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City of  
Chillicothe,  
Ohio

# Unified Development Code



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# Chapter 1 – Introductory Provisions

- A. **Title.** This code shall be formally known as the “Unified Development Code” for the jurisdiction of the City of Chillicothe, Ohio.
- B. **Authority.** This Unified Development Code (UDC) is enacted by the City of Chillicothe according to the authority granted in O.R.C. 713.07, O.R.C. 711, and other applicable state and federal statutes as amended from time to time.
- C. **Purpose.** The purposes of this UDC are to:
  - 1. Combine the City’s zoning, subdivision, sign, and other land use ordinances into a single document to reduce redundancy and improve efficiency in the application of the City’s land development regulations;
  - 2. Promote the public health, safety, morals, and general welfare of the jurisdiction;
  - 3. Guide future growth and development according to the City’s most recently adopted comprehensive plan;
  - 4. Provide adequate air, light, access, and privacy, and prevent undue congestion and overcrowding of the land;
  - 5. Protect and conserve the value of land, buildings, and other improvements, and minimize the conflicts among the uses of lands and buildings;
  - 6. Guide public and private policy and action to ensure adequate and efficient transportation, water, sewer, schools, parks, drainage, and other public requirements and facilities;
  - 7. Establish reasonable standards of design and minimum requirements for the creation, installation, and improvement of physical facilities that are, or will be, maintained for the benefit of the general public;
  - 8. Support housing diversity to encourage attainable housing at all income levels;
  - 9. Encourage a robust multi-modal network, including, but not limited to, complete streets, trails, and sidewalk networks, to provide safe, efficient movement, connectivity, and walkability;
  - 10. Support a mix of uses to encourage economic vitality; and
  - 11. Provide subdivision and platting regulation that ensures the efficient and strategic management of land that creates an appealing community character and establishes the city’s long-term financial health.
- D. **Applicability.** The regulations set forth in this UDC shall apply to all buildings, structures, uses, and lands owned or controlled by any individual, organization, entity, political subdivision, district, taxing unit, or bond-issuing authority located within the corporate limits of the City of Chillicothe and any additional lands over which the City has zoning or subdivision jurisdiction.
- E. **Jurisdiction.** The provisions of this UDC apply to the development of all land within the municipal limits of the City of Chillicothe unless specifically provided otherwise.

- F. **Repeal of Previous City Codes.** All previously adopted city ordinances, resolutions, or codes in conflict with this UDC are hereby repealed and replaced with the adoption of this UDC and official zoning map, including, but not limited to the following codified portions of the City's Code of Ordinances (numbers referenced are those applicable as of the effective date of this UDC):
1. Part Eleven, Planning and Zoning Code;
  2. Part Thirteen, Title Three, Chapter 1321, *Signs*;
  3. Part Thirteen, Title Three, Chapter 1322, *Wireless Telecommunication Facilities and Towers*.
- G. **Transitional Provisions.** The following provisions apply to any applications that are in progress at the time of adoption of this UDC:
1. *Pending Applications.* Applications that are received and completed before the adoption of this UDC shall continue their respective process according to the rules and provisions that were in place at the time of filing. This includes applications before the City Council, the Planning Commission, the Board of Zoning Appeals (BOZA), as well as applications for zoning, building, or occupancy permits.
  2. *Permits Issued.* Any zoning, building, or occupancy permit that was issued before the adoption of this UDC shall remain valid for the timeframe and provisions established by the regulations that were in effect at the time of filing. If applicable, a valid permit may be renewed per the provisions established by the regulations that were in effect at the time of filing. Permits that have expired per the provisions established by the regulations that were in effect at the time of filing and need to be resubmitted shall now be subject to the regulations established by this UDC.

# Chapter 2 – Zoning Districts

## A. Zoning District Establishment and Map.

### 1. Purpose and Applicability.

- a. *Purpose.* The purpose of this chapter is to establish zoning districts which will provide for quality development and that will correspond to the specific purpose statements for each zoning district as set out in Table 2-4, *Base Zoning Districts*.
- b. *Applicability.*
  - 1) *Effect.* The districts set out in this chapter apply to all land, buildings, and structures within the corporate boundaries of the City.
  - 2) *Zoning Districts.* As of the effective date of this Unified Development Code (UDC), land zoned with a district classification from the previous zoning regulations will be either consolidated into or renamed with a new district designation. The specifics of this consolidation process are shown in Table 2-3, *Conversion Table - Character Areas to Zoning*.

### 2. Base Zoning Districts.

Table 2-1, Base Zoning Districts	
Name of District	Abbreviation
Suburban Residential	SB
Semi-Urban Residential	SU
Manufactured Home Park Residential	MH
Multi-Dwelling Residential	MD
Residential Office	RO
Civic and Institutional	CI
Downtown Enterprise	DE
Mixed Use	MU
General Commercial	GC
Light Industrial	LI
General Industrial	GI

### 3. Overlay and Special Zoning Districts.

Table 2-2, Overlay and Special Zoning Districts	
Name of District	Abbreviation
Planned Unit Development	PUD
Historic Design Review	HDR

#### 4. Official Zoning Map.

- a. *Generally.* The Official Zoning Map is a geographic coverage layer that is maintained as part of Ross County's geographic information system (GIS). Specific boundaries which show precise locations for each zoning district are officially maintained through the GIS electronic file format.
- b. *Zoning Map Production.* The Administrator may authorize printed copies of the Official Zoning Map to be produced and shall maintain digital or printed copies of previous versions of the Official Zoning Map for historical reference.
- c. *Undesignated Property.* It is the intent of this UDC for the entire area within the City to be assigned a zoning district. Should, however, it be determined that there is property within the City that does not have a zoning district assigned to it, then the zoning district of Suburban Residential (SB) shall apply.
- d. *Vacated Property.* In the event that any street, alley, public way, railroad right-of-way, waterway, or other similar area is vacated, the zoning districts adjoining either side of the vacated area shall be extended automatically to the center of the land vacated to be consistent with the new property lines. All area included in the vacation shall be subject to the appropriate regulations of the extended districts.
- e. *Interpretation of Boundaries.*
  - 1) *Administrator Discretion.* All questions concerning the exact location of zoning district boundary lines shall be determined by the Administrator. An appeal of the Administrator's interpretation may be filed with the Board of Zoning Appeals (BOZA) per Sec. 7-D-5, *Variance and Appeals*.
  - 2) *Administrator Referral to the BOZA.* Should the Administrator be uncertain about the proper interpretation of zoning district boundaries, he or she may refer the matter to the BOZA for a final judgment on the matter.
- f. *Annexation.* See Sec. 7-C-9, *Annexation*.

#### B. Base Zoning Districts.

1. **Base Zoning District Adjustment Table.** The table below demonstrates the connection between the base zoning districts found in this UDC to the previous ordinance's base zoning districts and Future Character Areas identified within the adopted Choose Chillicothe Comprehensive Plan.

Table 2-3, Conversion Table - Character Areas to Zoning		
Future Character Areas	Existing Base Zoning District	New Base Zoning Districts
Rural Edge	--1	Suburban Residential (SB)
Suburban Neighborhood	Single Family Residential District #1 (R-1)	
Traditional Neighborhood, Edge	Single Family Residential District #2 (R-2)	Semi-Urban Residential (SU)
--1	Manufactured Home Residential District (MH-R)	Manufactured Home Park Residential District (MH)
--1	Suburban Residential Multiple-Family (RM-1)	Multi-Dwelling Residential (MD)
	Urban Residential Multiple-Family (RM-2)	
Traditional Neighborhood, Core	Older Neighborhood Single-Family Residential (R-3)	Residential Office District (RO)
	Residential Office District (RO)	
Civic and Institutional	Special Use District (SU)	Civic and Institutional (CI)
Open Space Recreation		
Downtown District	Downtown Enterprise (DE)	Downtown Enterprise (DE)
Mixed Use Center	Industrial Reuse (IR)	Mixed Use (MU)
Corridor Commercial	Limited Commercial (LC)	General Commercial (GC)
	General Commercial (GC)	
	Regional Commerce (RC)	
Industrial	Industrial Park (IP)	Light Industrial (LI)
	General Industrial (GI)	General Industrial (GI)
Note: 1. There is presently not a corresponding Future Character Area or Existing Zoning District.		

2. **Base Zoning Districts and Purpose of Each District.** The zoning districts, with abbreviations, for the City and the purpose for each zoning district is established in the table below.

<b>Table 2-4, Zoning Districts and Purposes</b>	
District	The purpose of the district is to provide for:
Suburban Residential (SB) District	Single dwelling unit detached low-density residential development. These districts are to be utilized in areas of the City that are or can be served by public water and sewer.
Semi-Urban Residential (SU) District	Low-density detached residential development that are appropriate to integrate Accessory Dwelling Units. These districts are to be utilized in areas of the City that are or can be served by public water and sewer.
Manufactured Home Park Residential (MH) District	A residential district for manufactured home park 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.
Multi-Dwelling Residential (MD) District	Medium to high-density residential uses in areas best equipped to accommodate such development. Areas of the City zoned into this district should be subject to careful and complete analysis in order to address issues resulting from high density, including the provision of public services, accessibility, accommodation of traffic, and overall compatibility.
Residential Office District (RO) District	Areas that are currently occupied by single-unit detached and medium density residences, and lower-scale commercial uses. The intent of the district is to provide for the continuance of a variety of housing options within the older portions of the City while also allowing for small-scale commercial uses as a means of creating reinvestment.
Civic and Institutional (CI) District	Locations within the City where development can occur and thrive for civic and institutional uses including green space. The intent of this district is to create locations for the public at-large and not for individual private ownership.
Downtown Enterprise (DE) District	A means to preserve the historic mixed-use and pedestrian focus of the downtown district and ensure a healthy mix of different land uses. The development standards within this district are designed to encourage the adaptive use of older structures which are conducive to small businesses and a mix of housing options.
Mixed Use (MU) District	The productive reuse of older structures which creates an expanded range of industrial, quasi-industrial, and non-industrial facilities, while minimizing the impacts of such uses on nearby residential areas.
General Commercial (GC) District	The orderly development of a wide range and mixture of commercial uses. The intent of this 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.
Light Industrial (LI) District	A mix of light industrial and flex office uses such as distribution, manufacturing, and wholesale establishments that are clean, quiet, and free of hazardous or objectionable elements and operated within enclosed structures.
General Industrial (GI) District	The continuance of existing industrial activity and to encourage private reinvestment and revitalization of industrial sites within the older portions of the City. There should be appropriate mitigation measures taken against any impacts to adjacent land.

