent (30%) of the gross land area developed in any planned unit development project shall be reserved for common open space and/or recreational facilities. 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; or,
- C. some combination of A and B.
- D. preserved as permanent open space under a perpetual conservation easement. In such case, the terms of the easement and provisions for maintenance shall be subject to review and approval by the Planning and Zoning Commission.

Public utility and similar easements and rights-of-way for watercourses 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 29.06 Utilities

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

Section 29.07 Arrangement of Non-Residential Uses and Parking

When development in the PUD District includes non-residential uses, buildings shall be planned 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 such areas where they are adjacent to residential areas. 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.

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

The plan of projects developed in the PUD District 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 areas.

Section 29.08 Residential Density

The City of Circleville is prepared to accept a higher density in undeveloped areas than that reflected by current zoning, provided the developer can utilize planned unit and conservation development techniques to demonstrate that any increased density will be compensated for by the environmental benefits to be achieved by the proposed plan of development.

The overall maximum density of the residential portions of the entire planned unit development shall be consistent with the most previous zoning classification in which the tract was located or the classification of the most proximate residential district, as expressed in 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, rights-of-way and parking areas.

Notwithstanding the above, individual portions of the planned unit development may be developed at a higher residential density, provided the overall density meets the requirements above. In such cases, the resulting undeveloped land may be utilized as common open space.

Section 29.09 Private Roads

Private roads or streets 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 requirements:

- A. The easement shall not be counted as required open space.
- B. The road or street is approved as part of the subdivision plat as the most appropriate form of access to lots and/or structures
- C. Private roads shall not be used to provide access to non-residential areas or as through streets.

Section 29.10 Procedure for Approval of PUD District

Planned unit development projects shall be processed in accordance with the procedures specified in Sections 29.11 through 29.21, as follows:

Section 29.11 Pre-Application

The developer is required to meet with the Zoning Inspector, Director of Public Service 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, other provisions of this Code, and the drainage, sewer, and water systems within the City.

Prior to this meeting, the Owner/Developer shall provide a Sketch Plan of the property, clearly designating the significant environmental resources on the site, how these resources will be preserved, the portions of the site to be developed and the overall densities of those areas.

Section 29.12 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 and material:

- 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 from the proposed site, 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 soils, 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, as well as a general analysis by a Professional Engineer attesting to the general engineering feasibility of the project, as proposed.

Section 29.13 Review Procedure

Ten (10) copies of the completed application and Preliminary Development Plan shall be submitted to the Zoning Inspector at least sixteen (16) working days prior to the Planning and Zoning Commission's next scheduled meeting. Failure to submit a complete application 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 deemed appropriate for review and comment.

A public hearing shall be held by the Planning and Zoning Commission not more than sixty (60) days from the date of acceptance of the application package. The notification requirements for such hearing shall be as set forth in Section 6.05 of this Ordinance.

Section 29.14 Action by Planning and Zoning Commission

Within thirty-five (35) days after the public hearing held by the Planning and Zoning Commission, the Commission shall make a recommendation to City Council, following the procedures as cited in Section 6.05 of this Ordinance.

Section 29.15 Criteria for Recommendations by Planning and Zoning Commission

Before making its recommendation as required in Section 29.14, the Planning and Zoning Commission shall determine whether the facts submitted with the application and presented at the public hearing establish that:

- A. Each individual part 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, and the uses proposed will not impose undue adverse impacts on adjacent 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 volumes of traffic which would overload the street network outside the development.
- C. Any proposed commercial development can be justified at the proposed locations.
- D. Any exception from standard district requirements is warranted by the design and other amenities incorporated in the final development plan.
- 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 capital improvements planned for the area.

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 29.16 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 6.06 of this Ordinance. Following approval by City Council, the subject property 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 29.17 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 Zoning Inspector. 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 29.18 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 sixteen (16) working days prior to the Planning and Zoning 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 or engineer and, at a minimum, shall contain the following information and materials:

- 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. Plans for landscaping

- 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 29.19 Action by the Planning and Zoning Commission

Within sixty (60) days from submittal of the items specified for approval of the Final Development Plan, or such other time as has been agreed to by the Developer, the Planning and Zoning Commission shall approve, deny or approve with modification, the Final Development Plan. Approval shall mean that 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 29.20 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, for a specific period, may be approved if the Planning and Zoning Commission finds that such extension is necessitated by conditions beyond the control of the applicant.

Section 29.21 Platting

The creation of new parcels under any planned unit development shall be subject to the subdivision requirements of this Ordinance. 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. 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 XXX

(CV) CAMPUS VILLAGE DISTRICT

Section 30.01 Purpose

It is recognized that Ohio Christian University (OCU) is an integral part of the community and has special needs and land use requirements. The purpose of the (CV) Campus Village District is to reflect these unique needs and to promote the continued growth of the university, while protecting and enhancing compatibility and relationships with surrounding uses.

Section 30.02 Intent

It is the intent of the CV District to allow any use of land or buildings which may be legally carried out by or under the auspices of OCU. It is further the intent that the CV District should only include land which is owned or managed by OCU.

Section 30.03 Permitted Uses

- A. University, school and church buildings, including dormitories, dining halls, classroom buildings and play fields, except as delineated under conditional uses below
- B. Faculty housing
- C. Sorority, fraternity and/or alumni houses
- D. Interior public assembly buildings such as student unions, including book stores, restaurants and related retail and/or personal service uses.
- E. Administrative and/or business offices directly related to the functions and mission of the university.
- F. Single buildings containing any combination of the above uses.
- G. Passive day use recreational areas including parks and nature preserves.
- H. Signs erected by OCU of such size and design and so positioned and intended to be read by persons on the campus

Section 30.04 Conditional Uses

- A. Active outdoor recreational and/or public assembly facilities, such as stadiums or concert venues where a large number of participants or spectators can be anticipated.
- B. Outdoor educational and recreational areas, including facilities for short term camping and recreational vehicle parking.
- C. Accessory uses such as maintenance shops and storage areas to serve the university.
- D. Parking lots to service the university, located on the periphery of the property and adjacent to any property not within the CV District.
- E. Signs erected by OCU of such size and design and so positioned and intended to be read by persons not on the campus.

Section 30.05 Development Standards

- A. *A Development Plan*, pursuant to Section 12.02.07, shall be submitted for any conditional use.
- B. All buildings or paved areas shall be located not less than 200 feet from the right-of-way of US 22 or 200 feet from the centerline of any County or township roadway.

PART FOUR

ADDITIONAL ZONING REQUIREMENTS

PART FOUR

ADDITIONAL ZONING REQUIREMENTS

ARTICLE XXXI

GENERAL DEVELOPMENT STANDARDS

Section 31.01 Lot Width

A. Frontage Required

No building, structure, or improvement shall be constructed or altered, nor any new lot be established, unless such 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 a cul-de-sac, lot width shall be determined by the chord length of the lot at the minimum building setback line.

Section 31.02 Front Yards

A. Front Yard Requirements

All front yard space shall be landscaped by lawns, shrubbery, trees or other plantings and maintained in a neat and orderly state.

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 of the district where the lot is located.

D. Open Porches

In residential districts, an open, uncovered porch or paved terrace may project into a required front yard for a distance of not greater than six (6) feet.

Section 31.03 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. Accessory Uses or Structures

Accessory uses or structures may be allowed in a side yard, subject to requirements of Section 32.01 of this Ordinance.

Section 31.04 Rear Yards

A. Measurement

Rear yard depth shall be measured from the rear lot line to the nearest point of 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 Section 32.01 of this Ordinance.

C. Open Porches

In a residential district, an open, uncovered porch or paved terrace may project into a required rear yard, if a minimum of ten (10) feet is maintained to any adjoining lot line.

Section 31.05 Architectural Features

Cornices, canopies, eaves, pilasters, sills or other architectural features may project into a front, side or rear yard not more than three (3) feet, so long as a minimum of two (2) feet is maintained to any adjoining lot line.

Section 31.06 Height

Height regulations specified in the various zoning districts shall not apply to chimneys, steeples, spires, or similar structures attached to and appropriate with the primary structure, provided the height of all such structures shall not constitute a hazard to the safe landing and takeoff of aircraft from an established airport or hospital.

Section 31.07 Minimum Floor Area Requirements

Minimum floor area requirements as specified in the various zoning districts shall not include open porches with no roof, decks with no roof, or outdoor living areas, garages, breezeways or steps.

Section 31.08 Lot Coverage

Unless otherwise stated in this Ordinance, in any R District, the maximum lot coverage of the lot shall not be greater than thirty-five percent (35%). The calculation of such coverage shall include principal and accessory structures, decks, porches and/or steps covered by a roof, but shall not include open decks with no roof, porches with no roof or steps with no roof.

Section 31.09 Curb Cuts

A. R Districts

Curb cuts in R Districts shall be located not less than thirty-five (35) feet from any street intersection, as measured from the right-of-way line. If more than one (1) curb cut is proposed on a single lot, the applicant for a zoning certificate on such property shall demonstrate that such additional curb cut is necessary for safe vehicular movement to and from the site and that the distance between the curb cuts is sufficient to allow for the safe and efficient ingress and egress of vehicular traffic.

B. LB, GB, LI, GE and SU Districts

Not more than two (2) curb cuts per street frontage shall be established for any single lot in the above districts. All curb cuts must be located not less than 150 feet from any street intersection, measured from the right-of-way line and fifty (50) feet from any adjacent property line. In addition, the applicant for a zoning certificate on such property shall demonstrate that the distance between the curb cuts is sufficient to allow for the safe and efficient ingress and egress of vehicular traffic from the site.

C. DB District

The location and design of all new curb cuts in the DB District shall require the specific approval of the Planning and Zoning Commission.

ARTICLE XXXII

ADDITIONAL RESIDENTIAL DISTRICT STANDARDS

Section 32.01 Accessory Buildings and Structures

"Accessory building or structure" shall mean a structure and/or use which is subordinate, secondary and incidental to and customary in connection with the principal building or use and located on the same lot as the principal building or use. Residential accessory structures include detached garages, tool and garden sheds, tennis courts, and similar facilities. Such accessory structures are subject to the following additional requirements:

- A. In the R-1, R-2, R-3, R-4, R-5, RO and R-MH Districts, no separate accessory structure can be erected on a vacant lot, or any lot where there is no principal residential structure. Any exceptions to this requirement must be addressed as a variance, subject to the standards and procedures of Article VII.
- B. An accessory use or structure shall not exceed eighteen (18) feet in height, unless the subject property is in 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. An unattached use or structure shall be located to the rear of the principal 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 Districts and three (3) feet in the R-4, R-5, RO or R-MH Districts. In any other district, the location of accessory buildings must be approved by the Planning and Zoning Commission.
- D. The use of all accessory structures shall conform to the definition above, and no accessory structure shall be used for human habitation, or for commercial purposes.
- E. The total area of all accessory uses or structures shall not exceed the greater of 1,000 square feet or 3.5% of the total area of the lot. Such area shall be considered as the area of all uses and structures covered by a roof. Swimming pools, tennis courts and similar uncovered areas shall be exempt from these area requirements. In addition, these restrictions are subject to the lot coverage requirements of Section 31.08 of this Ordinance.
- F. Not more than one (1) moveable storage building shall be allowed on any single residential property, and such structure shall comply with the location requirements of Section 32.01C above. The above restrictions shall not apply to temporary storage structures in place for less than ninety (90) days.

Section 32.02 Home Occupations

Home occupations or professions shall be regulated 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 twenty percent (20%) of the ground floor area is devoted to the home occupation.
- B. The home occupation shall be managed by the occupant of the property. Not more than one (1) person, other than immediate family residing at the premises, shall be employed in such occupation.
- C. The home occupation shall not generate greater traffic volume than is normal for a residential neighborhood.
- 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 and/or sale or services of products.

Section 32.03 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 two (2) feet. A zoning permit shall be required for the construction or installation of any private swimming pool. 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 nor more than six (6) 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 32.04 Lakes and Ponds

In any zoning district, lakes, ponds or similar bodies of water shall be considered an accessory use. Such lakes or ponds shall meet the following requirements:

- A. The applicant shall provide a site plan for the property, indicating the location of the lake or pond, as well as other physical characteristics of the site, including the location of inlets, outlets, and subsurface drainage. In addition, the applicant shall address how illicit access to the lake or pond will be controlled.
- B. The highwater mark of any lake or pond shall be located not less than sixty (60) feet from any property line.
- C. The applicant shall demonstrate that the lake or pond will be constructed and maintained to proper and accepted engineering and technical standards.

Section 32.05 Group Residential Facilities

"Group residential facilities" shall be defined and classified in Article II of this Ordinance. A Class I Type B group residential facility, as defined in Article II, is permitted by right in any zoning district that permits single-family dwellings. A Class I Type A group residential facility shall be considered as a conditional use in the R-MH, AR or LB Districts, subject to the standards below. A Class II Type A or Type B group residential facility shall be treated as a conditional use in the SU and/or LB Districts subject to the standards below:

- A. The facility shall obtain all approvals and/or licenses as required by state and local laws.
- B. The facility shall provide 24-hour supervision by trained and qualified professional personnel.
- C. No exterior alterations of the structure shall be made which would be inconsistent with the residential character of the residential structures in the surrounding neighborhood.
- D. The facility shall comply with the district regulations applicable to other properties in the zoning district in which they are located.
- E. 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.
- F. Such facilities shall meet all applicable local and/or state building, safety and fire safety requirements for the proposed use and level of occupancy.

- G. Such facilities shall be reasonably accessible, by virtue of location or transportation provided by the applicant, to medical, recreational and retail services, and employment opportunities.
- H. The applicant shall provide a plan indicating the manner in which the facility will maintain contact with neighborhood residents, including a structured procedure whereby their grievances may be filed and resolved.

ARTICLE XXXIII

LANDSCAPE SCREENS, BUFFERS AND FENCES

Section 33.01 Purpose

The purpose of these landscaping requirements is to promote and protect the public health, safety and welfare through the promotion of environmental sustainability by recognizing the vital importance of tree growth as an integral part of the ecological system. It is further the purpose of this Section 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 33.02 Tree Preservation

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

Section 33.03 Landscape Screening

A. Screening in Particular Districts

The development standards for particular districts require the installation of screen or buffer areas of side or rear yards that are adjacent to districts where residences are permitted uses. When required by the specific district development standards, such screening shall consist of walls, landscaped earthen mounds, fences, natural vegetation or an acceptable combination of these elements. Such areas shall be a minimum of ten (10) feet wide and contain screening 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 this requirement, provided the standards for such landscaping meet the requirements of this Section.

C. Maintenance of Shrubbery and Hedges

In any district, no shrubbery, hedge and/or other vegetation 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, trees and/or other vegetation located so as to affect the vision of drivers on adjacent streets shall

keep such vegetation 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 33.04 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. 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 33.04.B below, are prohibited.
- B. 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 (*Ulmas pumila*)
- C. Evergreen trees - Evergreen trees shall be a minimum of three (3) feet high with a minimum caliper of one (1) inch immediately after planting.
- D. 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.
- E. 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.

Section 33.05 Residential Fences and/or Hedges

Section 33.05.01 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" shall mean a fence that is not suited for the confinement of animals or property and the opacity of the fence is less than twenty-five percent (25%). Such decorative fences shall not include chain link fences or fences consisting of discarded wood or debris.

Section 33.05.02 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. The owner shall also identify any dedicated easements and/or drainage structures in the immediate vicinity of the proposed fence and shall certify that he/she shall bear all future costs and liability associated with such fence being located on or over such dedicated easements or drainage structures.

Section 33.05.03 Height and Location

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

- A. A 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.
- B. A decorative fence or wall not exceeding forty-eight inches (48") in height may be erected within the front yard of any R District provided that the following conditions are met:
 1. The fence or hedge is located not less than three (3) feet from the street right-of-way line, and
 2. Such decorative fence shall not be opaque, and
 3. The provisions of 33.05.03 D below, are met.
- C. In any nonresidential district, a fence or wall of any height may be erected in any portion of the lot provided all portions of the fence are at least one (1) foot from the

property line, and the provisions of Section 33.05.03 D below are met.

- D. 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.
- E. All fences shall be maintained by the owner of the property in a neat and orderly manner.

Section 33.05.04 Prohibited Fences

In any residential district, no person shall erect or maintain any above ground 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.

ARTICLE XXXIV

OFF-STREET PARKING REQUIREMENTS

Section 34.01 Purpose

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

Section 34.02 Provision for Parking Required

In all zoning districts except the Downtown Business District, 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 spaces in accordance with the provisions of this Article. The provisions of Article XXXIV are exempted for all uses in the "DB" Downtown Business District; however, when off-street parking is provided in the "B-3" District, such lots shall meet the applicable standard of this Article.

Section 34.03 General 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 in 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

<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 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 similar material. All off-street parking areas as a permitted use in the DB

District shall be paved with asphalt, Portland concrete, brick or other similar material and maintained in a neat and orderly manner.

E. Lighting

Any lighting used to illuminate any off-street parking 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 Spaces

1. Proximity to Street Right-of-Way

In all districts, a five (5) foot clear zone shall be maintained between the street right-of-way line, and any parking space. 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

In the LB District and DB Districts, required parking and loading spaces shall be provided either on the same lot, or within 300 feet of the principal use which they serve. In all other Districts, required parking and loading spaces shall be provided on the same lot as the principal use which they serve.

G. 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 34.03 F, and the number of spaces so provided shall not be less than the sum of required spaces as per Section 34.04 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.

H. Parking Limitations in Residential Districts

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

1. Not more than two (2) pieces of recreational equipment, not more than one (1) of 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 these regulations, a boat stored on a boat trailer shall be deemed one (1) piece of recreational equipment.

2. 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.
3. Recreational equipment shall not be occupied or used for sleeping, housekeeping or business purposes.

I. Parking in Front Yards

In all residential districts, front yards, other than driveways, shall not be used for the parking, storage or display of vehicles, including those for sale.

J. Parking in the DB District

The Downtown Business (DB) District contains small lots and is served by on-street parking. For these reasons, special regulations are justified in this district. Non-residential uses located within the DB District must provide only twenty-five percent (25%) of the required spaces as specified in Section 34.04, provided that in all cases sufficient off-street spaces shall be provided for all employees of the establishment. All off-street parking areas as a permitted use in the DB District shall be paved with asphalt, Portland concrete, brick or similar material, and maintained in a neat and orderly manner.

Section 34.04 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.

Section 34.04 SCHEDULE OF REQUIRED OFF-STREET PARKING SPACES

<u>USE</u>	<u>NUMBER OF REQUIRED SPACES</u>
A. Residential	
1. Single or multiple- family residences	Two (2) per dwelling unit
2. Institutional housing, other residential uses	One (1) per three (3) occupants plus two (2) for each main work shift
B. Commercial	
1. Professional, administrative and business	One (1) for each 300 S.F. of gross floor area.
2. Food, department, general merchandise, hardware, drugs, or other retail sales	One (1) for each 200 S.F. of gross floor area
3. Eating or drinking establishments <i>without</i> drive-through facilities	One (1) for each 100 S.F. of gross floor area
4. Eating or drinking establishments <i>with</i> drive-through facilities.	One (1) for each 75 S.F. of gross floor area plus additional space in the drive-through lanes equal to twenty-five percent (25%) of the required number of parking spaces.
5. Personal services, including banks, savings and loans, and repair services <i>without</i> drive-through facilities.	One (1) for each 300 S.F. of gross floor area.
6. Personal services, including banks, savings and loans, and similar services <i>with</i> drive-through facilities	One (1) for each 200 S.F. of gross floor area. plus additional space in drive-through lanes equal to eighty percent (80%) of the required number of parking spaces.
7. Barber and beauty shops	Two (2) for each work station
8. Gasoline and service stations, automobile service	Two (2) for each service bay plus one (1) for each pump, plus one (1) for each employee during the main shift
9. Self-serve laundries	One (1) for each three (3) washers.
10. Medical and dental offices, human clinics	Four (4) for each doctor or dentist
11. Veterinary clinics, animal hospitals	Three (3) for each doctor
12. Hotels, bed-and-breakfast establishments	One (1) for each sleeping room plus one (1) for each employee during the main shift
13. Funeral homes	One (1) for each 50 S.F. of gross floor area

**Section 34.04 SCHEDULE OF REQUIRED OFF-STREET PARKING SPACES
(CONTINUED)**

<u>USE</u>	<u>NUMBER OF REQUIRED SPACES</u>
C. Industrial	
1. Any manufacturing, processing, packaging, warehousing, distribution or service industry	Two (2) for each three (3) employees during work shift having greatest number of employees, plus one (1) for each vehicle maintained on the premises.
D. Institutional	
1. Churches and places of public worship	One (1) for each four (4) seats in main sanctuary
2. Public or private elementary or secondary school	Four (4) for each classroom, or one (1) for each five (5) seats in main auditorium, whichever is greater.
3. Business, trade, or technical school, college or university	One (1) for each two (2) students and one (1) for each faculty member
4. Nursery School/Day Care	One (1) for each fifteen (15) students
5. Libraries, museums, community centers and similar facilities	One for each 400 SF of gross floor area
6. Civic, social and fraternal organizations	One (1) for each three (3) persons allowed in main meeting room at full capacity
7. Hospitals, nursing facilities	One (1) for each four (4) beds plus one (1) per employee on main shift
E. Recreational	
1. Baseball, softball, football, soccer or similar organized sport playfield	Twenty (20) for each playfield, plus one for each six (6) seats in stands
2. Tennis, handball or racquetball courts	Three (3) for each court
3. Bowling alleys	Four (4) per lane, plus necessary spaces as required for auxiliary uses such as restaurants.
4. Theatres, stadiums, sports arenas, auditoriums or other assembly halls other than schools	One (1) for each four (4) seats
5. Indoor recreational facilities in which seating is secondary to the principal use, e.g., roller rinks and similar venues.	One (1) for each three (3) persons allowed in main room/area at full capacity

ARTICLE XXXV

SIGNS

Section 35.01 Purpose

The purpose of these regulations is to encourage the proper development of signs and signage systems so as to:

- prevent signs from becoming a distraction or obstruction to the safe and efficient flow of pedestrian and vehicular traffic,
- prevent signs from having an adverse impact on adjacent properties or uses,
- reduce sign clutter,
- encourage the development of signage systems that promote an active economic and business environment, and thereby protect the general health, safety, and welfare of the citizens of the City of Circleville, and
- promote the principle of content neutrality in the regulation of signs and signage systems.