3. **Land Uses Tables and Designations.** The text below is intended to clarify the meaning of key terms as used in Table 2-5, *Land Use Matrix: Residential Uses* and Table 2-6, *Land Use Matrix: Non-Residential Uses*.
- a. *Permitted Uses.* A permitted use is a land use that is allowed without any additional use-specific standards and can be approved administratively by the Administrator. Permitted Uses are shown as a “P” in Table 2-5, *Land Use Matrix: Residential Uses* and Table 2-6, *Land Use Matrix: Non-Residential Uses*.
  - b. *Use Standards.* The use standards, as set out in Chapter 3, *Use Standards*, are additional standards that apply to a specific land use in specific zoning districts as specified by this UDC. Any land use with this designation can be approved administratively provided that the additional use standards are met. Land uses with use standards are shown as a “US” in Table 2-5, *Land Use Matrix: Residential Uses* and Table 2-6, *Land Use Matrix: Non-Residential Uses*.
  - c. *Conditional Use.* Land uses that require conditional use approval must be approved by the Planning Commission. The Planning Commission shall review the use standards for each land use and may add additional standards if necessary. The specific procedures per Sec. 7-C-10, *Conditional Use Process*, must be followed for conditional use approval to be granted. Land uses approved through the conditional use process are shown as “C” in Table 2-5, *Land Use Matrix: Residential Uses* and Table 2-6, *Land Use Matrix: Non-Residential Uses*.
  - d. *New and Unspecified Uses.*
    - 1) *Authorization of Proposed Use.*
      - a) *Administrator Discretion.* If a proposed use is not specified in either Table 2-5, *Land Use Matrix: Residential Uses* or Table 2-6, *Land Use Matrix: Non-Residential Uses*, the Administrator shall make a determination as to whether the use is either a subcategory or functionally similar to a specifically identified use.
      - b) *Referral to Planning and Zoning Commission.* Should the Administrator feel that it is necessary, he or she may refer the determination of whether a use is a subcategory or functionally similar to a specified use to the Planning Commission.
    - 2) *If Not Authorized Then Prohibited.* If the Administrator determines that a proposed use is not a subcategory of, or functionally similar to a listed use in either Table 2-5, *Land Use Matrix: Residential Uses* or Table 2-6, *Land Use Matrix: Non-Residential Uses* then the use is a prohibited use.
    - 3) *Decision Criteria.* The following decision criteria shall be evaluated by the Administrator, or at the Administrator’s discretion, the Planning and Zoning Commission, to decide whether a proposed use is a subcategory of, or is functionally comparable to, a use specifically identified in either Table 2-5, *Land Use Matrix: Residential Uses* or Table 2-6, *Land Use Matrix: Non-Residential Uses* then the use is a prohibited use.
      - a) Parking demand;

- b) Average daily and peak hour trip generation (cars and trucks);
- c) Impervious surface;
- d) Regulated air or water emissions;
- e) Noise;
- f) Lighting;
- g) Dust;
- h) Odors;
- i) Solid waste generation;
- j) Potentially hazardous conditions, such as projectiles leaving the site;
- k) Use and storage of hazardous materials;
- l) Character of buildings and structures;
- m) Nature and impacts of operation; and
- n) Hours of operation.

<b>Table 2-5, Land Use Matrix: Residential Uses</b>											
<b>-- = Prohibited; P = Permitted; US = Use Standards; C = Conditional Use;</b>											
<b>Land Use</b>	<b>Residential</b>					<b>Mixed Use / Commercial</b>				<b>Industrial</b>	
	<b>SB</b>	<b>SU</b>	<b>MH</b>	<b>MD</b>	<b>RO</b>	<b>CI</b>	<b>DE</b>	<b>MU</b>	<b>GC</b>	<b>LI</b>	<b>GI</b>
<b>Residential</b>	<b>SB</b>	<b>SU</b>	<b>MH</b>	<b>MD</b>	<b>RO</b>	<b>CI</b>	<b>DE</b>	<b>MU</b>	<b>GC</b>	<b>LI</b>	<b>GI</b>
Single Detached Dwelling	P	P	P	P	P	--	P	P	--	--	--
Manufactured Home	--	--	P	--	US	--	--	--	--	--	--
Manufactured Home Park	--	--	US	--	--	--	--	--	--	--	--
Duplex	--	--	--	P	P	--	--	P	--	--	--
Triplex	--	--	--		US	--	--	US	--	--	--
Townhouse	--	--	--	US	US	--	--	US	--	--	--
Multi-Dwelling Residential	--	--	--	US	US	--	--	US	--	--	--
<b>Residential Accessory Use</b>	<b>SB</b>	<b>SU</b>	<b>MH</b>	<b>MD</b>	<b>RO</b>	<b>CI</b>	<b>DE</b>	<b>MU</b>	<b>GC</b>	<b>LI</b>	<b>GI</b>
Accessory Dwelling Unit, Attached	US	US	--	US	US	--	US	US	--	--	--
Accessory Dwelling Unit, Detached	US	US	--	--	--	--	US	--	--	--	--
Accessory Structure	US	US	US	US	US	--	--	--	--	--	--
Loft Residential	--	--	--	--	--	--	US	US	--	--	--
<b>Commercial Uses of the Home</b>	<b>SB</b>	<b>SU</b>	<b>MH</b>	<b>MD</b>	<b>RO</b>	<b>CI</b>	<b>DE</b>	<b>MU</b>	<b>GC</b>	<b>LI</b>	<b>GI</b>
Child Care Home	US	US	US	US	US	--	--	--	--	--	--
Home Occupation	US	US	US	US	US	--	--	--	--	--	--
Short-Term Rental	US	US	--	US	US	--	US	--	--	--	--

Table 2-6, Land Use Matrix: Nonresidential Uses											
-- = Prohibited; P = Permitted; US = Use Standards; C = Conditional Use;											
Land Use	Residential					Mixed Use / Commercial				Industrial	
	SB	SU	MH	MD	RO	CI	DE	MU	GC	LI	GI
<b>Automobile and Related Service Uses</b>	<b>SB</b>	<b>SU</b>	<b>MH</b>	<b>MD</b>	<b>RO</b>	<b>CI</b>	<b>DE</b>	<b>MU</b>	<b>GC</b>	<b>LI</b>	<b>GI</b>
Automobile Parking Lot (Primary Use)	--	--	--	--	US	P	P	P	P	P	P
Automobile Repair, Major	--	--	--	--	--	--	--	--	US	US	US
Automobile Repair, Minor	--	--	--	--	--	--	--	US	US	US	US
Automobile / Vehicle Sales and Rental	--	--	--	--	--	--	--	--	US	US	US
Car Wash	--	--	--	--	--	--	--	P	P	P	P
Refueling Station	--	--	--	--	--	--	--	--	US	US	US
Truck & Bus Parking Lot (Primary Use)	--	--	--	--	--	--	--	--	P	P	P
<b>Civic, Institutional, and Health Care Uses</b>	<b>SB</b>	<b>SU</b>	<b>MH</b>	<b>MD</b>	<b>RO</b>	<b>CI</b>	<b>DE</b>	<b>MU</b>	<b>GC</b>	<b>LI</b>	<b>GI</b>
Assisted Living / Nursing Home	--	--	--	US	US	P	--	P	P	--	--
Cemetery	--	--	--	--	--	P	--	--	--	--	--
Child Care Center	--	--	--	--	US	US	US	US	US	--	--
Community Garden	P	P	P	P	P	P	P	P	P	P	P
Correctional Institution	--	--	--	--	--	US	--	--	--	--	--
Governmental Service (Police, Fire, Emergency Medical Services)	P	P	P	P	P	P	P	P	P	P	P
Hospital / Rehabilitative Care	--	--	--	--	--	C	--	--	C	--	--
Library	--	--	--	--	US	P	P	P	P	--	--
Medical and Dental Office / Clinic	--	--	--	--	US	P	P	P	P	P	--
Museum / Gallery	--	--	--	--	US	P	P	P	P	--	--
Parks and Recreational Facilities	P	P	P	P	P	P	P	P	P	--	--
Place of Public Assembly, Indoor	US	US	--	--	US	P	P	P	P	--	--
Schools	US	US	--	--	US	P	P	P	P	P	--
<b>Commercial Uses</b>	<b>SB</b>	<b>SU</b>	<b>MH</b>	<b>MD</b>	<b>RO</b>	<b>CI</b>	<b>DE</b>	<b>MU</b>	<b>GC</b>	<b>LI</b>	<b>GI</b>
Adult Use Cannabis Operator	See City Ordinance 01-25										
Bank, Credit Union, and Financial Services	--	--	--	--	--	--	P	--	P	P	--
Building Materials and Hardware Store	--	--	--	--	--	--	--	--	P	P	--
Commercial Recreation and Amusement Services	--	--	--	--	--	--	US	--	US	US	--
Grocery	--	--	--	--	US	--	P	P	P	P	--
Heavy Equipment Sales and Rental	--	--	--	--	--	--	--	--	US	US	US
Hotel	--	--	--	--	--	--	P	--	P	--	--
Kennel	--	--	--	--	--	--	--	--	US	--	--
Office, General	--	--	--	--	US	--	P	P	P	P	P
Personal Services	--	--	--	--	US	--	P	P	P	P	--

**Table 2-6, Land Use Matrix: Nonresidential Uses**

-- = Prohibited; P = Permitted; US = Use Standards; C = Conditional Use;