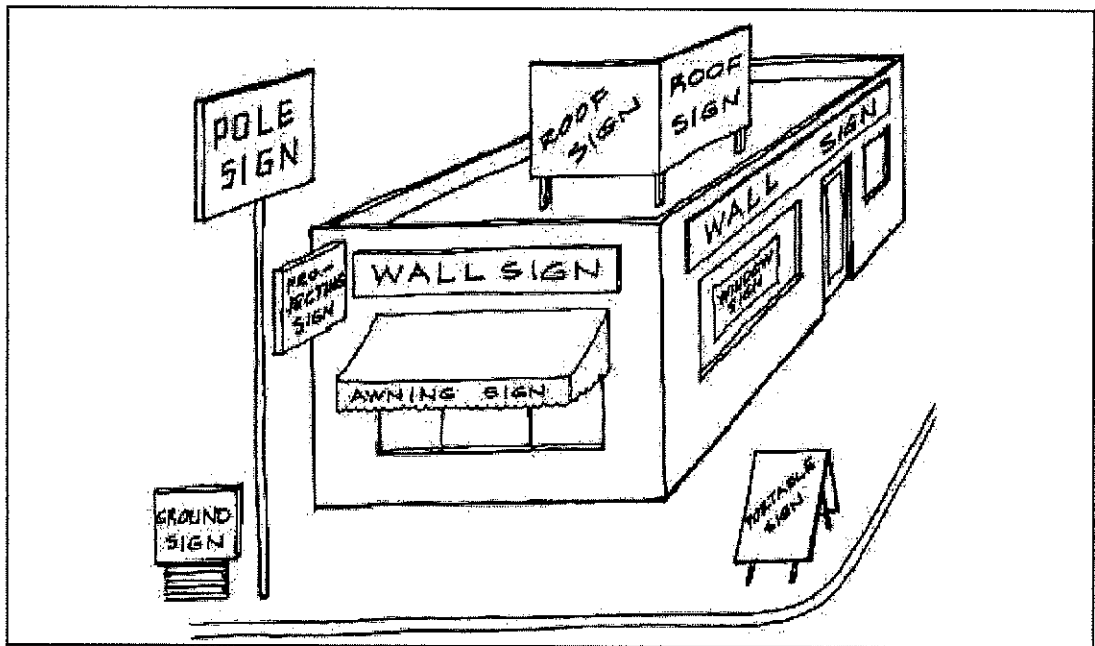
Section 35.02 Definitions

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

- A. "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.
- B. Other Definitions
1. "Awning" means a hood or cover that projects from the wall of a building.
 2. "Banner" sign means a non-rigid cloth, plastic or canvas temporary sign typically related to a special event or promotion. For the purposes of this Article, the term "banner" shall not include official flags of public entities, or civic, philanthropic, educational or religious organizations.
 3. "Billboard" means an off-premises sign that is more than two-hundred (200) square feet in area.
 4. "Canopy" means a structure separate from, but associated by use with the principal building, which 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.
 5. "Changeable copy sign" means a sign in which the material or message composing the sign, in whole or in part, is manually or mechanically changeable. This definition does not include digital display signs.

6. "Digital display sign" means a sign which uses digital technology to produce a bright clear image which automatically changes on a programmed interval.
7. "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.
8. "Electronic message center sign" means a changeable copy sign that utilizes computer generated messaging or some other electronic means of changing copy.
9. "Flashing sign" 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.
10. "Freestanding sign" means a sign which is wholly independent of any building for support.
 - a. "Ground sign" means a freestanding sign supported from the ground and not attached to any building.
 - b. "Pole sign" means a freestanding sign supported by one or more poles or posts having the sign face at least ten (10) feet above grade at the base of the supports.
11. "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.
12. "Mural" means a large picture or graphic generally free of a written message that is painted or attached directly to an exterior building surface.
13. "Off-premises sign" means any sign that identifies or provides information related to a good, service or event that is not located on the property where such sign is located.
14. "Permanent sign" means a sign that is not temporary.
15. "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 is not physically attached to any part of a building or the ground. Portable signs shall include:
 - a. "Trailer sign" meaning a sign that is constructed on a chassis intended for the mounting of wheels, thereby permitting the sign to be moved.
 - b. "Folding portable sign" meaning a sign constructed of wood or other durable material which can be folded or collapsed for ease of transport.

16. "Projecting sign" means a sign that extends outward perpendicular to the building face.
17. "Roof sign" means any sign erected upon or completely over the roof of any building.
18. "Temporary sign" means a sign that is designed to be used only temporarily, is not intended to be permanently attached to a building, structure or the ground, and is erected and used for a time period of forty-five (45) days or less
19. "Vending machine sign" means a permanent sign installed by the manufacturer on a fuel pump, vending machine, or similar outdoor object.
20. "Wall sign" means a sign attached to a building face, with the exposed face in a plane parallel to the plane of the wall. Wall signs include painted murals, messages, graphics and other designs painted along with any letters or numerals mounted directly on buildings.
21. "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 and is designed and located to be read from outside the building.



COMMON SIGN TYPES

Section 35.03 Signs as Accessory Use

Unless indicated otherwise by specific provisions of this Ordinance, signs shall be considered as an accessory use to the principal permitted use on the premises.

Section 35.04 Prohibited Signs

Signs that are not specifically permitted in this Article shall be considered as prohibited. Without restricting or limiting the generality of the foregoing provisions, the following signs are specifically prohibited:

- A. Trailer signs, as defined in Section 35.02 B 15 above.
- B. Signs mounted on motor vehicles that are parked in a prominent location for the primary purpose of displaying the sign.
- C. Banners, streamers, pennants and similar air-activated moving signs intended for permanent display.
- D. Flashing or high intensity lights mounted on a sign.
- E. Any sign that obstructs any part of a doorway, exit or fire escape.
- F. Any sign that resembles or is intended to resemble a traffic control device, or is located in such a manner so as to obscure or impact the effectiveness of such traffic control device or signal.
- G. Any sign affixed to any utility pole or otherwise located within the street right-of-way. Any such sign shall be subject to immediate removal by the City.

Section 35.05 Signs Excluded from Regulations

The following signs are excluded from the regulations and requirements of this Article:

- A. Signs not exceeding two (2) square feet in area that are customarily associated with residential use and are not of a commercial nature, including address and/or name of occupants of the structure, signs on mailboxes or newspaper tubes, signs posted on property related to private parking, and signs warning against trespassing or danger from animals. Signs associated with home occupations shall not be excluded from these regulations.
- B. Signs erected by a governmental entity for a recognized public purpose and duly authorized by any law, statute or ordinance. Such signs include legal notices and traffic control or safety devices, provided such signs carry no supplementary advertising.
- C. Signs located on the inside of a structure or building, that are not designed or located so as to be typically visible from outside the building.
- D. Signs which are in the nature of cornerstones, commemorative tablets and historic designations, provided such signs are less than nine (9) square feet in size.
- E. Temporary signs clearly in the nature of decorations customarily associated with a national, local or religious holiday. Such signs shall be of any illumination or animation provided that a safety and/or visibility hazard is not clearly created.

- F. Flags or insignias of any governmental entity when not displayed as an advertising device, or in connection with any commercial promotion.

Section 35.06 Signs Which Do Not Require a Permit

The following signs may be erected without a permit; such signs, however, shall be subject to all other provisions of this Article but are not included in the maximum number of signs allowed according to **TABLE ONE**.

- A. Signs that indicate the sale, development, rental or lease of a particular structure or land area, provided such sign does not exceed sixteen (16) square feet in area. One such sign be allowed per street front. Such signs shall not be located in a public right-of-way.
- B. Credit card decals, store hour specifications, "open" or "closed" signs, or similar signs that do not exceed an aggregate area of two (2) square feet.
- C. 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.
- D. Signs or posters concerning candidates for elective office, public issues and similar matters to be decided by public election shall be considered temporary signs. 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 and shall be removed not later than three (3) days after such election.
- E. Not more than three (3) temporary signs which advertise the sale of personal property, such as a garage, yard, porch or moving sale provided such signs are not 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 and shall be subject to removal after the date of the event.
- F. Temporary construction signs which display the identification of a 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 sixteen (16) 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.
- G. Temporary signs promoting community events and programs which last for a time period of fourteen (14) days or less and which are sponsored by public, educational, religious and charitable organizations. All such signs shall be removed not later than three (3) days after the scheduled activity.
- H. Signs determined by the Planning and Zoning Commission to be similar to those specified in Section 35.06 A through G above.

Section 35.07 Sign Permits and Administration

A. Permit Required

No permanent or temporary sign, except as exempted in Sections 35.03 or 35.06 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. Application for a permit to construct or erect a sign shall be made by the owner of the property upon which the sign is to be located, or his agent, on forms as provided by the City. An application for a permit to erect a sign shall contain, at a minimum, a drawing of the sign including its size, its location on the lot, and specific information regarding its construction and materials.

B. Action on Sign Permit

The Zoning Inspector shall issue a sign permit upon submittal of a completed application and payment of applicable fees if he/she determines that the provisions of this Ordinance have been met. If the application for a sign permit is denied, the applicant shall be given written notice of such denial, along with the reasons therefor.

C. Appeals

Any decision made by the Zoning Inspector under the terms of this Article may be appealed to the Board of Zoning Appeals in the manner set forth in Article VI of this Ordinance.

Section 35.08 Temporary Signs

Temporary signs shall be subject to the following general requirements:

- A. The application for a permit for a temporary sign shall include the time period for which the sign is to be displayed, not to exceed forty-five (45) days during any consecutive twelve (12) month period. Such permit may be renewed for an additional forty-five (45) days with the approval of Planning and Zoning Commission.
- B. Not more than two (2) temporary signs shall be permitted on any premises during any period. The total area of all temporary signs on any single premises during any period shall not exceed 50 square feet in any residential district and 100 square feet in any nonresidential district.
- C. Temporary signs shall not be illuminated.
- D. Trailer signs as defined in Section 35.02 B 15 are prohibited.
- E. Portable signs, shall be permitted in nonresidential districts, provided such signs are not displayed for a period exceeding thirty (30) days during any consecutive twelve (12) month period, excepting folding portable signs in the DB District, which are subject to Section 35.08 F. below.
- F. Folding portable signs as defined in Section 35.02 B 15 shall be permitted if such signs are anchored so as to prevent accidental collapse. Such signs shall be

allowed in sidewalk areas of the DB District, provided a six (6) feet clear zone is maintained for pedestrian circulation, and such sign is removed from the sidewalk area during nonbusiness hours.

- G. Temporary signs shall be constructed of such material that will allow the sign to be maintained in good repair for the period it is to be displayed. The use of unprotected cardboard or paper products as sign material shall be prohibited.
- H. Banner signs less than twenty (20) square feet in area are permitted as temporary signs, provided such banners are secured to prevent movement which would allow any portion of the banner to extend into the street right-of-way.
- I. Streamers and/or inflatable devices may be permitted as temporary signs, provided specific approval for such signs is granted by the Planning and Zoning Commission.
- J. Signs promoting activities for religious, educational or other non-profit organizations shall require one (1) general permit from the sponsoring organization.

Section 35.09 General Requirements - Permanent Signs

Particular types of permanent sign types shall be permitted in specific zoning districts as cited in **TABLE ONE** of this Section. Permanent signs shall also be subject to the following requirements:

A. Wall 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.

B. Canopy and/or Awning Signs

Canopy signs may be painted on an awning area or attached to a canopy or roof which projects beyond the building provided that no part of such sign may extend above the roof line, canopy or marquee. Canopy or marquee signs shall be a minimum of nine (9) feet above ground level.

C. Projecting Signs

Projecting signs shall not exceed eight (8) square feet in size, are placed not less than eight (8) feet above the sidewalk or ground level, and project not more than six (6) feet outward from the building face

D. Freestanding Signs

The location, height and other characteristics of freestanding signs must meet the requirements of this Article. No portion of any freestanding sign shall be erected over the street right-of-way. Freestanding ground signs, where permitted, shall be designed and constructed so as to be compatible with the design and materials of the structure with which the sign is associated.

E. Window Signs

Window signs, other than those cited in Section 35.06 B above, shall be permitted as specified in **TABLE ONE**.

F. Off-Premises Signs

Off-premises signs as defined in Section 35.02 B 13 shall be considered as an accessory use in all nonresidential 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.

G. Digital Display Signs

Digital display signs, as defined in Section 35.02 B 6, shall be considered a conditional use in the GB, GE, LI and SU Districts, requiring specific approval of the Board of Zoning Appeals. Digital display signs shall be allowed only on properties having direct frontage on arterial or major collector streets as defined in Article II of this Ordinance. Copy change on digital display signs shall not be more frequent than once per thirty (30) seconds. Digital display signs which are also billboards shall meet the requirements of Section 35.09 G below.

H. Billboards

Billboards, as defined in Section 35.02 B 3, shall be considered as a conditional use in the GB, GE and LI Districts, requiring specific approval of the Board of Zoning Appeals. Billboards shall be allowed only on properties having direct frontage on federal highways designated as on the primary system. Not more than one (1) billboard shall be allowed on any single property existing as of the effective date of this amendment. The erection of all billboards shall comply with all federal and state requirements. All billboards shall be not greater than thirty-five (35) feet in height. The maximum display area for any billboard shall not exceed 300 square feet per side. Billboards shall not be located within 200 feet from the right-of-way of the highway or within 1,500 feet from any residence or district where single-family residences are a permitted use. No billboard shall be erected within 1,000 feet from any other billboard.

I. Vending Machine Signs

For the purposes of this Article, vending machines with attached signs shall be treated as permanent signs. Vending machine signs shall not be included in the number of permitted signs pursuant to Section 35.09 J 12 below; however, vending machine signs shall meet the requirements for illuminated signs in Section 35.09 J 1 below. In addition, if a vending machine sign is located on a lot adjacent to any single-family residence, such sign shall be positioned or shielded so as not to be visible from such residence.

J. General Requirements

1. Illumination

Illuminated permanent signs shall be permitted only in the RO, LB, GB, DB, SU, GE, LI and PUD Districts. The source of illumination shall not be visible, shall be fully shielded, and shall cause no glare hazardous to pedestrians, motorists or adjacent residential uses and districts. The level of illumination emitted from a sign shall not be of an intensity to constitute a safety hazard to vehicular movement on any street. External illumination shall be limited to fixtures that use a maximum 150 watt metal halide, tungsten-halogen or incandescent lamp. Such fixtures shall be directed towards and concentrated on the sign face to prevent glare upon adjacent properties and rights-of-way.

2. Pennants and/or Streamers

No permanent sign shall contain or consist of banners, pennants, ribbons, streamers, balloons or similar devices.

3. 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 and approval by the City, the Pickaway County Building Department and/or the State of Ohio.

4. Location

No part of any sign shall be placed in, over, or extend onto any public right-of-way.

5. Changeable Copy Signs

Changeable copy signs, as defined in Section 35.02 B 5 above, shall be permitted in the GB, GE, LI and SU Districts. The number, height and area of changeable copy signs shall be determined by the structural type of the sign, i.e., freestanding, wall, projecting, etc. as cited elsewhere in these regulations. The light and/or perceived movement from such sign shall not be of such intensity to constitute a safety hazard to vehicular traffic or shine directly on any residential property.

6. Permanent Subdivision Identification Signs

Such signs shall be limited to wall mounted or freestanding signs only, with placement on walls, columns or similar architectural or landscaped entrance features used to denote the entrance to the subdivision.

7. 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) property (e.g., a shopping center) or two (2) adjoining

properties on one (1) public street or at the corner of two (2) public streets. 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 in the GB, LI or GE Districts, and not more than twenty (20) square feet in area and eight (8) feet in height in any other district.

8. Murals

Murals, as defined in Section 35.02 B 12 above, shall be allowed as a conditional use within the DB District, subject to approval by the Board of Zoning Appeals and the Historic District Review Board.

9. Signs in DB District

Notwithstanding the other provisions of this Ordinance, a sign within the DB District may extend into the right-of-way, provided the applicant demonstrates that, due to the location of the building or other physical characteristics of the lot, the erection of an alternative sign outside the right-of-way is not feasible. In addition, such applicant shall certify that such sign shall be subject to subsequent removal at the owner's expense, if so required by the Ohio Department of Transportation (ODOT) and/or the City for purposes of public safety.

10. Signs in the Historic (HD) District

In addition to the requirements in the underlying standard zoning district, signs in the HD District shall be subject to review by the Historic District Review Board and shall require a Certificate of Appropriateness prior to approval of a permit for the sign.

11. Signs in SU and PUD Districts

Signs in the SU and/or PUD Districts shall reflect the standards for similar uses in other districts. The applicant shall submit a total signage plan for the proposed development as part of the Development Plan.

12. Schedule of Sign Regulations

The Schedule of Sign Regulations as follows on **TABLE ONE** is hereby made a part of this Ordinance.

**SECTION 35.09 J 12 / TABLE ONE
 PERMITTED NUMBER AND STRUCTURAL TYPE OF SIGNS
 (PERMANENT ON-PREMISES SIGNS)**

USE / DISTRICT	PERMITTED SIGN TYPES	MAXIMUM NUMBER OF SIGNS
<i>Residential</i>		
Subdivision Identification Sign	Wall, freestanding (all districts)	2 per entry (4 total)
Two- Family Dwellings in R-5 District	Wall	1
Two- and Multi-Family Dwellings In AR District	Wall, freestanding	1
Offices in RO District	Wall, freestanding	1 per frontage
Nursery Schools, Day Care In R-4, R-5 Districts	Wall, freestanding	1 per frontage
<i>Commercial/Office/Institutional</i>		
Schools, churches, hospitals and other public facilities in all districts	Wall, freestanding window	1 per frontage
Buildings housing Essential Services and Similar public facilities	Wall, freestanding	1 per frontage
Churches in R-4 and R-5 Districts	Wall, freestanding	1 per frontage
Permitted / conditional uses in the LB District	Wall, freestanding, window,	2 per frontage (only one freestanding)
Business, office and commercial uses in the DB District	Wall, window, awning, projecting, canopy	2 per frontage
Permitted / conditional uses in the GB District	Wall, freestanding, awning, window, projecting, canopy	2 per frontage (only one freestanding)
<i>Industrial</i>		
Permitted / conditional uses in the LI and GE Districts	Wall, freestanding, window	2 per frontage

**SECTION 35.09 J 12 / TABLE ONE (CONTINUED)
SIGN AREA, HEIGHT AND DISTANCE FROM R.O.W.
(PERMANENT ON-PREMISES SIGNS)**

USE / DISTRICT	MAXIMUM SIGN AREA (SQ. FT.)	MAXIMUM HEIGHT (FEET)	MINIMUM DISTANCE FR. R.O.W.*
<i>Residential</i>			
Subdivision Identification Sign	30	8	25
Two- Family Dwellings in R-5 District	2	15	-
Two- and Multi-Family Dwellings in the AR District	10	15	10
Offices in RO District	10	15 (wall) 6 (ground)	10
Nursery Schools, Day Care in R-4, R-5 Districts	10	15 (wall) 6 (ground)	10
<i>Commercial/Office/Institutional</i>			
Schools, churches, hospitals and other public facilities in all districts	40 (all signs) 30 per sign	20 (wall) 10 (ground)	10
Buildings housing Essential Services and similar public facilities	40 (all signs) 30 per sign	15 (wall) 10 (freestanding)	15
Churches in R-4 and R-5 Districts	30 (all signs)	15 (wall) 10 (freestanding)	10
Permitted / conditional uses in the LB District	50 (all signs)	15 (wall) 10 (freestanding)	10
Business, office and commercial uses in the DB District	1.5 per lineal foot of bldg. frontage; 100 S.F. maximum all signs	20 (wall)	-
Permitted / conditional uses in the GB District	1 per lineal foot of bldg. frontage; 100 S.F. maximum all signs	15 (freestanding) 25 (other types)	20
<i>Industrial</i>			
Permitted / conditional uses in the LI and GE Districts	1 per lineal foot of bldg. frontage; 100 S.F. maximum all signs	15 (freestanding) 25 (other types)	25

****Distance from R.O.W applicable to freestanding signs only***

NOTES / TABLE ONE:

- *For the purposes of calculating the number of permitted signs, "frontage" shall be interpreted as frontage on a publicly dedicated and improved street.*
- *Window signs, when permitted in TABLE ONE above, are not included in the maximum number of signs, but shall be included in the maximum square feet (SF) of signs.*
- *Plans for signage in the SU and PUD Districts must be submitted with the required Development Plan; the Planning and Zoning Commission may impose additional requirements.*
- *See Section 32.02 for signage requirements for home occupations.*
- *Not more than one (1) sign per business per street frontage in any district shall be a freestanding sign.*
- *Buildings or single developments with multiple business occupants sharing a common entrance from the street, i.e., shopping centers, shall be permitted one (1) joint identification sign in addition to signage permitted above. If such sign is a freestanding sign, no individual business within such center shall use a separate freestanding sign. Such joint identification sign shall meet the requirements of Section 35.09 I 7 above.*
- *In addition to the designated number of permitted signs, nonresidential uses along arterial or collector highways within the GB, GE and LI Districts shall be allowed a maximum of two (2) directional signs, each not exceeding two (2) square feet in area. Such directional signs shall clearly be for the purpose of designating entrances and/or exits and directing customers to the internal circulation network on the site.*
- *In the GB District, if the distance from the right-of-way to existing freestanding signs of the four (4) most proximate properties is less than twenty (20) feet, the applicant for a freestanding sign may construct one (1) such sign at the least of these distances.*
- *In multi-tenant buildings in the DB District, the maximum permitted sign area shall be allocated by the building owner on the basis of the approximate proportional gross leasable area used by the tenant.*

Section 35.10 Measurement of Signs

For the purposes of this Article, 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 directly on a building wall or wall extension shall be computed by enclosing the entire word or words formed by such letters, numbers or emblems with the smallest single continuous perimeter consisting of rectangular or series of rectangles, and determining the area within such perimeter.
- 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.

Section 35.11 Nonconforming Signs

A. Continuance of Existing Signs

Except as otherwise provided below, nothing in this Article shall require the removal or discontinuance of an existing sign.