Land Use	Residential					Mixed Use / Commercial				Industrial	
	SB	SU	MH	MD	RO	CI	DE	MU	GC	LI	GI
Restaurant	--	--	--	--	--	--	P	--	P	P	--
Retail Sales	--	--	--	--	--	--	P	--	P	--	--
Self-storage, Mini-warehouse	--	--	--	--	--	--	--	--	US	US	--
Sexually Oriented Businesses	--	--	--	--	--	--	--	--	--	--	C
Veterinary Clinic and/or Service	--	--	--	--	--	P	--	--	P	--	--
<b>Industrial and Manufacturing Uses</b>	<b>SB</b>	<b>SU</b>	<b>MH</b>	<b>MD</b>	<b>RO</b>	<b>CI</b>	<b>DE</b>	<b>MU</b>	<b>GC</b>	<b>LI</b>	<b>GI</b>
Contractor's Shop	--	--	--	--	--	--	--	--	--	US	P
Junkyard / Salvage Yard	--	--	--	--	--	--	--	--	--	--	C
Manufacturing, Heavy (includes handling of explosive and/or foul materials)	--	--	--	--	--	--	--	--	--	--	C
Manufacturing, Light (includes product assembly and processing)	--	--	--	--	--	--	--	US	US	US	US
Medical and Diagnostic Laboratories	--	--	--	--	--	--	--	P	P	P	--
Warehousing and Storage, Indoor	--	--	--	--	--	--	--	P	P	P	P
<b>Transportation, Utility, and Communication Uses</b>	<b>SB</b>	<b>SU</b>	<b>MH</b>	<b>MD</b>	<b>RO</b>	<b>CI</b>	<b>DE</b>	<b>MU</b>	<b>GC</b>	<b>LI</b>	<b>GI</b>
Airport/ Heliport	--	--	--	--	--	C	--	--	--	--	--
Cargo Terminal	--	--	--	--	--	--	--	--	--	P	P
Landfill	--	--	--	--	--	--	--	--	--	--	C
Public Transportation Terminal	--	--	--	--	US	P	P	P	P	P	P
Solar Energy System, Commercial	--	--	--	--	--	--	--	--	C	C	C
Wind Energy System, Commercial	--	--	--	--	--	--	--	--	C	C	C
Wireless Communications Facilities and Towers	C	C	C	C	C	C	C	C	C	C	C
<b>Nonresidential Accessory Uses</b>	<b>SB</b>	<b>SU</b>	<b>MH</b>	<b>MD</b>	<b>RO</b>	<b>CI</b>	<b>DE</b>	<b>MU</b>	<b>GC</b>	<b>LI</b>	<b>GI</b>
Drive-In or Drive-Through Facility	--	--	--	--	--	US	--	--	US	--	--
Essential Services	P	P	P	P	P	P	P	P	P	P	P
Maintenance Facilities	--	--	--	--	--	US	US	US	US	US	US
Outdoor Display and Sales	--	--	--	--	--	--	--	--	US	US	US
Outside/Sidewalk Dining	--	--	--	--	--	--	US	--	--	--	--
Solar Energy System, Accessory	US	US	US	US	US	US	US	US	US	US	US
Vending Kiosk	--	--	--	--	--	US	US	US	US	US	--
Wind Energy System, Accessory	C	C	C	C	C	C	C	C	C	C	C
<b>Temporary Uses</b>	<b>SB</b>	<b>SU</b>	<b>MH</b>	<b>MD</b>	<b>RO</b>	<b>CI</b>	<b>DE</b>	<b>MU</b>	<b>GC</b>	<b>LI</b>	<b>GI</b>
Special Event	US	US	--	US	US	US	US	US	US	US	US

Table 2-6, Land Use Matrix: Nonresidential Uses											
-- = Prohibited; P = Permitted; US = Use Standards; C = Conditional Use;											
Land Use	Residential					Mixed Use / Commercial				Industrial	
	SB	SU	MH	MD	RO	CI	DE	MU	GC	LI	GI
Temporary Structures	US	US	US	US	US	US	US	US	US	US	US

4. **Dimensional Standards.** The following terms are used in Table 2-7, *Dimensional Standards* and throughout the UDC. The text below is intended to clarify the meaning of said terms.
- a. *Maximum Height.* Height is the vertical distance from the average grade surrounding the building or structure to the highest point of the roof. Height regulations specified in the various zoning districts shall not apply to chimneys, steeples, spires, or similar structures attached to 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.
  - b. *Maximum Lot Coverage.* The maximum lot coverage refers to the maximum percentage of a lot that is covered with impervious surfaces, such as buildings, concrete, impervious pavers, or asphalt surfaces.
  - c. *Minimum Lot Width.* The minimum lot width of the property is the horizontal distance between the side property lines, measured at the required front setback line. 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.
  - d. *Minimum Lot Area.* The minimum area, excluding any right-of-way, for a lot within a specific zoning district.

Table 2-7, Dimensional Standards						
Zoning District	Max. Height (A)	Max. Lot Coverage (B)	Min. Lot Width (C)	Min. Lot Area (D)	Min. Single Unit Dwelling Size <sup>4</sup>	Min. Single Unit Dwelling Width <sup>4</sup>
SB	35 ft.	25%	80 ft.	10,000 sq. ft.	1,000 sq. ft.	25 ft.
SU	35 ft.	30%	65 ft.	7,500 sq. ft.	750 sq. ft.	20 ft.
MH	35 ft.	40%	30 ft. <sup>1</sup> 300 ft. <sup>2</sup> 60 ft. <sup>3</sup>	3,500 sq. ft. <sup>1</sup> 10 acres <sup>2</sup> 6,000 sq. ft. <sup>3</sup>	--	--
MD	35 ft.	50%	80 ft. plus 5 ft. for each additional du	3,500 sq. ft. per du	500 sq. ft.	15 ft.
RO	35 ft.	40%	50 ft.	3,000 sq. ft. per du	500 sq. ft.	15 ft.
CI	60 ft.	40%	70 ft.	7,500 sf.	--	--
DE	N/A	N/A	15 ft.	N/A	500 sq. ft.	15 ft.
MU	60 ft.	75%	50 ft.	3,000 sq. ft. per du	500 sq. ft.	15 ft.
GC	60 ft.	75%	70 ft.	7,500 sf.	--	--
LI	60 ft.	40%	70 ft.	10,000 sf.	--	--
GI	60 ft.	75%	70 ft.	10,000 sf.	--	--

Notes:

du = dwelling unit

N/A = Not Applicable

1. The standard applies to individual home lots.
2. The standard applies to the entire manufactured home park.
3. The standard applies to permitted uses within the MH District, excluding manufactured home communities and associated individual lots.
4. Should the standard for this requirement not be met, an alternative method of approval may be available. See Sec. 2-A-6, *Alternative Compliance for Dimensional and Setback Standards*.

5. **Setback Standards.** The following terms are used in Table 2-8, *Setback Standards* and throughout the UDC. The text below is intended to clarify the meaning of said terms.
  - a. *Minimum Front Setback.* The front yard setback is measured from the right-of-way to the foundation of the principal building.
    - 1) *Through lots.* A through lot will have two (2) front yard setbacks opposite of each other and will not have a rear yard setback.
    - 2) *Corner lots.* A corner lot will have two (2) front yard setbacks and two (2) side yard setbacks; it will not have a rear yard setback.

- b. *Minimum Side Setback.* The side yard setback is measured from the side lot line to the foundation of the primary building.
- c. *Minimum Rear Setback.* The rear yard setback is measured from the rear lot line to the foundation of the primary building.
- d. *Minimum Accessory Rear Setback.* The rear yard setback for accessory structures is measured from the rear lot line of the placement of any accessory structure allowed per the requirements of this UDC.

Table 2-8, Setback Standards					
Zoning District	Front Setback (E) <sup>6</sup>	Side Setback (F)	Side Accessory Setback	Rear Setback (G)	Rear Accessory Setback
SB	30 ft.	10 ft.	6 ft.	35 ft.	6 ft.
SU	25 ft.	8 ft.	6 ft.	30 ft.	6 ft.
MH	N/A <sup>1</sup> 35 ft. <sup>2</sup> 25 ft. <sup>3</sup>	5 ft. <sup>1</sup> 35 ft. <sup>2</sup> 8 ft. <sup>3</sup>	6 ft.	10 ft. <sup>1</sup> 35 ft. <sup>2</sup> 40 ft. <sup>3</sup>	6 ft.
MD	25 ft.	10 ft. <sup>4</sup>	10 ft.	25 ft.	10 ft.
RO	10 ft.	5 ft.	3 ft.	10 ft.	3 ft.
CI	25 ft.	10 ft.	10 ft.	10 ft.	10 ft.
DE	0 ft.	5 ft. <sup>5</sup>	5 ft.	10 ft.	5 ft.
MU	10 ft.	5 ft.	5 ft.	10 ft.	5 ft.
GC	25 ft.	10 ft.	10 ft.	10 ft.	10 ft.
LI	70 ft.	25 ft.	10 ft.	25 ft.	10 ft.
GI	70 ft.	25 ft.	10 ft.	25 ft.	10 ft.

Notes:

du = dwelling unit

N/A = Not Applicable

1. The standard applies to individual home lots.
2. The standard applies to the entire manufactured home park.
3. The standard applies to permitted uses within the MH District, excluding manufactured home communities and associated individual lots.
4. An interior side setback of 10 ft. between individual buildings is required.
5. Buildings may be built directly adjoining each other with a zero-lot line provided that the appropriate fire wall materials are built in accordance with all applicable building codes. No other reduction of the 5 ft. standard is permitted other than this zero-lot line option.
6. Should the standard for this requirement not be met, an alternative method of approval may be available. See Sec. 2-A-6, *Alternative Compliance for Dimensional and Setback Standards.*

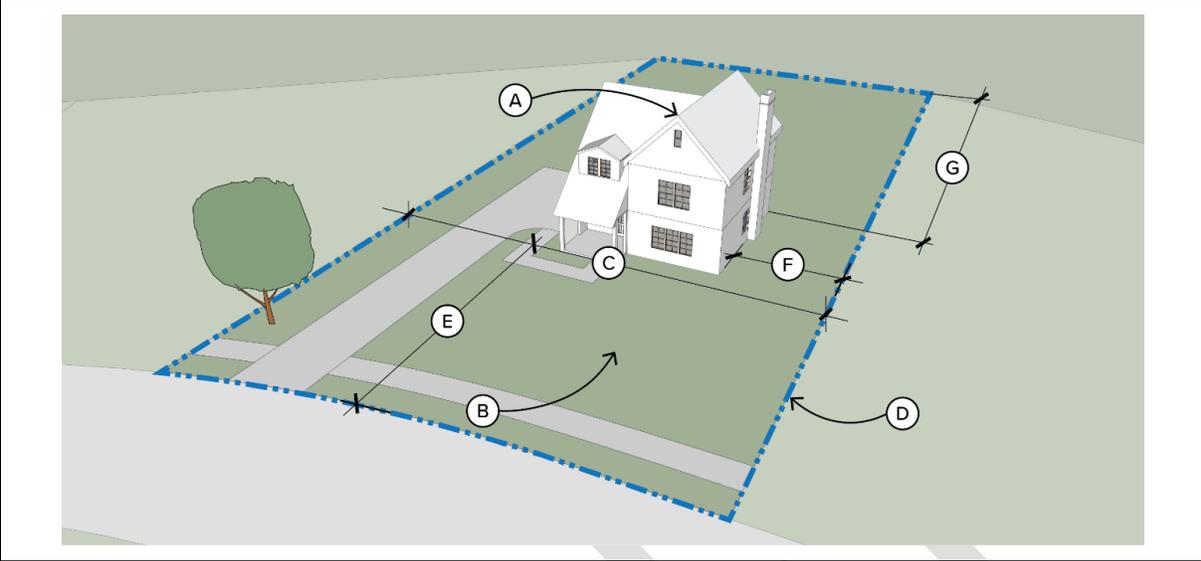
**6. Alternative Compliance for Dimensional and Setback Standards.**