B. 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, together with all supports, braces, guys and anchors is not maintained in a proper state of repair and/or the immediately surrounding premises is not maintained by the owner, or his agent, in a clean, sanitary 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.

C. 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 subject to removal.

D. 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 fifty percent (50%) of the replacement value is lost, the sign shall be removed within sixty (60) days.

E. Inspection and Removal

If any existing sign is found, upon inspection, to constitute a hazard to public safety, such sign shall be subject to immediate removal by order of the City, with the costs associated with such removal assessed to the owner of the property.

Section 35.11 Variances

Variances to this Article may be granted pursuant to the procedures and policies set forth in Article VII of this Ordinance.

Section 35.12 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 in Article IX.

ARTICLE XXXVI ADULT ENTERTAINMENT

Section 36.01 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 36.02 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 of services or 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 36.03 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 36.04 Location

Adult Entertainment Facilities shall be considered a conditional use in the GB District, and are 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.

PART FIVE

SUBDIVISION DEVELOPMENT REQUIREMENTS

PART FIVE

SUBDIVISION DEVELOPMENT REQUIREMENTS

ARTICLE XXXVII

OBLIGATIONS OF OWNER/DEVELOPER AND CITY

Section 37.01 Required Improvements

The Owner/Developer who desires to subdivide or develop any land subject to this Ordinance shall provide and pay the entire cost of improvements to such land as follows:

- A. Streets and parking areas, graded full width and paved, including drainage structures, bridges, sidewalks (including provisions for handicapped access as may be required by ADA), curbs and other improvements as may be required by these regulations and/or the *City Standard Plans and Specifications*.
- B. Sanitary sewers, including manholes, services and all appurtenances.
- C. Water distribution system including mains, services, valves, fire hydrants and all appurtenances.
- D. Storm drainage improvements, including both enclosed and non-enclosed systems, as well as all appurtenances to such systems.
- E. Monuments, stakes and property pins.
- F. Street signs designating the name of each street at each intersection within the development and other traffic control signage as determined necessary by the Director of Public Service.
- G. Street lighting including poles, underground conduits and appurtenances;
- H. Utilities, including electric, telephone and cable television services.
- I. All other improvements shown on the plans as approved by the City.

The Owner/Developer shall provide for the future extension of streets and water, sanitary sewer and storm drainage lines from his/her site to adjacent property as deemed necessary by the Planning and Zoning Commission.

Section 37.02 Obligations of Owner/Developer

The Owner/Developer of the land being developed shall be subject to the following obligations:

- A. All construction work and materials used in connection with improvements shall conform to the requirements of the City and be installed under the general supervision of the Director of Public Service. The Owner/Developer shall be responsible for the payment of all fees incurred by the City pertaining to inspection of the improvements.
- B. The Owner/Developer, or his agent, shall give not less than three (3) working days notice to the City for any inspection to be conducted. The Owner/Developer shall also insure that no work shall be covered or obscured prior to inspection by the City.
- C. The Owner/Developer shall provide proof of insurance and hold the City free and harmless from any and all claims for damage of every nature arising or growing out of the construction of improvements or resulting from improvements and shall defend, at his own cost and expense, any suit or action brought against the City by reason thereof.
- D. All improvements and utilities will be satisfactorily installed within one (1) year from the date of approval of the Construction Plans or within such other time schedule as specifically approved by the Department of Public Service.

- E. As an alternative to the construction and approval of the required public improvements prior to recording the final plat, an acceptable performance assurance equal to one-hundred ten percent (110%) of the estimated cost of all required improvements, as approved by the Director of Public Service, shall be deposited with the City. Such performance assurance shall consist of one of the following:
1. A performance or construction bond equal to one-hundred ten percent (110%) of the estimated construction cost as approved by the Director of Public Service for the public improvements. Such bond shall be without time limit and shall be on such forms as provided by the City, or
 2. A certified check equal to one hundred ten percent (110%) of the estimated construction cost as approved by the Director of Public Service for the public improvement.
- F. All permits and approvals shall be obtained and all fees and deposits paid prior to beginning any construction of any improvements;
- G. During construction and prior to acceptance of any public improvement, the Owner/Developer shall remove or cause to be removed such dirt and debris and foreign matter from all public rights of way, improvements and/or easements as were deposited, left or resulted from the construction of improvements of any nature within the development. Such removal shall take place within twenty-four (24) hours after being notified by the City that such work is required, and shall be completed to the satisfaction of the Director of Public Service.
- H. All public improvements shall be guaranteed by the Owner/Developer for a period of one (1) year from the date such improvement is accepted, in writing, by the City. Such guarantee shall consist of a maintenance bond, certified check or other acceptable instrument, for ten percent (10%) of the total cost of the improvements. Such guarantee shall include any and all defects and deficiencies in workmanship and materials. The cost of all labor, materials, equipment and other incidentals required to maintain, repair and replace any or all of such improvements and to maintain them in good and proper condition, excluding ordinary wear and tear, but including filling trenches and restoring lawns, sidewalks, yards, streets, sewers, pipe lines, etc., during the one year guarantee period shall be assumed by such Owner/Developer. In the event the Owner/Developer fails to make such maintenance, repairs or replacements within a reasonable time after notice in writing by the City, or in the event of an emergency which may endanger life or property, the City may make or cause to be made, such repairs or replacements from the above guarantee.
- I. The Owner/Developer shall execute a development agreement with the City, specifying the terms and conditions required under this Section of this Ordinance.
- J. The Owner/Developer shall furnish to the City final plats and as-built drawings of all improvements as required by these regulations.
- K. No person or owner shall violate any of the regulations established in this Section and, upon violation, the City shall have the authority to:
1. Stop all work on the development site forthwith;
 2. Hold the bonding company responsible for the completion of the public improvement according to the approved construction drawings and the agreement.

Section 37.03 Costs to be Shared by the City

In consideration for the agreement by the Owner/Developer of the land being developed to install utilities and/or streets to sizes and configurations in excess of the needs of the land being developed, the City shall share in the cost of the excess size and configuration of the utilities and/or streets as stipulated herein:

- A. A utility or street shall be considered excessive to needs of the land being developed when any of the following conditions exist:
 - 1. The City specifically requires a greater width, size or configuration of any nonadjacent street for the purpose of meeting the future needs of the City as provided for a comprehensive or thoroughfare plan, or similar study, as adopted by City Council;
 - 2. There is additional pavement width and depth and/or additional length of storm sewers and other improvements required for all thoroughfares;
 - 3. The City requests that a water line be more than twelve inches (12") in diameter, when such size is not required to meet the needs of the land being developed;
 - 4. A sanitary sewer line is more than fifteen inches (15") in diameter, unless this size is required for the land being developed by reason of grade or trench loading requirements of the land being developed, or because of anticipated sewerage flows from the land being developed;
 - 5. Other conditions warrant cost sharing and such conditions are approved by City Council.

- B. The City shall share in the cost of improvements by:
 - 1. Paying for all the material costs only for the size difference of the waterline, sanitary sewer pipe and the appurtenances thereto between what is required for the land being developed and what is excessive to the needs of the land being developed;
 - 2. Paying for all materials F.O.B. the plant, factory, supply depot or warehouse for such other improvements that are excessive to the land being developed;

- C. Nothing in this section shall be interpreted, read or construed to obligate the City for expenses incurred by the Owner/Developer, contractor, subcontractor or other persons because of:
 - 1. Equipment or labor cost due to the oversizing or increased depth of waterlines or sewers;
 - 2. Equipment, labor or material cost due to improperly and/or unacceptable installed improvements including the removal and replacement thereof; or
 - 3. Any improvements installed prior to the approval of the cost sharing by the City.

- D. Upon approval by Planning and Zoning Commission of the preliminary plat for the land being developed, the following procedure shall be followed:
 - 1. The Director of Public Service shall identify all improvements eligible for cost sharing, and shall estimate the cost of the City's portion of such improvements;

2. If applicable, an ordinance shall be submitted to Council for approval, appropriating funds to cover the City's portion;
 3. Upon completion and acceptance of the work and quantities thereof by the Director of Public Service, the costs shall be certified to the chief fiscal officer of the City.
- E. Failure of the Owner/Developer of the land to provide the City with copies of billings, invoices, contracts, agreements or such other evidence of construction costs as the Engineer deems necessary within six (6) months of completion and acceptance of the improvements by the City, shall constitute just cause to declare the City's agreement to cost share as provided herein null and void and no reimbursement shall be made or monies paid without reapproval by Council.

ARTICLE XXXVIII

MINIMUM DESIGN STANDARDS AND REQUIREMENTS

Section 38.01 Conformity with Requirements

The design standards and requirements of this Article shall apply to all subdivisions of land as defined in Article II of this Ordinance.

A. Conformity with City Standards

All public improvements undertaken in any subdivision shall conform to the standards of this Article, the *City Standard Plans and Specifications*, and the *City of Circleville Development Resource Guide*.

B. Conformity with Zoning and Plans

No final plat of land within the area in which an existing zoning code or resolution is in effect shall be approved unless it conforms with such code or resolution. The design of a proposed subdivision shall be in general conformity with adopted land use and/or comprehensive master plan(s) prepared by the City for the area.

Section 38.02 General Subdivision Design

The design of the subdivision shall be based on an analysis of environmental characteristics of the site. To the maximum extent possible, development shall be located so as to:

- preserve the natural features of the site,
- avoid areas of environmental sensitivity, and
- minimize negative impacts on and alteration of natural features.

The following specific areas should be preserved as undeveloped open space, to the extent consistent with reasonable utilization of the land.

- A. Wetlands, as defined in Section 404, Federal Water Pollution Control Act Amendments of 1972, subject to field verification by the U.S. Army Corps of Engineers, or other agency authorized to make such determination;
- B. Lands subject to flooding, pursuant to Section 38.03 below;
- C. Slopes in excess of fifteen percent (15%) unless appropriate engineering methods are employed to address erosion, stability and resident safety;
- D. Historically significant structures and/or sites as listed, or eligible for inclusion, on the National Register of Historic Places;

Section 38.03 Land Not Suited for Development

If the Planning and Zoning Commission finds that land proposed for subdivision development is unsuitable due to flooding, poor drainage, topography, inadequate public

facilities, and/or other condition that may be detrimental to the general health, safety or welfare of the public, and if it is determined that the land should not be developed for the purpose proposed, the Planning and Zoning Commission shall not approve such subdivision unless adequate methods are proposed by the Owner/Developer for alleviating the problems that would be created by development of the land.

A. Land Subject to Flooding

The subdivision of land or lands within areas subject to flooding, as specified in City Ordinance, shall be subject to the standards and regulations of those Ordinances, and shall in addition, be subject to the following requirements:

1. No subdivision or part thereof shall be approved if the proposed subdivision development will, individually or collectively, significantly increase flood flows, heights or damages.
2. No subdivision, or part thereof, shall be approved which would substantially affect the storage capacity of the flood plain.
3. Building sites used or intended to be used for human occupation shall not be permitted in floodway areas. Sites for these uses may be permitted outside the floodway if the sites or structures are elevated to such height that the lowest floor of the structure is least one (1) foot above the 100-year base flood elevation, as established by the Federal Emergency Management Agency (FEMA), the Ohio Department of Natural Resources (ODNR), or other authorized agency, in a flood study or report approved by the City. Required fill areas must extend fifteen (15) feet beyond the limits of the structure(s).
4. When the Planning and Zoning Commission determines that only part of a proposed plat can be developed in compliance with these requirements, it shall limit development to only that portion, and shall require that the method of development is consistent with its determination.
5. The Planning and Zoning Commission may attach other reasonable conditions as is appropriate to the approval of plats within areas subject to flooding. Such conditions may include, but are not limited to, requirement for the construction of dikes, levees or other similar measures, or flood proofing of structures, as recommended by the Director of Public Service.

Section 38.04 Erosion and Sedimentation Control

The Owner/Developer shall use adequate measures to minimize erosion and its impacts during subdivision construction activity. The Director of Public Service shall have the authority to require detailed erosion and sedimentation plans be submitted if it is determined that the size and/or scale of the proposed subdivision warrants such action. Generally, such a plan shall be required for, but not limited to, major subdivisions comprising more than twenty-five (25) lots or more than fifteen (15) acres, or if the subdivision is located where average slope exceeds five percent (5%). Such plans shall be prepared by a Professional Engineer, and indicate the techniques to be used to control erosion both during construction and permanently, and include a schedule for installing same. Erosion control plans shall be based on the control of erosion on-site, with the objective of eliminating or minimizing erosion and sedimentation impacts off-site. Techniques, devices and/or measures used shall be reviewed and approved by the Director of Public Service.

All erosion and sedimentation control devices shall be in place at the start of construction activity.

Section 38.05 Storm Water Management

A. Compliance with Storm Water Management Plan

All development activity under the jurisdiction of this Ordinance shall comply with the requirements of the Storm Water Management Plan, as adopted by City Council in Ordinance 04-15-2007, on April 3, 2007, as may be subsequently amended.

B. Erosion and Sedimentation Control

1. Applicability

This Section shall apply to earth disturbing activities on areas as designated below which are within the jurisdiction of the City of Circleville, unless otherwise excluded within this regulation or unless expressed excluded by State law, including land used or being developed for commercial, industrial, residential, recreational, public service or other non-farm purpose.

2. Disclaimer of Liability

Neither submission of a plan under the provisions of this Section, nor compliance with the provisions of this Section shall relieve any person from the responsibility for damage to any person or property otherwise imposed by law, nor impose any liability upon the City of Circleville for damage to any person or property.

3. Requirements

No person shall cause or allow earth- and/or land-disturbing activities on a development area except in compliance with the requirements of this Section and the allowable items below:

- a) An erosion and sedimentation control plan shall be submitted and approved prior to any land-disturbing activities on development areas involving earth disturbance of one (1) or more acres, including those development areas being a part of any larger common plan of development or sale. The person proposing such land-disturbing activities shall develop and submit for approval a plan containing erosion and sediment pollution control practices so that compliance with other provisions of this regulation will be achieved during and after development. The Owner/Developer shall use adequate measures to minimize erosion and its impacts during all construction activity. The person proposing land-disturbing activities shall submit the plan and supporting information, as outlined in this Section, to the Director of Public Service.
- b) For proposed development areas involving land-disturbance of less than one (1) acre, the Director of Public Service shall have the authority to require detailed erosion and sedimentation plans be submitted if it is determined that the size and/or scale of the proposed land-disturbing activity warrants such action. Such plans shall be prepared by a registered Professional Engineer, and indicate the techniques

to be used to control erosion both during construction and permanently, and include a schedule for installing same. Erosion control plans shall be based on the control of erosion on-site, with the objective of eliminating or minimizing erosion and sedimentation impacts off-site.

- c) Any person seeking approval of an Erosion and Sedimentation Control Plan shall submit to the Director of Public Service a "Notice of Intent" that seeks coverage under the latest version of the State of Ohio Pollutant Discharge Elimination System General Permit for Construction that has been or will be filed with the Ohio Environmental Protection Agency (OEPA)
- d) The city may inspect the construction site for compliance with approved erosion and sedimentation control plan and, if found lacking, the Director of Public Service may issue a permit violation, stop work order, fine or other measure to ensure compliance.

C. Storm Water Runoff Control Standards

1. Post Construction Storm Water Management

So that receiving streams' physical, chemical and biological characteristics are protected and stream functions are maintained, post-construction storm water practices shall provide for the perpetual management of runoff quality and quantity, pursuant to the standards established below:

- a) **Storm Water Runoff Quality Control**
Storm water runoff quality controls shall be implemented into sites within developing areas in accordance with general and specific requirements outlined in the latest version of the State of Ohio National Pollutant Discharge Elimination System General Permit for Construction Activity. Development or redevelopment sites may be inspected for compliance and, if found lacking, the Director of Public Service may issue a permit violation, stop work order, or fine to ensure compliance. Fines, as specified by separate ordinance, may be levied by the City as soon as one (1) week after notice of violation.
- b) **Storm Water Runoff Quantity Control**
The requirement for and design of storm water runoff quantity controls (i.e., permanent drainage systems) shall be based upon the general and specific policies, standards and specifications as outlined in the latest version of the City of Circleville Storm Water Management Policy. The Planning and Zoning Commission shall have the authority to deny subdivision approval for areas of extremely poor drainage, including subdivisions in areas dominated by hydric soils. In any subdivision, the storm drainage system shall be separate and independent of any sanitary sewer system.
- c) **Preservation of Natural Drainage Courses**
The flow of all existing drainage courses, including underground drainage systems, shall not be impeded. Such underground systems, including farm field tile systems, shall be identified and mapped as part of the preliminary plan. No

natural drainage course shall be altered and no fill, buildings or structures shall be located unless provision is made for the flow of storm runoff and/or surface water. An easement shall be provided on both sides of the existing surface drainage course adequate for the purpose of future widening, deepening, enclosing or otherwise improving said drainage course. If such drainage course crosses private property, easements must be obtained by the Owner/Developer for construction and future maintenance. These easements must be shown on the Construction Plans, including the volume and page number of the recorded easement.

- d) **Outlets**
No subdivision plan or plat shall be approved by the Planning and Zoning Commission unless an adequate outlet for storm water, as shown on the plan or plat, is approved by the Director of Public Service. Generally it will be necessary to pipe storm water to an adequate watercourse, stream or existing storm system which has the capacity to accommodate the flow, or to utilize acceptable on-site water retention methods adequate to minimize excessive off-site storm water flows.
- e) **Submittal Data**
Storm water conveyance systems shall be designed so as to adequately address the ten (10) year storm under residential streets and the fifty (50) year storm under collector and arterial streets. The Director of Public Service may require the Owner/Developer to pay for an analysis of the existing storm water system to determine how best to connect the proposed development to the existing system or any required improvements downstream so as not to overload the system. The post development runoff rate may not exceed the predevelopment runoff rate as determined by using criteria established in the current edition of the Pickaway County Engineer's "technical Design Standards" Section 303 General Design Criteria.
- f) **Culverts**
The requirement for and design of all culverts utilized in subdivisions shall have the appropriate headwalls and/or other structures and improvements to protect the facility.
- g) **Open Drainage Channels**
The determination as to whether a specific drainage course shall be enclosed or open shall be made by the Director of Public Service. The cross section and profile of any open channel and its banks shall be determined by the Director of Public Service.

Section 38.06 Streets

A. General

All streets shall be designed with appropriate regard for topography, streams, wooded areas, soils, geologic limitations and natural features. Roadways shall further be designed to permit efficient drainage and utility systems layouts while providing safe and convenient access to property.

B. Classification, Street Widths and Street Grades

The arrangement and classification of all streets in newly developed areas shall conform to the Thoroughfare Plan. For streets not indicated on the Thoroughfare Plan, the arrangement shall provide for appropriate extensions of existing streets. The Planning and Zoning Commission shall make the final determination as to the classification of any new street, based on the potential development of the site, and its potential traffic volume, expressed in ADT (Average Daily Traffic), the character of the surrounding area, and the Thoroughfare Plan. Rights-of-way, pavement widths and street grades shall be as specified in **APPENDIX B**, which is hereby made a part of this Ordinance.

C Alignment

1. The street pattern shall make provision for the continuance of streets into adjoining areas and for the connection to existing rights-of-way in adjacent areas.
2. If a subdivision adjoins or contains an existing or proposed arterial or major collector street, direct access points to such street shall be minimized. The Planning and Zoning Commission may require marginal access streets or reverse frontage with a planting strip of a minimum width of twenty (20) feet on the rear of those lots abutting the street, and no vehicular access across the strip.
3. If a subdivision adjoins an existing or proposed arterial or major collector street, the Planning and Zoning Commission may require drainage improvements and the construction of separate turn lanes and/or traffic signals on such streets into the proposed subdivision.
4. Local streets shall be laid out so as to discourage use by through traffic.
5. Streets shall intersect one another at ninety (90) degrees, or as near to ninety (90) degrees as possible, but in no case less than seventy-five (75) degrees. The intersecting street must remain within these degree parameters for a distance of not less than one-hundred feet (100') from the intersection.
6. Street jogs shall be discouraged. Where such jogs are unavoidable, in no case shall the centerlines be offset by less than 125 feet.
7. The maximum length of a cul-de-sac shall be 600 feet, measured from the centerline of the intersecting street to the middle of the turn around.
8. Half width streets shall be prohibited.

D. Dedication

The necessary rights-of-way for widening or extension of all thoroughfares, as delineated in the Thoroughfare Plan, shall be dedicated to public use. When a subdivision fronts on an existing City street, or County or township road, dedication shall be made to the proper authority so as to meet the requirements of the table in **APPENDIX B**.

E. Blocks

Blocks shall not exceed 1,200 feet in length except where specific topographic conditions require a greater length.

F. Street Names

The names of new streets shall not duplicate names of existing dedicated streets except that new streets which are extensions of existing streets shall bear the names of such existing streets. All new roadways shall be named according to the following manner:

DIRECTION	CUL-DE-SACS.	ALL OTHER STREETS.
<i>North/South</i>	<i>Place</i>	<i>Avenue</i>
<i>East/West</i>	<i>Court</i>	<i>Street</i>
<i>Diagonal</i>	<i>Way</i>	<i>Road</i>
<i>Curving (over 1,000 ft.)</i>	-	<i>Drive</i>
<i>Curving (under 1,000 ft.)</i>	<i>Way</i>	<i>Circle</i>

G. Curbs, Gutters and Sidewalks

Curbs, gutters and sidewalks shall be required in all subdivisions. In no case shall a certificate of zoning compliance be granted for a building within a new subdivision where sidewalks are required until such sidewalks are constructed on the lot(s) and approved. Sidewalks shall be constructed of at least Class C concrete and shall comply with the *City of Circleville Development Resource Guide*.

H. Recreational Trails

The City shall require construction of recreational trails or parts thereof that may be within the proposed subdivision, as shown on the Comprehensive Plan.

I. Driveways

1. All driveways shall be at least three (3) feet from the side lot line.
2. No driveway shall be approved providing direct access from a single or two family residential lot to a street designated on the Thoroughfare Plan as an arterial or major collector street, except where no alternative access is available.