- a. *Front Setback Averaging.* Regardless of the zoning district, if the primary buildings along the frontage of any street segment located between two intersecting streets has an average setback which is lesser in dimension than the minimum front setback established for the zoning district in which the street frontage is located then an average actual distance of all buildings fronting upon such street may be used as the front setback requirement.
- b. *Minimum Single Unit Dwelling Size Averaging.* Regardless of the zoning district, if a primary dwelling along the frontage of any street segment located between two intersecting streets has an average dwelling size that is smaller than the minimum required dwelling size for the zoning district where it is located, then the standard shall be lowered to the aforementioned average.
- c. *Minimum Single Unit Dwelling Width Averaging.* Regardless of the zoning district, if a primary dwelling along the frontage of any street segment located between two intersecting streets has an average minimum width that is smaller than the minimum required width for the zoning district where it is located, then the standard shall be lowered to the aforementioned average.
- d. *Documented Evidence of Actual Building.* If alternative compliance can not be met for a front setback, minimum single unit dwelling size, or minimum single unit dwelling width, alternative compliance for a proposed construction shall be permitted provided that the applicant has documented evidence that a building was previously built on the property at the standard requested. Under no circumstance will this section be used to satisfy compliance of a dimensional standard other than a front setback, minimum single unit dwelling size, or minimum single unit dwelling width.
- e. *Compliance with the Fire Code for Dwellings less than 10 feet Apart.* Nothing in this UDC shall permit the construction of two separate dwelling units that are less than 10 feet apart without the proper fire rated material that is in compliance with the City's Fire Code Standards. Should a setback be permitted through one of the alternative compliance methods of this Sec. 2-A-6, then said dwelling may only be constructed in compliance with the Fire Code regardless of whether or not the dwelling was previously built in compliance with the Fire Code as it existed at the time that the dwelling was originally constructed.

**7. Illustrative Examples of Dimensional Standards.**

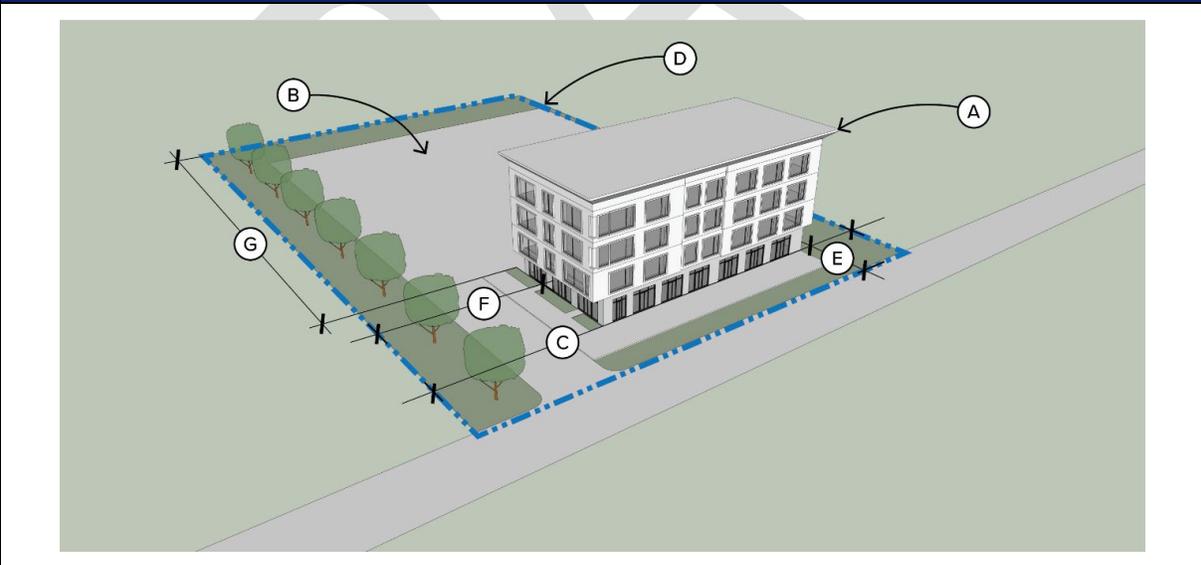
- a. Figure 2-1, *Suburban Residential (SB) Dimensional Standards*, provides a residential example of how the standards as identified in Table 2-7, *Dimensional Standards* and Table 2-8, *Setback Standards* are to be interpreted. The letters used in the header row for Table 2-7 and Table 2-8 correspond directly to letters used in Figure 2-1.

Figure 2-1, Suburban Residential (SB) Dimensional Standards



- b. Figure 2-2, *General Commercial (GC) Dimensional Standards*, provides an example of how the standards as identified in Table 2-7, *Dimensional Standards* and Table 2-8, *Setback Standards* are to be interpreted. The letters used in the header row for Table 2-7 and Table 2-8 correspond directly to letters used in Figure 2-2.

Figure 2-2, General Commercial (GC) Dimensional Standards



8. **Allowances for 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 from the required appropriate setback per Table 2-7, *Dimensional Standards*.
9. **Additional Standards.** The standards of this Chapter are applied in addition to all other standards within this UDC including but not limited to Chapter 3, *Use Standards*; Chapter 4, *Site Standards*; Chapter 5, *Subdivision Design Regulations*.

**C. Overlay and Special Zoning Districts.**

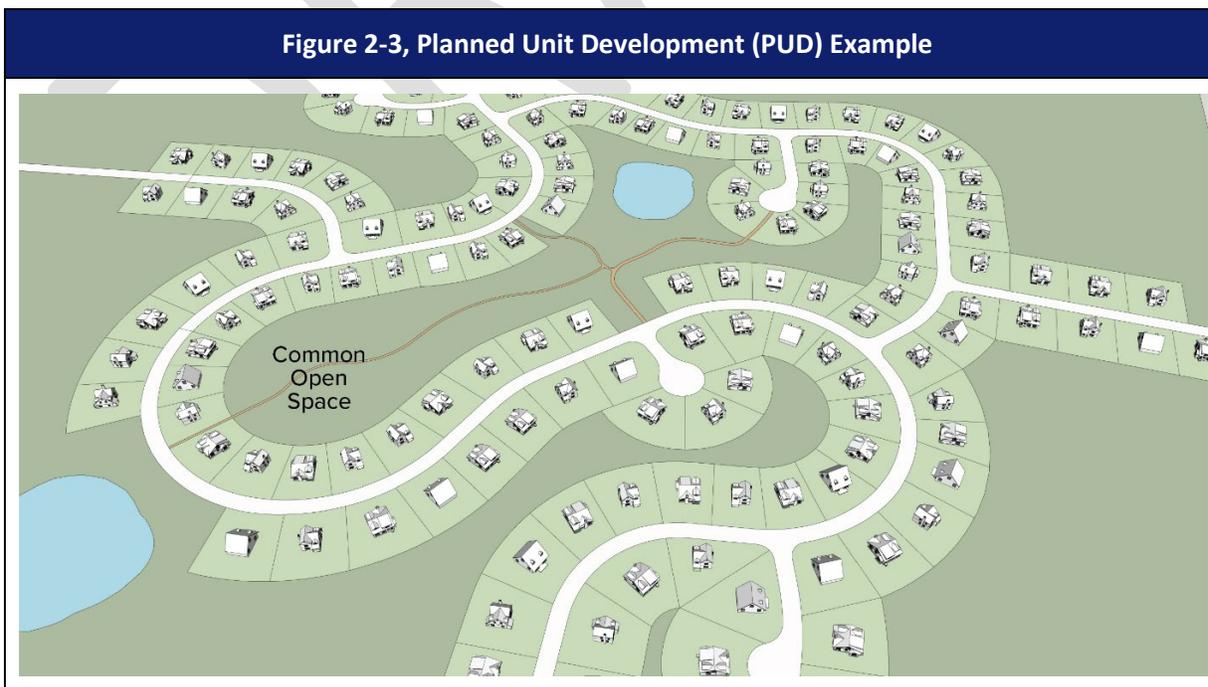
**1. Historic Design Review (HDR).**

- a. *Purpose.* The City of Chillicothe downtown contains areas with unique and valuable historical, architectural, and/or cultural structures. The preservation of these structures is directly linked to the cultural, social, and economic well-being of the community, and is best achieved by creating synergies with business and property owners in the Historic Design Review (HDR) District. The purposes of this chapter are:
  - 1) To protect, preserve, and rehabilitate these structures and prevent intrusions and alterations within the established districts which would be incompatible with their established character;
  - 2) To encourage infill development and property improvement that respects the context of the existing built environment and reduces conflicts between new construction and existing development;
  - 3) To stabilize and enhance property values and economic value of identified structures;
  - 4) To promote economically viable reuse of historic structures within Chillicothe's historic downtown core; and
  - 5) To promote and enhance the economic and physical vitality of downtown Chillicothe.
- b. *Applicability.* The HDR District includes all new or existing developable lots and parcels with or without structures located within or bordering the described boundary rights-of-way that face any of the roads located within or bordering the boundary and includes all lots and parcels located contiguous to but outside the bounding rights of way including all structures are located within a distance of 125 feet or from any bounding road right of way. The HDR District specifically includes the lots and parcels with or without structures that are located at the north west corner of West Water Street and North Walnut Street, the north east corner of East Water Street and North Mulberry Street, the southeast corner of South Mulberry Street and East Fifth Street, and the southwest corner of South Walnut Street and West Fifth Street.
- c. *Certificate of Appropriateness Procedures.* See Sec. 7-G-5, *Certificate of Appropriateness Procedures.*
- d. *Historic Design District Guidelines.* To obtain a certificate of appropriateness for a building within the HDR District, the City's Design Guidelines must be met.