Section 38.07 Lots

A. All lots shall have the required frontage on an improved public street or an approved private street.

B. Lots in subdivisions located within the City of Circleville shall meet the dimension and area requirements of the zoning district in which such subdivision is located. Residential lots that are located outside the zoning authority of the City of Circleville but within the subdivision jurisdiction of

this Ordinance shall conform to the zoning requirements of the jurisdiction in which they are located. All lots shall also meet the following requirements:

1. All residential lots shall be approximately rectangular in shape, and should not have a depth in excess of three (3) times their width, except where extra depth is necessary due to topography and/or natural conditions, or to meet other requirements of this Ordinance.
2. Double frontage and reverse frontage lots should be avoided, except where required to provide separation from arterial streets, or to overcome specific conditions of topography and/or orientation. In such cases, an easement shall be provided along the rear lot line across which there shall be no vehicular access.
3. Whenever possible, residential subdivisions shall be designed so that corner lots have a larger area than interior lots
4. Whenever possible, side lot lines should be at right angles or radial to street lines.
5. When necessary, easements shall be provided along side and rear lot lines for utility lines. Easements shall be provided on both sides of any open drainage course, for the purposes of widening, deepening or general maintenance. Such easements shall comply with the requirements of Section 38.08 below. In no case shall a fence or any other obstruction be constructed on this easement. Notwithstanding the above, the removal of any existing obstruction within such easement shall be the responsibility of the owner of the property at the time such action is required.

Section 38.08 Easements

A. Utility Easements

Easements shall be required for poles, wire, cable, conduits, storm and sanitary sewers, water lines, gas lines and/or other utility lines. Generally, such easements shall be a minimum of ten feet (10') in width and be located along front, rear and/or side lot lines. Easements of greater width may be required in particular cases, upon determination of the Director of Public Service.

B. Watercourse Easements and Riparian Setbacks

When any stream or surface drainage course is located within a proposed subdivision, the Owner/Developer shall provide an easement along each side of such stream or water course for the purpose of widening, deepening, relocating or other maintenance. The width of such easement shall be determined by the Director of Public Service. Provisions shall be made by the Owner/Developer for perpetual maintenance of all watercourse easements.

Section 38.09 Sanitary Sewers

- A. Sanitary sewers should be designed to maintain a minimum velocity of two (2) feet per second. The design of the overall sewer system shall be in conformance with the requirements of the City Standard Specifications, the Ohio Environmental Protection Agency (OEPA), the Ohio Department of Health and *Recommended Standards for Wastewater Facilities* (Great Lakes - Upper Mississippi River Board of State Public Health and Environmental Managers: 1990) as may be subsequently updated or amended.
- B. Sanitary sewer lines should be located in the street right-of-way, except under special conditions, when this requirement may be waived by Director of Public Service.
- C. Only under circumstances of extreme hardship shall sewage lift stations, sewage grinder pumps or individual household sewage disposal systems be permitted in subdivisions established after the effective date of this Ordinance. Such systems shall only be permitted with the approval of the Planning and Zoning Commission. The Owner/ Developer shall be responsible for all costs associated with any lift station until such time that sixty percent (60%) of the lots in the subdivision are developed.
- D. Minimum line size shall be eight inches (8"). Downstream sewer pipe sizes shall be greater than or equal to the upstream size unless otherwise approved by the Planning and Zoning Commission. If larger pipe sizes are required to accommodate future growth, the City may participate in the costs associated with the larger sizes, in accordance with Article XXXVII of this Ordinance.

Section 38.10 Water Lines

- A. Water lines shall be designed, sized and constructed so as to be in conformance with the *City Standard Plans and Specifications*. Fire hydrants shall be located, so that adequate fire flow to each structure, based on the current guidelines of the Insurance Services Office (ISO) can be met, but, no case shall be more than 350 feet, or as required by the City Fire Department.
- B. Water lines should be located within the street right-of-way, except under special circumstances, when this requirement may be waived by the Director of Public Service.
- C. The standard minimum size of water mains shall be eight inches (8"). If larger line sizes are required to accommodate future growth, or to provide for fire flows in excess of those required for the proposed development, the City may participate in costs for the size increase, in accordance with the procedures of Article XXXVII of this Ordinance.
- D. Minimum cover for water lines shall be forty-eight inches (48"). Water mains shall be laid so that at least ten feet (10') of horizontal distance and eighteen inches (18") vertical distance is maintained between the water main and sanitary sewer line. In cases where ten feet (10') of horizontal distance cannot be maintained, such as a crossing, the vertical distance shall be maintained and such sewer lines shall be constructed of water line material. At crossings, one full length of water pipe should be used so both joints will be as far away from the sewer line as possible.

Section 38.11 Underground Utilities and Street Lighting

- A. Underground utilities shall be required for all subdivisions within the City of Circleville. Unless specific approval is granted by the Director of Public Service, all utility boxes shall be located in side or rear yards
- B. Street lights shall be required for all subdivisions within the City of Circleville. Street lights and all appurtenances shall be installed by the Owner/Developer, and shall be of a type acceptable for cost-effective service by the electric utility providing service to the City. The City shall have the authority to assess costs associated with the operation and maintenance of the system to the lots within the subdivision.
- C. Illumination for street lights shall be uniform and shall follow the recommendations of the current Illuminating Engineering Society (IES) Handbook. Generally, street lights shall be located not less than 200 feet nor more than 350 feet apart. Lights shall be placed within 200 feet from the closed end of each cul-de-sac, and at each street intersection.
- D. The location of all street lights shall be shown on the street construction plans. The Owner/Developer shall develop a structure for assessing the future costs of street lighting to property owners in the subdivision.

Section 38.12 Street Trees

- A. Street trees shall not be planted in the right-of-way of any street designated as an arterial roadway in the Circleville Thoroughfare Plan, unless specific approval is granted by the Planning and Zoning Commission.
- B. Trees planted in the right-of-way of any other street shall not be planted in any location where the Director of Public Service determines that such placement would create a safety hazard. In no case shall a street tree be planted within fifty feet (50') from an intersection, within thirty feet (30') from any alley approach, or ten feet (10') from any driveway approach.
- C. The following species of trees shall be considered undesirable species and shall not be used as street trees within the City:
 - 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 species) (*Populus*)
 - 7. Willows (all species) (*Salix*)
 - 8. Siberian Elm (*Ulmas pumila*)
- D. Any portion of any tree that extends over the curb line shall be maintained to a minimum of fifteen feet (15') from the top of limb to lowest point on portion extending over the curb, and a minimum of eight feet (8') from the sidewalk to the lowest portion of the tree extending over such sidewalk.

Section 38.13 Public Sites and Open Space

A. Required Dedication or Reservation

Where a proposed park or school site, as shown on the Comprehensive Plan as adopted by City Council, is located in whole or in part within a proposed subdivision, the Planning and Zoning Commission may require the following:

1. the dedication to the public of part or all of the proposed site and/or
2. reservation of the site for a period of up to three (3) years to enable acquisition by the appropriate agency or entity.

B. Minimum Dedication Requirements

In all subdivisions or developments which result in additional dwelling units within the City, the Owner/Developer shall be required to dedicate land to public sites and open space without compensation or to pay an amount equal to the value as defined in Section 38.13 D below, of such land to the Board of Park Commissioners for the purpose of developing public sites and open space. The amount of land to be dedicated by the Owner/Developer shall be determined according to the following formula:

$$\text{Acres of Land for Dedication} = \text{Total Population} \times .005$$

The total population of any subdivision will be determined by:

1. determination of a population factor for each dwelling unit in the subdivision
2. summation of all population factors for each dwelling unit in the subdivision

The population for each dwelling unit shall be as follows:

<i>Single-Family Dwelling</i>	3.0
<i>One Bedroom Multiple Family</i>	1.5
<i>Two Bedroom Multiple Family</i>	2.0
<i>Three Bedroom Multiple Family</i>	3.0

C. Modifications to Requirements

The Planning and Zoning Commission, in conjunction with the Circleville Board of Park Commissioners may modify the requirements as specified above when the Owner/Developer has shown that at least one of the following conditions exist:

1. the development will house a population substantially lower than that established above.
2. the development will have a low need for parks and recreation services.
3. the unique or special characteristics of the project that justify modification of these requirements can be reasonably expected to continue for the life of the project.

D. Fee in Lieu of Dedication

The Planning and Zoning Commission, in conjunction with the Board of Park Commissioners, shall determine if land proposed for public sites and/or open space is suitable and desirable for such purpose. If it is determined that the land is not suitable for such purposes, the Owner/Developer shall pay a fee-in-lieu of land dedication to the Board of Park Commissioners, for the purposes of developing other sites or open spaces.

The amount of such fee shall be \$200 for each dwelling unit within the subdivision.

E. Private Recreational Areas

In lieu of the requirements of Section 38.13 B and D above, the Owner/Developer may devote not less than the acreage required in 38.13B to a private recreation area for the use of the occupants of the subdivision. The recreation area must be of suitable size for recreational purposes, as determined by the Board of Park Commissioners and the Planning and Zoning Commission. The Owner/Developer must present a plan for development and perpetual maintenance of the site proposed, and such plan must be reviewed and approved by the Board of Park Commissioners and the Planning and Zoning Commission. The Owner/Developer shall also provide security to ensure development and maintenance of the site in the form of a bond, deposit of funds or other form satisfactory to the Planning and Zoning Commission.

Section 38.14 Monuments

A. General Requirements

All research, investigation, monumentation, measurement specifications, plats of survey, descriptions, and subdivision plats shall conform to the *Minimum Standards for Boundary Surveys in the State of Ohio*, Section 4733-37-03 (Administrative Code) Ohio Revised Code. These standards are intended as a minimum requirement, and where the surveying profession requires or recommends a higher level of standards, the higher or most restrictive of such standards shall apply. Additional standards for monumentation may be found in the *City Standard Plans and Specifications*.

B. Location

Monuments shall be placed at all angle points on the outside boundary of the subdivision. Iron pins shall be placed at all corners of all lots, intersections of the centerlines of streets, and at the beginning and end points of each curved street section centerline. In those cases where sanitary sewer manholes prevent the setting of monuments, such monuments shall be offset five feet (5') in each direction along the street centerline. Monuments are to be tied to existing City of Circleville monumentation and reported in Ohio State Plane South NAD83 (Horizontal) and NAVD29 (Vertical).

C. When Set

Monuments in the street centerlines shall be placed upon the completion of paving of the streets. All other monuments are to be set upon completion of the street, water, sanitary sewer improvements, and over lot grading and before acceptance of improvements by the City of Circleville. Iron pins designating lots shall be set after grading of lots, but prior to pouring of sidewalks.

D. Materials

Monuments to consist of, at a minimum, brass cap and 3/8" rebar set in concrete. Iron pins shall be as per the standards cited above in Section 38.14A.

E. Flood Plains

When all or part of a proposed subdivision is located within land subject to flooding, as defined in Article II, the Owner/Developer shall direct and cause the surveyor to place at least one benchmark tied to USGS elevation data.

F. Reference to State Plane Coordinate System

The Owner/Developer shall direct and cause the surveyor to place and set at least one (1) intervisible pair of NGS Class C monuments referenced to Ohio State Plane Coordinate System.