**2. Planned Unit Development (PUD).**

- a. *Purpose.* The purpose of these regulations is to provide for Planned Unit Development (PUD) within the City to achieve:
  - 1) A greater choice of living environments by allowing a variety of housing and building types and densities within a single development;
  - 2) A more useful pattern of open space and recreation areas and, if permitted as part of the project, more efficiency in the location of accessory commercial uses and services;

- 3) A development pattern which preserves and utilizes natural topography and geologic features, scenic vistas, trees and other vegetation and prevents the disruption of natural drainage patterns;
  - 4) A more efficient use of land resulting in substantial savings through shorter utilities and streets; and
  - 5) A development pattern in harmony with land use, density, transportation, and community facilities objectives of the City.
- b. *Applicability.*
- 1) *Applicant.* The entire tract of land involved in a PUD application must be under the control of the applicant, which may be a single person, entity, corporation, or a group of individuals, entities, or corporations. An application must be signed by the owner or owners of the land included in the tract. In the case of multiple ownership, the approved plan shall be binding on all owners.
  - 2) *Process of Approval.* The development shall be approved through the PUD process via Sec. 7-C-11, *Planned Unit Development*. The creation of a PUD is a type of rezoning.
- c. *Higher Standard Requirement.* The applicant must be able to justify that the proposed development needs to be placed into a PUD to create a higher standard of development. Under no circumstances will the PUD district be used as a mechanism to avoid specific requirements of a specific zoning district. Examples of developing at a higher standard include but are not limited to the development of common open space, neighborhood trails, and/or small-scale commercial and institutional uses that residents within the development will desire to have close to their homes. An illustrative example of a development that effectively uses common open space can be seen below in Figure 2-3, *Planned Unit Development (PUD) Example*.



- d. *Minimum Acreage Requirement.* A threshold gross area of twenty-five (25) acres or more is required.
- e. *Permitted Uses.* All specific proposed uses are to be specified in the preliminary and final development plans per Sec. 7-C-11, *Planned Unit Development*, and are compatible with the design of the overall tract and will not adversely impact adjacent property. The amount of land devoted to non-residential uses in a planned unit development combining residential and non-residential components shall require approval by the Planning Commission.
- f. *Residential Densities.* The City of Chillicothe is prepared to accept a higher density in particular undeveloped areas than that reflected by current zoning, provided the developer can utilize PUD techniques to demonstrate that any increment of public cost clearly attributable to increased densities will be compensated for by the private amenities and public benefits to be achieved by the plan of development. 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. 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.
- g. *Sections.* The maximum residential density for any particular section should be no more than fifteen (15) units per acre, computed by comparing the number of dwelling units within a particular section to the gross land area of that particular section.
- h. *Commercial Densities.* Commercial uses may occupy up to a maximum of ten percent (10%) of the gross land area.
- i. *Common Open Space.* There should be at least twenty percent (20%) of the gross land area in a PUD that provides for common open space and/or recreational facilities. Such common open space shall be:
  - 1) 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 Commission and shall provide adequate provisions for the perpetual care and maintenance of all such common areas; or
  - 2) 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 Commission and acceptance by City Council; or
  - 3) Some combination of subsections (1) and (2).
  - 4) *Excluded from the Calculation of Common Open Space.* The following are not eligible for inclusion within the term common open space as used in this Sec. 2-C-2:
    - a) Street rights-of-way (public and private);
    - b) Parking areas (including any parking area required for a use that can be included within the calculation of common open space as shown below)
    - c) Slopes exceeding fifteen percent (15%);

- d) Floodways (as determined by Chapter 1329, *Flood Damage Prevention*, of the City's Codified Ordinances; and
  - e) Structures (including any structure that is subordinate to a primary use that can be included within the calculation of common open space as shown below).
  - f) 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 Planning Commission.
- 5) *Included within the Calculation of Common Open Space.* The following are eligible for inclusion within the term common open space as used in this Sec. 2-C-2:
- a) Agricultural uses, including horticulture, wholesale nurseries, the raising of crops, and buildings related to the same;
  - b) Neighborhood open spaces such as village greens, commons, picnic areas, community gardens, trails, and similar low-impact passive recreational uses;
  - c) Equestrian facilities provided that they consume more than three-quarters of the minimum required greenway land;
  - d) Woodlots, arboreta, and other similar silviculture uses;
  - e) Woodland preserves or other similar conservation uses;
  - f) Public park or recreation areas owned and operated by a public or private nonprofit agency, not to include business facilities, storage of materials, trucking or repair facilities, the housing of repair crews, or private or municipal sanitary landfills;
  - g) Active non-commercial recreation areas, such as playing fields, playgrounds, courts, and bikeways, provided such use does not consume more than half of the minimum required common open space. or five acres, whichever is less.
  - h) Golf courses, provided that such use does not consume more than half of the minimum required common open space but shall not include driving ranges or miniature golf.
  - i) Detention or retention ponds;
  - j) Water bodies (excluding detention and retention ponds), provided that such use does not consume more than forty percent (40%) of the required common open space.
  - k) Easements for drainage, access, sewer or water lines, or other public purposes.
  - l) Any other use of land that is commonly owned that is not expressly excluded or included within this Sec. 2-C-2 of the UDC.
- j. *Development Standards.*
- 1) There is no required standard for minimum or maximum lot size, setback, and lot width required for an application to be considered by the Planning Commission. Each application will be reviewed to ensure that the submitted plat and associated paperwork demonstrate quality planning practices.

- 2) Maximum building height shall be as set forth in the underlying zoning district.
- k. *Utilities and Streets.* All utilities, including communication and electrical systems, shall be placed underground within the limits of a PUD. The design and designation of all streets, public or private, shall be subject to the approval of the Planning Commission and in conformance with Chapter 5, *Subdivision Design Regulations*. Private roads shall not be used to provide access to non-residential areas or as through streets.
- l. *Improvements.* The applicant shall provide financial assurance for the satisfactory installation of all facilities in the form of bonds or such other assurances as are required in the normal procedures of platting pursuant to the provisions of Sec. 6-F, *Construction and Development Process*.

DRAFT

## Chapter 3 – Use Standards

- A. **Purpose.** The purpose of this Chapter is to promote compatibility among land uses by establishing additional standards, where necessary, to ensure that uses permitted can function for the benefit of a property owner without causing a disturbance for neighbors and/or the community at-large.
- B. **Applicability.**
1. *Generally.* The use standards of this Chapter apply to all land uses set out in Chapter 2, *Zoning Districts*, that are designated as a permitted use with additional standards or as a conditional use.
    - a. *Permitted Uses.* Permitted Uses are permitted by right without requiring the additional use standards within this Chapter.
    - b. *Permitted Uses with Additional Standards.* Permitted uses with additional standards are to be permitted by the Administrator, provided the specific use standards are met, and do not require an approval by the Board of Zoning Appeals (BOZA) or Planning Commission.
    - c. *Conditional Uses.* Conditional uses may be permitted only with approval by the Planning Commission after a public hearing has been heard on the matter which grants members of the public the opportunity to speak regarding the proposed application. See Sec. 7-C-10, *Conditional Use Process*. Land uses with use standards for a specified use as found within this Chapter are required to meet these requirements as a prerequisite for conditional use approval by the Planning Commission.
    - d. *Approval of Uses.* Permitted uses with additional standards and conditional uses shall only be approved if in compliance with all the requirements of this Chapter and all other relevant chapters of the UDC, including but not limited to Chapter 4, *Site Standards* and Chapter 5, *Subdivision Design Regulations*.
    - e. *Timing of Compliance.* These standards apply at the time a use is requested for an existing or new structure or when an existing use is proposed to be expanded by more than twenty-five percent (25%) of the gross square footage currently devoted to the use.
    - f. *Expansion of Use.* This Chapter applies to an expansion of use, whether it is to or within an existing building or in an outdoor area devoted to the use.
    - g. *Identification of Uses.* Listed uses are to be defined by their customary name or identification, except as specifically defined or limited in this UDC.
- C. **General Standards for Conditional Uses.** The Planning Commission shall not approve a conditional use unless all land use specific requirement (See Sec. 3-D, *Additional Standards by Land Use*). Additionally, the Planning Commission must 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:
1. 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.

2. Seeks to maintain, and will not be hazardous to, the health, safety and welfare of the existing neighboring, and the community.
  3. 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.
  4. Will not create excessive additional requirements for public facilities and services and will not be detrimental to the economic welfare of the community.
  5. 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.
  6. Will have vehicular approaches to the property which shall be so designated as not to interfere with traffic on surrounding public streets or roads.
  7. Complies with any other requirements or standards that are cited under the specific zoning district regulations of this UDC.
  8. Supplementary Conditions. In granting any conditional use, the Commission may prescribe appropriate conditions and safeguards in conformance with this UDC.
- D. **Additional Standards by Land Use.** This Sec. 3-D designates the land uses and associated land use standards that are required when a land use is designated within a specific zoning district as either a permitted use with additional standards or as a conditional use.
1. **Accessory Dwelling Unit, Attached.**
    - a. *Area.* Minimum area of the use shall be at least 250 sq. ft.
    - b. *Addressing.* Properties with an approved attached accessory dwelling unit shall be required to maintain a separate unit number from the primary dwelling unit.
    - c. *Quantity.* No more than one (1) attached accessory dwelling unit shall be permitted per lot.
    - d. *Lawfully Constructed.* The attached accessory dwelling unit shall only be allowed on lots where an existing single detached dwelling unit is legally conforming as defined by this UDC.
    - e. *Ownership.* The attached accessory dwelling unit shall not be under separate ownership from the primary structure.
    - f. *Driveway.* The attached accessory dwelling unit shall utilize the existing driveway that serves the primary dwelling.
    - g. *Sanitation.* Connections or modifications to an existing septic system may be needed to accommodate the use. This requirement is at the City's discretion as to when it is required.
    - h. *Building Code Compliance.* The use shall meet all requirements to be a livable dwelling unit in accordance with the City's Building Code.

- i. *Architecturally Compatible.* The attached accessory dwelling unit must be architecturally compatible with the primary dwelling specifically as it relates to building materials, roof pitch, and scale. This is make the building appear as if it is only dwelling unit from the street.
2. **Accessory Dwelling Unit, Detached.**
- a. *Minimum Lot Size.* No detached accessory dwelling unit will be built on a lot that is smaller than five thousand (5,000) square feet.
  - b. *Quantity.* No more than one (1) detached accessory dwelling unit shall be permitted on a lot.
  - c. *Entrance.* The entrance to the detached accessory dwelling unit shall not face the front yard.
  - d. *Driveway.* The detached accessory dwelling shall utilize the existing driveway that serves the primary dwelling. No additional driveway that does not connect to the existing driveway shall be permitted.
  - e. *Parking.* Parking must be located behind the front setback or within the driveway.
  - f. *Lawfully Constructed.* The detached accessory dwelling unit shall only be allowed on lots where an existing single detached dwelling unit is legally conforming as defined by this UDC.
  - g. *Ownership.* The detached accessory dwelling unit shall not be under separate ownership from the primary structure.
  - h. *Sanitation.* Connections or modifications to an existing septic system may be needed to accommodate the use. This requirement is at the City's discretion as to when it is required.
  - i. *Building Code Compliance.* The use shall meet all requirements to be a livable dwelling unit in accordance with the City's Building Code.
  - j. *Architecturally Compatible.* The detached accessory dwelling unit must be architecturally compatible with the primary dwelling specifically as it relates to building materials, roof pitch, and scale. This is make both buildings appear as if they match and function as only living unit from the street.
3. **Accessory Structures.** Accessory structures detached from or attached to the primary building by an enclosed or unenclosed structure may be permitted within the allowable building area of any lot defined by the required front, side, and rear building lines under the following conditions:
- a. No more than one accessory storage building shall be allowed on any property, and such structure shall comply with the setback requirements of Table 2-8, *Setback Standards*.
  - b. Accessory structures shall not be permitted in any drainage, utility, or other platted or recorded easement.

- c. No accessory structure shall be erected on a vacant lot within any residential district (SB, SU, MH, MD, or RO) prior to a principal residential building being constructed on the property.
  - d. No accessory structure shall be allowed to encroach in an alleyway.
  - e. No accessory structure shall be used for human habitation or for a commercial use.
  - f. Accessory structures shall not create additional lot coverage exceeding the maximum lot coverage as specified in Chapter 2, *Zoning Districts*.
  - g. Accessory structures shall be located on the same lot as the principal building, structure, or use, with the exception of accessory off-street parking facilities, such as shared parking areas.
  - h. *Height Requirement*. An accessory structure shall not exceed eighteen (18) feet in height, unless the accessory structure is:
    - 1) A chimney, steeple, or similar structures attached to a primary structure; and
    - 2) The height of said structure shall not constitute a hazard to the safe landing and takeoff of aircraft from an established airport or hospital (as determined by Federal Aviation Administration (FAA)).
  - i. *Total Area of Accessory Structures*. The total area of all accessory uses or structures shall not exceed the greater of 1,000 square feet or three and one-half percent (3.5%) of the total area of the lot. Such area shall be considered as the area of all accessory uses and structures covered by a roof. Swimming pools, tennis courts and similar uncovered areas shall be exempt from these area requirements.
  - j. *Private Swimming Pools*. Private swimming pools as an accessory use shall be regulated pursuant to the standards and requirements of Sec. 521.07 of the City's Codified Ordinances.
4. **Airport / Heliport**. Compliance with the FAA Airport Zoning Regulations is required.
5. **Assisted Living / Nursing Home**.
- a. *Limited Locations within the RO Zoning District*. Unless the use is limited to a building that was built prior to the adoption date of this UDC and said building is at least 3,000 sq. ft., the use shall be limited to those locations within the RO zoning district that:
    - 1) Were zoned RO prior to the adoption of this UDC; or
    - 2) Are abutting a street with a functional street classification of major collector or higher as determined by the most recent adopted version of the Ross County Throughfare Plan.
  - b. *Setbacks*. Side setbacks for the use shall be at least 10 feet for any exterior wall to an adjoining property line.
  - c. *Maximum Patient Number*. No more than forty (40) beds are permitted within the RO and MD Districts.

**6. Automobile Parking Lot (Primary Use).**

- a. *Properties Abutting Commercial and Mixed-Use Properties.* When a parcel of property is abutting to a commercial or mixed-use property and both properties are zoned RO, the parcel of property that does not house the commercial or mixed-use property may be used for an automobile parking lot to satisfy the off-street parking requirements for the neighboring commercial use provided that the requirements of subsection b, below, are met.
- b. *Parking Agreement.* If the two properties are not owned by the same person or persons, then proof of a valid agreement to use one property to satisfy the off-street parking requirements shall be required.

**7. Automobile Repair, Major.**

- a. The use shall be located a minimum of three hundred (300) feet from any residential district or residential use as measured from the closest two (2) points of the property.
- b. No automobile shall be parked either within the right-of-way or within ten (10) feet of the right-of-way.
- c. No automobile shall be left on the premise that is inoperable for more than one (1) week.
- d. All work and/or repairs must happen within an enclosed structure, and all customer vehicles in the process of repairs or other work overnight must be stored indoors or otherwise totally screened from view. This paragraph does not apply to customer vehicles dropped off to be worked on, or customer vehicles waiting to be picked up after the work has been completed.

**8. Automobile Repair, Minor.**

- a. No automobile shall be left on the premise that is inoperable for more than one (1) week.
- b. All work and/or repairs must happen within an enclosed structure, and all customer vehicles in the process of repairs or other work overnight must be stored indoors or otherwise totally screened from view. This paragraph does not apply to customer vehicles dropped off to be worked on, or customer vehicles waiting to be picked up after the work has been completed.

**9. Automobile / Vehicle Sales and Rental.**

- a. All outdoor display areas for rental or sales of vehicles shall:
  - 1) Be located on an improved hard surface;
  - 2) Be located in areas that are outside of the minimum required parking spaces for the use;
  - 3) Be located a minimum of three hundred (300) feet from any residential district or residential use as measured from the closest two (2) points of the property;

- 4) Have no cars displayed for sale or rental either in the right-of-way or within ten (10) feet of the right-of-way; and
  - 5) Include no more than one (1) elevated display which raises the vehicle no more than three (3) feet off the ground.
- b. No inoperable vehicles or materials may be stored on-site unless within a fully enclosed building or otherwise totally screened from view.

**10. Child Care Center.**

- a. *Limited Locations within the RO Zoning District.* Unless the use is limited to a building that was built prior to the adoption date of this UDC and said building is at least 3,000 sq. ft., the use shall be limited to those locations within the RO zoning district that:
- 1) Were zoned RO prior to the adoption of this UDC; or
  - 2) Are abutting a street with a functional street classification of major collector or higher as determined by the most recent adopted version of the Ross County Throughfare Plan.
- b. The child care center must comply with ORC 5104.
- c. Children must be thirteen and younger, and care may be provided during any part of a twenty-four-hour day for two (2) consecutive days.
- d. No portion of a daycare center site may be located within three hundred (300) feet of gasoline pumps, underground gasoline storage tanks, or any other storage area for explosive or highly combustible materials.
- e. Child care centers are permitted to be accessory uses to indoor places of public assembly and commercial recreation and amusement services.

**11. Child Care Home.**

- a. A child care facility that is operated by a party who resides at the dwelling unit and that complies with ORC 5104 as a type A or type B family day-care home.
- b. No internal or external alterations inconsistent with the residential use of the dwelling are allowed; and
- c. The use shall have no more than one (1) employee per shift who does not reside on the premises

**12. Commercial Recreation and Amusement Services.**

- a. Amphitheater stages and drive-in screens shall face away from the nearest residential uses (if any residential uses exist within 1,000 ft.) and any street of a classification of collector or higher;
- b. For activities such as midget auto-track or a go-cart track,
  - 1) If the use is in any way powered by an internal combustion engine, then such shall provide adequate mufflers on all vehicles; and

- 2) The use as it relates to the renting of small automobiles for amusement purposes is limited to the General Commercial (GC) zoning district; and
- c. If the use is located within 1,000 feet from a residentially zoned property or residential use then the commercial amusement shall be prohibited from operating between 11:00 pm and 8:00 AM.

**13. Contractor's Shop.**

- a. The only storage permitted shall be the storage necessary for the primary use to store operable equipment, materials, and associated items, This may include the storage of liquids, gels, and pastes (e.g., paints, sealers, etc.) provided that the use is stored only in enclosed buildings.
- b. The use shall not be used to dispose of inoperable machine waste or to rent storage space out to those not working regularly on the premises.
- c. All products stored onsite shall be either within an enclosed building or totally screened from view.

**14. Correctional Institution.** The use shall be located no closer than five hundred (500) feet from any residential district or use as measured along a straight line from the closest lot lines.

**15. Drive-In or Drive-Through Facility.** The use shall be located no closer than one hundred (100) feet from any residential district or use as measured along a straight line from the closest lot lines.

**16. Grocery.**

- a. *Limited Locations within the RO Zoning District.* The use shall be limited to those locations within the RO zoning district that:
  - 1) Were zoned RO prior to the adoption of this UDC; or
  - 2) Are abutting a street with a functional street classification of major collector or higher as determined by the most recent adopted version of the Ross County Throughfare Plan.
- b. *Size.* In the RO District, the use shall be no greater than 4,000 sq. ft.

**17. Heavy Equipment Sales and Rentals.**

- a. All equipment stored outside the principal business shall:
  - 1) Be located on an asphalt or concrete surface;
  - 2) Not be located on any minimum required parking spaces for the use; and
  - 3) Located outside of the right-of-way and outside of any required landscaping area.
- b. No inoperable materials are stored on-site, unless within an enclosed building, or otherwise totally screened from view per Sec. 4-B-7, *Screening*.
- c. The use is permitted provided that a Type 3 - Heavy Bufferyard is adjacent to a residential use or residential district. The Type 3 – Heavy Bufferyard (See Table 4-8,

*Bufferyard Types*, is required for this use when next to a residential use or residential district regardless of whether it would otherwise be required per Table 4-9, *Bufferyard Required*.

**18. Home Occupation.**

- a. *Area.* The use shall be clearly incidental and secondary to the residential use of the dwelling. The maximum area of the home occupation shall be no greater than twenty-five percent (25%), or 500 sq. ft., of the floor area of the dwelling unit, whichever is less.
- b. *Structural Improvements.* No internal or external alterations inconsistent with the residential use of the dwelling are allowed.
- c. *Location.* No home occupation shall be conducted from any accessory building.
- d. *Nuisances.* A home business must not produce any offensive noise, vibration, smoke, dust, odors, heat, gas, glare, electrical or audible interference, or otherwise create a risk to health, safety, or property of adjacent neighbors.
- e. *Employees.* The home occupation shall be conducted and managed by the principal occupant of the property. No home business operation shall have any employees stationed on-site other than someone living at the home.
- f. *Clients by Appointment Only.* Clients or business-related visitors shall be by appointment only.

**19. Hospital / Rehabilitative Care.** The use shall be at least 1,000 ft. from a residential use or residential zoning district.

**20. Junkyard / Salvage Yard.**

- a. The use shall be located no closer than five hundred (500) feet from any residential district or residential use as measured along a straight line from the closest lot lines.
- b. Upon receiving an appliance, vehicle, or other material, the battery, lubricants, fluids, coolants, refrigerants, and similar components shall be removed and recycled or disposed of in accordance with all applicable state and federal laws regarding disposal of waste and hazardous materials.
- c. Combustible material that can be ignited by an ordinary match shall be placed or stored at least ten (10) feet from any fence or structure. No burning of any material shall occur on site.
- d. No junkyard shall be used as a dump by the public.
- e. No material shall be placed in any junkyard in such a manner that it is capable of being transferred out of the junkyard by wind, water, or other natural causes. The storing of loose paper and the spilling of flammable or other liquids into the ground, streams, or sewers are prohibited.
- f. No portion of the use shall be located within an area designated as a special flood hazard area.