**ARTICLE XXXIX
SITE IMPROVEMENTS**

Section 39.01 General

The improvements required by these subdivision regulations shall conform to the *City Standard Plans and Specifications*, the *City of Circleville Development Resource Guide* and other applicable portions of the Codified Ordinances of the City, as may be subsequently amended. All site improvements shall be designed, furnished and installed by the Owner/Developer of the subdivision. The Owner/Developer shall be responsible for the costs of all tests required by the Director of Public Service to establish that the materials and methods utilized in construction of the improvements meets the specifications. Subdivisions shall be provided with the same improvements whether the streets are public or private, except in special situations as approved by the Planning and Zoning Commission.

Section 39.02 Streets

A. Street Grading

No street grading shall be permitted until the final construction plans have been approved by the Director of Public Service and inspection fees have been paid. No street grading shall be commenced without a forty-eight (48) working hour notice to the Director of Public Service.

B. Street Subgrade

All streets shall be graded to their full width, including side slopes. No obstructions shall be placed or allowed to remain in the street right-of-way. The subgrade shall be free of sod and/or vegetative or organic matter. Soft clay and other unsuitable material shall be cleared to a depth as determined by the Director of Public Service. The subgrade shall be shaped and compacted subject to the requirements of the Director of Public Service, and no fill shall be placed until said subgrade has been inspected and approved.

C. Pavement Application

No pavement shall be placed until the prepared subgrade has been inspected and approved. The finish pavement course shall not be placed over the base course until a period of time as specified by the Director of Public Service has elapsed. All failures in the base course must be repaired prior to installation of the finish course.

D. Street Signs

The Owner/Developer shall provide all traffic control, street name and parking signs at intersections and other locations as designated by the Director of Public Service. Such signs shall be purchased from the City. The City shall be responsible for the installations and maintenance of all such signs.

Section 39.03 Sanitary Sewers

A. Concrete Encasement

Concrete encasement shall be used when required for the sanitary sewer to withstand trench loadings, when rock is encountered in the trench bottom, when the cover is less than two-and-one-half (2 1/2) feet, or when such sewer line crosses a stream with year-round flow.

B. Testing

Leakage tests are required for all sanitary sewers except building sewers.

C. Private Sanitary Sewers

All private sanitary sewer laterals shall be six inches (6") minimum diameter PVC plastic conforming to ASTM D-3034 SDR 35 with flexible gaskets conforming to ASTM D-3212, unless otherwise specifically approved by the Director of Public Service. Before any building sewer is constructed, a tap permit must be obtained from the City. Installation of building sewers shall conform to applicable regulations of the City. An "S" shall be stamped into the face of the curb at the location of any building sewer tap.

Section 39.04 Water Systems

A. Water Service Lines

Water service lines shall be installed consistent with *Ten State Standards*. All water service lines shall be either HDPE 200 PSI (CTS) or Type K copper. All water service lines shall be protected from freezing and frost penetration, but in no case shall be installed less than forty-eight inches (48") below the ground or pavement surface. Services shall be constructed after the street is rough graded and prior to the installation of paved surfaces and curbs.

B. Curb Boxes and Meter Pits

Curb boxes shall be located within the tree lawn not less than two feet (2') behind the back of the curb. All curb boxes shall be adjusted to the finished ground surface. The Director of Public Service may require an alternative location of curb stops and/or meter pits.

Section 39.05 Certification of Improvements

Upon the completion of construction, and prior to acceptance by the City, the Owner/Developer shall provide the City with a letter which certifies that the construction is in conformance with the approved Construction Plans and the City Standard Plans and Specifications.

Section 39.06 Responsibility and Liability During Construction

No streets or public improvements shall be the responsibility of any public entity prior to formal acceptance. Until such time as improvements have been approved and accepted, the Owner/Developer shall assume full responsibility and liability for all areas dedicated to the public, and improvements thereon. The Owner/Developer shall agree to indemnify and hold harmless the City of Circleville until such time as the improvements are accepted.

ARTICLE XXXX

NONRESIDENTIAL SUBDIVISIONS

Section 40.01 General

If a proposed subdivision or development includes land that is zoned for commercial or industrial uses, the proposed subdivision or development shall be subject to the submittal and approval of a separate site development plan by the Planning and Zoning Commission. In reviewing such site development plan, the Planning and Zoning Commission shall have the authority to modify and/or reduce the requirements of this Ordinance when, on the basis of evidence submitted by the Owner/Developer, it is determined that such modification is warranted.

Section 40.02 Standards

The Owner/Developer of a commercial and/or industrial subdivision shall provide evidence that the following standards shall be met, and the Planning and Zoning Commission shall consider such evidence in evaluating the site development plan, as required in Section 40.01 above:

- A. The proposed industrial/commercial parcels shall be suitable in area and dimensions to the types of industrial or commercial development proposed.
- B. Street rights-of-way and standards shall be adequate to accommodate the type and volume of traffic anticipated to be generated by the development.
- C. Accommodation shall be made for special requirements for street, curb, gutter and sidewalk design and construction, and installation of public utilities, including water, sewer and storm drainage.
- D. Adverse impacts to any adjacent residential areas are identified, and measures are employed to protect adjacent residential areas from such adverse impacts.
- E. Streets carrying nonresidential traffic shall not normally be extended to the boundaries of existing residential areas, or areas proposed for residential use in any land use or comprehensive plan for the City, as adopted by City Council.

ARTICLE XXXXI

RESERVED FOR FUTURE USE

APPENDIX A

REQUIRED STATEMENTS AND SIGNATURES TO BE AFFIXED TO FINAL PLATS

SITUATED IN THE STATE OF OHIO, COUNTY OF PICKAWAY, CITY OF CIRCLEVILLE, LYING IN SECTION __, TOWNSHIP __, RANGE __, CONTAINING ALL OF THE _____ ACRE TRACT CONVEYED TO _____ IN OFFICIAL RECORD VOLUME __, PAGE __, RECORDS OF THE RECORDER'S OFFICE, PICKAWAY COUNTY, OHIO.

THE UNDERSIGNED OWNER/DEVELOPER, BY _____, TITLE AND/OR OWNER, BEING THE OWNER OF THE LAND PLATTED HEREIN, DULY AUTHORIZED IN THE PREMISES DO HEREBY CERTIFY THAT THIS PLAT CORRECTLY REPRESENTS THEIR _____ SUBDIVISION, LOTS __ THROUGH __ AND RESERVES __ AND __, INCLUSIVE AND DO HEREBY ACCEPT THIS PLAT OF SAME AND DEDICATE TO PUBLIC USE, AS SUCH, ALL OF THE DRIVES, PLACE, COURT AND PIKE SHOWN HEREON AND NOT HERETOFORE DEDICATED.

EASEMENTS, WHERE INDICATED ON THIS PLAT, ARE HEREBY GRANTED TO THE COMPANIES, MUNICIPALITIES OR ENTITIES PROVIDING PUBLIC UTILITY SERVICES, UNCLUDING BUT NOT LIMITED TO WATER, SANITARY SEWER, ELECTRICITY AND TELEPHONE, TO COMPANIES PROVIDING CABLE TELEVISION AND/OR CABLE SIGNAL TRANSMISSION SERVICES AND TO MUNICIPALITIES RESPONSIBLE FOR STORM WATER DRAINAGE SYSTEMS, FOR THE CONSTRUCTION OPERATION AND MAINTENANCE OF THE FACILITIES TO PROVIDE SUCH SERVICES ABOVE AND BENEATH THE GROUND AND WITH THE EXPRESS PRIVELEGE OF REMOVING ANY AND ALL TREES OR OTHER OBSTRUCTIONS TO THE FREE USE OF SAID EASEMENTS.

IN WITNESS WHEREOF, OWNER/DEVELOPER, TITLE, HAS CAUSED THIS PLAT TO BE EXECUTED THIS _____ DAY OF _____, 20__.

WITNESSES:

DEVELOPER

PRINTED: _____

NAME
TITLE

PRINTED: _____

STATE OF OHIO SS:

BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID STATE, PERSONALLY APPEARED _____, TITLE, FOR SAID _____ WHO ACKNOWLEDGES THE SIGNING OF THE FOREGOING INSTRUMENT TO BE HIS FREE AND VOLUNTARY ACT AND DEED, AND THE FREE AND VOLUNTARY ACT AND DEED OF SAID _____, FOR THE USES AND PURPOSES THEREIN EXPRESSED.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED BY OFFICIAL SEAL THIS ____ DAY OF _____, 20__.

MY COMMISSION EXPIRES _____

NOTARY PUBLIC, STATE OF OHIO

IN WITNESS WHEREOF, _____ *OWNER* _____, HAS CAUSED THIS PLAT TO BE EXECUTED THIS _____ DAY OF _____, 20__.

WITNESSES:

PRINTED: _____

(OWNER)

PRINTED: _____

STATE OF OHIO SS:

BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID STATE, PERSONALLY APPEARED _____, WHO ACKNOWLEDGES THE SIGNING OF THE FOREGOING INSTRUMENT TO BE HIS/HER FREE AND VOLUNTARY ACT AND DEED, FOR THE USES AND PURPOSES THEREIN EXPRESSED.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED BY OFFICIAL SEAL THIS _____ DAY OF _____, 20__.

MY COMMISSION EXPIRES: _____

NOTARY PUBLIC, STATE OF OHIO

APPROVED THIS ___ DAY OF _____, 20__

CHAIRMAN, CIRCLEVILLE PLANNING COMMISSION

APPROVED THIS ___ DAY OF _____, 20__

DIRECTOR OF PUBLIC SERVICE

THIS ___ DAY OF _____, 20__, RIGHTS-OF-WAY FOR ALL STREETS, ALLEYS, ROADS, ETC. HEREIN DEDICATED FOR PUBLIC USE ARE HEREBY APPROVED AND ACCEPTED AS SUCH FOR THE CITY OF CIRCLEVILLE (PICKAWAY COUNTY) PURSUANT TO ORDINANCE (RESOLUTION) NUMBER _____ DATED _____, 20__.

CLERK OF COUNCIL

DATE

AND/OR

TRANSFERRED THIS _____ DAY OF _____, 20__

AUDITOR, PICKAWAY COUNTY, OHIO

FILED FOR RECORD THIS _____ DAY OF _____, 20__ AT ____:____.M.

RECORDED THIS _____ DAY OF _____, 20__ PLAT CABINET _____ SLIDES

RECORDER, PICKAWAY COUNTY, OHIO

APPENDIX B

STREET AND ROADWAY CLASSIFICATION SYSTEM

APPENDIX B

STREET AND ROADWAY CLASSIFICATION SYSTEM

<u>STREET CLASS</u>	<u>ADT RANGE</u>	<u>MINIMUM R.O.W. (FT.)</u>	<u>PAVEMENT WIDTH (FT.)</u>	<u>MAXIMUM GRADE</u>	<u>MINIMUM GRADE</u>
Arterial	5,000+	90	(see note 2)	6%	.5%
Collector (Major)	2,000-5,000	70	36	6%	.5%
(Minor)	500-2,000	70	36	6%	.5%
Local	under 500	60	30	6%	.5%
Cu-de-Sac	under 500	60	30	6%	.5%
Industrial	NA	60	40	6%	.5%

NOTES:

1. Pavement width is measured from face of curb to face of curb. Required pavement width may be increased if on-street parking is allowed.
2. Pavement width on Arterial Streets to be determined on a case-by-case basis by the Planning and Zoning Commission.