- g. The use shall be fully screened through the use of vegetation, berm masonry wall, or fence so that it is not visible from any public street or adjacent parcel.
- h. All fencing shall be securely locked unless being actively supervised for ingress or egress.
- i. A fire lane of at least fifteen (15) feet in width shall be maintained from the main entrance to a public street throughout the junkyard so that no point of the junkyard shall be more than two hundred (200) feet from a fire lane.

**21. Kennel.**

- a. Any building, kennel, or exercise runway for said use shall be located a minimum of one hundred (100) feet from any residential use or district; a place of public assembly, indoor; or a child-care center;
- b. Any building, kennel, or exercise runway for said use shall be located a minimum of twenty-five (25) feet from any lot line; and
- c. Other than the aforementioned exercise runway, all activities shall be wholly enclosed within a building.
- d. A kennel is permitted to be either permitted to be co-located with a veterinary clinic and/or service or can be a standalone use.

**22. Landfill.**

- a. The use shall be located no closer than one thousand (1,000) feet from any residential district or residential use as measured along a straight line from the closest lot lines;
- b. The refuse and earth, or other suitable cover material, are deposited and compacted in alternating layers of specified depth in accordance with the applicable sections of federal law per *40 Code of Federal Regulations (CFR)*; and
- c. Compliance with Chapter 917, *Garbage and Rubbish; Landfill; Recyclables*, of the City's Codified Ordinances.

**23. Library.**

- a. *Limited Locations within the RO Zoning District.* Unless the use is limited to a building that was built prior to the adoption date of this UDC and said building is at least 3,000 sq. ft., the use shall be limited to those locations within the RO zoning district that:
  - 1) Were zoned RO prior to the adoption of this UDC;
  - 2) Are abutting a street with a functional street classification of major collector or higher as determined by the most recent adopted version of the Ross County Throughfare Plan.

**24. Loft Residential.**

- a. *Second Floor Units.* All dwelling units within the DE shall be upper-story/not-street-level units. As such they are an accessory use regardless of whether or not the first floor is or is not currently occupied by an active tenant. Provided that the other requirements of this UDC are met, there is not a maximum number of units by structure.

- b. *Area.* Minimum area of the use shall be at least 250 sq. ft.
  - c. *Addressing.* Properties with an approved attached accessory dwelling unit shall be required to maintain a separate unit number from the primary dwelling unit.
  - d. *Ownership.* The attached accessory dwelling unit shall not be under separate ownership from the primary structure.
  - e. *Sanitation.* Connections or modifications to an existing septic system may be needed to accommodate the use. This requirement is at the City's discretion as to when it is required.
  - f. *Building Code Compliance.* The use shall meet all requirements to be a livable dwelling unit in accordance with the City's Building Code.
25. **Maintenance Facilities.** The use regardless of whether it is detached from or attached to the primary building by an enclosed or unenclosed structure shall be permitted within the allowable building area of any lot defined by the required front, side, and rear building lines under the following conditions:
- a. Maintenance facilities shall not be permitted in any drainage, utility, or other platted or recorded easement.
  - b. Maintenance facilities shall not be allowed to encroach in an alleyway.
  - c. No maintenance facility shall be used for human habitation or for a commercial use.
  - d. Maintenance facilities shall not create additional lot coverage exceeding the maximum lot coverage as specified in Chapter 2, *Zoning Districts*.
  - e. Maintenance facilities shall be located on the same lot as the principal building, structure, or use.
26. **Manufacturing, Heavy.**
- a. *Screening.* The use shall be fully screened through the use of vegetation, berm masonry, wall, or fence so that it is not visible from any public street or adjacent parcel.
  - b. *Access.* The use must take access from a collector street or any other higher classification of roadway.
  - c. *Truck Routing Plan.* A truck routing plan must be created showing the ingress and egress locations to the site.
  - d. *Distance Separation.* The use shall be separated from the following uses by at least five hundred (500) feet:
    - 1) Any residential zoning district or use;
    - 2) Places of public assembly, indoor;
    - 3) Child care home;
    - 4) Child care center;
    - 5) Hospital / rehabilitative care;

- 6) Library;
  - 7) Museum or gallery; and
  - 8) Medical / diagnostic laboratory.
- e. *Smoke Generation.* For uses that generate smoke emissions, smoke generation shall be limited to no more than ten (10) smoke units per hour per stack of smoke in excess of Ringleman No. 2. However, once during any twenty-four (24) hour period, each stack may emit an additional ten (10) smoke units for soot blowing, process purging, and fire cleaning, and during that period it may emit smoke up to and including Ringleman No. 3.
  - f. *Odor.* No use may release an odor that is detectable at the lot line.
  - g. *Toxic Materials.* No gases or fumes toxic to persons or injurious to property shall be permitted to escape beyond the building in which it occurs.
  - h. *Glare and Heat.* No use may cause heat at the property line so intense as to be a public nuisance or hazard. No glare shall be seen from any street or residential area.
27. **Manufacturing, Light.** All activities shall take place entirely within an enclosed building.
28. **Manufactured Home.** All manufactured homes must be permanently sited. In order to be permanently site, the following criteria must be met:
- a. The structure is affixed to a permanent foundation and is connected to appropriate facilities;
  - b. The structure, excluding any addition, has a width of at least twenty-two (22) feet at one point, 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;
  - c. The home is built to the Manufactured Home Construction and Safety Standards (HUD Code, 42 USC Ch. 5401-5426); and
  - d. The home displays a certification label on the exterior of each transportable section.
29. **Manufactured Home Park.**
- a. *Required Open Space and Recreational Areas.* At least twenty percent (20%) of the gross land area for any new manufactured home park 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.
  - b. *Underground Utilities.* All manufactured home parks shall have utility lines, including electricity, telephone, and cable television that are located underground.
  - c. *Water and Sewer.* All manufactured home parks shall have 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 all distribution and collection systems shall be approved by the City and the Ohio

Environmental Protection Agency. All costs associated with such approval(s) shall be paid by the applicant prior to issuance of a zoning certificate.

- d. *Storm Drainage.* All areas within a manufactured home park shall be graded and drained to minimize standing water and surface runoff. Open drainage ditches shall be prohibited. The proposed methods for alleviating 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 a zoning certificate.
- e. *Sidewalks.*
  - 1) Paved pedestrian sidewalks shall be provided in a continuous arrangement throughout the park. Where possible, walks leading to frequently used public facilities should be through interior areas removed from the vicinity of streets.
  - 2) Pedestrian sidewalks shall be at least five (5) feet in width and paved with a suitable material for use in all weather conditions.
  - 3) Individual sidewalks shall be provided from a public sidewalk, street, or parking area to the individual manufactured homes. These walks shall be at least five (5) feet in width and should be paved with a suitable material for use in all weather conditions.
  - 4) All sidewalks shall be consistent with the Americans with Disabilities Act (ADA) requirements.
- f. *Streets.*
  - 1) All streets, whether private or dedicated to the City, providing access to the individual lots in a manufactured home park, shall be dimensioned and improved in accordance with Chapter 5, *Subdivision Design Regulations*.
  - 2) The proposed layout of streets within a manufactured home park shall be subject to approval by the City through the development plan process.
  - 3) *Access.* All manufactured home park shall have direct access to collector streets or streets of a higher classification. 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 manufactured home park in such a way as to encourage the use of those streets by substantial amounts of through traffic.
  - 4) *Permits.* Individual permits are required for the placement of individual manufactured homes.

### **30. Medical and Dental Office / Clinic.**

- a. *Limited Locations within the RO Zoning District.* Unless the use is limited to a building that was built prior to the adoption date of this UDC and said building is at least 3,000 sq. ft., the use shall be limited to those locations within the RO zoning district that:
  - 1) Were zoned RO prior to the adoption of this UDC; or

- 2) Are abutting a street with a functional street classification of major collector or higher as determined by the most recent adopted version of the Ross County Throughfare Plan.
31. **Multi-Dwelling Residential.** Side setbacks for the use shall be at least 10 feet for any exterior wall to an adjoining property line.
32. **Museum / Gallery.**
- a. *Limited Locations within the RO Zoning District.* Unless the use is limited to a building that was built prior to the adoption date of this UDC and said building is at least 3,000 sq. ft., the use shall be limited to those locations within the RO zoning district that:
    - 1) Were zoned RO prior to the adoption of this UDC; or
    - 2) Are abutting a street with a functional street classification of major collector or higher as determined by the most recent adopted version of the Ross County Throughfare Plan.
33. **Office, General.**
- a. *Limited Locations within the RO Zoning District.* Unless the use is limited to a building that was built prior to the adoption date of this UDC and said building is at least 3,000 sq. ft., the use shall be limited to those locations within the RO zoning district that:
    - 1) Were zoned RO prior to the adoption of this UDC; or
    - 2) Are abutting a street with a functional street classification of major collector or higher as determined by the most recent adopted version of the Ross County Throughfare Plan.
34. **Outdoor Display and Sales.**
- a. *Accessory Use.* The outdoor display area involves items for sale by a business that is located within a permanent structure or a designated area on the same site.
  - b. *Attached to Principal Building.* An outdoor display area that is attached to a principal building is permitted if the outdoor display area is:
    - 1) Adjacent to a wall of a principal structure;
    - 2) Configured as a walled and/or decoratively fenced area that is architecturally integrated into the principal building;
    - 3) If covered, the display area shall be covered with a roof structure that is architecturally integrated into the primary building, except that nursery areas may be covered by greenhouse roofing, screening, or another cover material that is appropriate for protecting plant stock;
    - 4) Within the buildable area of the site formed by the required setbacks;
    - 5) Not larger than 15 percent of the floor area of the principal building; and
    - 6) Not located in areas that are required or used for parking, loading, or vehicular circulation.

- c. *Required Parking Spaces.* The accessory use shall not take up any parking space that is required per Table 4-1, *Off-Street Parking Requirements*. The accessory use may however be placed on parking spaces that are above the minimum required per Table 4-1, *Off-Street Parking Requirements*.
  - d. *General Commercial (GC).* In the GC district the accessory use shall:
    - 1) Take up no more than 10% of lot area;
    - 2) Be located directly adjacent to the building; and
    - 3) Be screened from the right-of-way using a medium landscaping buffer (Type 2) per Table 4-8, *Bufferyard Types*.
35. **Outside / Sidewalk Dining.** Outside dining areas are permitted provided that such areas are located more than 200 feet from any existing residential use or residential zoning district.
36. **Personal Services.**
- a. *Limited Locations within the RO Zoning District.* The use shall be limited to those locations within the RO zoning district that:
    - 1) Were zoned RO prior to the adoption of this UDC; or
    - 2) Are abutting a street with a functional street classification of major collector or higher as determined by the most recent adopted version of the Ross County Throughfare Plan.
  - b. *Size.* In the RO district the use shall be no greater than 4,000 square feet of floor area.
37. **Place of Public Assembly, Indoor.**
- a. *Traffic Circulation.* Ingress, egress and traffic circulation on the site shall be managed so as to minimize impacts on adjacent properties. No traffic lane shall be located less than twenty (20) feet from any adjacent residential property.
  - b. *SB and SU Districts.* The primary building shall not exceed 3,000 square feet of floor area unless the use is housed in a building that was lawfully constructed prior to the date of the adoption of this UDC.
  - c. *RO District.*
    - 1) *Limited Locations within the RO Zoning District.* Unless the use is limited to a building that was built prior to the adoption date of this UDC, the use shall be limited to those locations within the RO zoning district that:
      - a) Were zoned RO prior to the adoption of this UDC; or
      - b) Are abutting a street with a functional street classification of major collector or higher as determined by the most recent adopted version of the Ross County Throughfare Plan.
    - 2) *Size.* The primary building shall not exceed 5,000 square feet of floor area.

**38. Public Transportation Terminal.**

- a. *Limited Locations within the RO Zoning District.* The use shall be limited to those locations within the RO zoning district that:
  - 1) Were zoned RO prior to the adoption of this UDC; or
  - 2) Are abutting a street with a functional street classification of major collector or higher as determined by the most recent adopted version of the Ross County Throughfare Plan.
- b. *Size.* In the RO district the use shall be no greater than 4,000 square feet of floor area.

**39. Refueling Station.**

- a. The use must be located at least two hundred (200) feet from any residential use or residential zoning district; and
- b. Access to the site is required to be from a street with a functional classification of collector or above.

**40. School.**

- a. *Traffic Circulation.* Ingress, egress and traffic circulation on the site shall be managed so as to minimize impacts on adjacent properties. No traffic lane shall be located less than twenty (20) feet from any adjacent residential property.
- b. *SB and SU Districts.* The primary building shall not exceed 3,000 square feet of floor area unless the use is housed in a building that was lawfully constructed prior to the date of the adoption of this UDC.
- c. *RO District.*
  - 1) *Limited Locations within the RO Zoning District.* Unless the use is limited to a building that was built prior to the adoption date of this UDC, the use shall be limited to those locations within the RO zoning district that:
    - a) Were zoned RO prior to the adoption of this UDC; or
    - b) Are abutting a street with a functional street classification of major collector or higher as determined by the most recent adopted version of the Ross County Throughfare Plan.
  - 2) *Size.* The primary building shall not exceed 5,000 square feet of floor area.

**41. Self-Storage, Mini-Warehouse.**

- a. External overhead doors shall not face residential property or a public right-of-way unless screened from view.
- b. All driveways within the facility shall be:
  - 1) Designed to accommodate appropriate fire fighting vehicles and be approved by the fire marshal;
  - 2) A minimum width of thirty (30) feet; and

- 3) Located on an improved hard surface capable of holding stripping of parking spaces and fire lanes.
  - c. Outdoor storage is prohibited, with the exception of recreational vehicle (RV) or boat storage, which must meet the following:
    - 1) Have a setback of at least twenty (20) feet from any property line;
    - 2) Be screened from view by a fence or wall meeting all standards within Chapter 4-B, *Landscaping, Screening, and Fencing*; and
    - 3) Onsite sales of merchandise stored within the mini warehouse is prohibited.
42. **Sexually Oriented Business.** Compliance with Chapter 535 and Chapter 733 of the City's Codified Ordinances is required.
43. **Short-Term Rental.**
- a. *Permitted.* Short-term rental units shall only be allowed in lawfully built residential dwelling units that meet building code requirements. This includes:
    - 1) All or a portion of the owner's primary residence;
    - 2) Any accessory dwelling that exists in accordance with this UDC.
  - b. *Prohibited.* Short-term rental units shall not be allowed:
    - 1) Within a recreational vehicle, motor vehicle, travel trailer, or similar structure (outside of a campground);
    - 2) Within any structure not intended for permanent human occupancy; or
    - 3) For the use of any property as an event space, meeting venue, or wedding venue.
  - c. *Regulations.*
    - 1) Structures shall maintain the appearance of a single unit dwelling, detached accessory dwelling unit, or residential loft as to be compatible with surrounding residences, in size and scale.
    - 2) Off-street parking shall be in specially designated areas.
    - 3) Limited food service may be provided to lodgers only.
    - 4) Maximum overnight occupancy shall be two (2) persons per sleeping area (excluding children five and younger), not to exceed ten (10) people, regardless of the number of sleeping areas.
  - d. *SB, SU, and RO Districts.* In the SB, SU, and RO districts, the use shall be owned and operated by the occupant of the premise.
44. **Solar Energy System (SES), Accessory.**
- a. *Roof-Mounted SES.*
    - 1) Roof-mounted SES maximum height overall (including building structure and SES equipment together) is to not exceed the maximum height per the zoning district.

- 2) Roof-mounted SES must conform to the slope of the roof and not project more than six (6) inches from the roof surface for residential properties and ten (10) feet from the roof surface for non-residential properties.
  - 3) Roof-mounted SES must not exceed the footprint of the principal building or accessory structure.
  - 4) Roof-mounted SES to provide smoke ventilation opportunities and located in accordance with the locally adopted version of the Ohio Fire Code.
  - 5) Roof-mounted SES shall provide emergency access to the roof and cannot be located within three (3) feet of any peak, eave, valley, edge, and/or perimeter of the roof to maintain pathways of accessibility.
  - 6) Roof-mounted SES must provide a Roof Stability Report prior to approval.
  - 7) Roof-mounted solar energy systems shall be placed only on the roof of a conforming structure. Should accessory panels total size exceed three thousand (3,000) square feet, they must be roof mounted.
- b. *Ground-Mounted SES.*
- 1) Ground-mounted SES is not permitted in the front yard.
  - 2) Ground-mounted SES must conform with the set-back per the zoning district and must be properly screened by a fence and cannot exceed six (6) feet in height or height of the fence, whichever is less for residential; cannot exceed fifteen (15) feet in height for non-residential.
  - 3) Ground-mounted SES cannot be located over septic field, legal easement, ROW, or City Drain without proper approval; ground-mounted SES must be a minimum of three (3) feet from any easement.
  - 4) Ground-mounted SES shall be placed behind the front facade of the primary structure.
- c. *Wall-Mounted SES.* Wall-mounted SES is permitted, but not on the front wall of the structure, and cannot project more than five (5) feet from the building.
- d. *Location.* Ground-mounted solar energy systems shall be placed behind the front facade of the primary structure.
- e. *Nuisances.* Any accessory solar energy system, structure, or portion thereof declared to be unsafe by the Administrator by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, damage, or abandonment is hereby declared to be a public nuisance and shall be abated by repair, rehabilitation, demolition, or removal in accordance with best practices.

**45. Solar Energy System, Commercial.**

a. *Structure Standards.*

- 1) The height of any ground-mounted solar equipment is limited to fifteen (15) feet, as measured from the natural grade below each panel to the top of each panel at its maximum tilt in the vertical direction.
- 2) Roof-mounted SES must provide a Roof Stability Report prior to approval.
- 3) A clear sight triangle must be maintained at all ingress/egress locations.
- 4) Ground-mounted SES cannot be located over septic field, legal easement, ROW, or City Drain without proper approval; ground-mounted SES must be a minimum of three (3) feet from any easement.

b. *Setbacks.* Setbacks for commercial SES shall be measured from the edge of the SES array, excluding security fencing, screening, or berm.

- 1) All ground-mounted SES must be at least one hundred fifty (150) feet from any property line of a non-participating landowner's property line. Property line setbacks between separate parcels both of which are participating in the project may be waived upon agreement of the landowner(s).
- 2) When the solar facilities for a single project encompass multiple parcel, there is no required setback from a property line for the internal property lines in the project.
- 3) All ground-mounted SES must be at least one hundred (100) feet from the edge of any public right-of-way.
- 4) All ground-mounted SES must be at least two hundred (200) feet from the property line if adjoined by property that is zoned agricultural which has a single-family dwelling within five hundred (500) feet of the SES.
- 5) When the solar facilities for a single project encompass multiple parcels, the SES must be at least one-hundred fifty (150) feet from any existing participating dwelling unit.

c. *Decommissioning Plan.* A decommissioning plan shall be provided indicating the method and payment of the anticipated cost of removing the commercial solar energy system at the end of their serviceable life or upon their becoming a discontinued or abandoned use to ensure that the commercial solar energy systems are properly decommissioned. The decommissioning plan shall include, at a minimum, the following:

- 1) *Assurance.* Written assurance that the commercial solar energy system will be properly decommissioned upon the expiration of its serviceable life or in the event of their discontinuance or abandonment.
- 2) *Cost Estimates.* For all commercial solar energy systems, an estimate of the costs of decommissioning and removing the commercial solar energy system upon the expiration of their useful life or in the event of their discontinuance or abandonment. The cost estimates shall be made by a professional engineer,

contractor, or other person with expertise or experience in decommissioning and removal of commercial solar energy systems.

- 3) *Financial Assurances.* The cost of removal and site restoration is the full responsibility of the applicant and/or owner/operator. In order to provide the greatest possible financial assurance that there will be sufficient funds to remove the commercial solar energy system and to restore the site, the following steps shall be followed:
  - a) For each commercial solar energy system, the applicant, owner, and/or operator shall determine an amount of money equal to the estimated removal and restoration cost.
  - b) The Administrator shall independently verify the adequacy of this amount.
  - c) This money shall be deposited in an escrow account specified by the jurisdiction, which may be an interest-bearing account. Alternatively, a bond may be posted for the amount.
- 4) *Discontinuation and Abandonment.*
  - a) *Abandonment.* All easements and/or leases for the commercial solar energy system shall contain terms that provide financial assurances to the property owner to ensure that the commercial solar energy system is properly decommissioned within one (1) year of the expiration of their serviceable life or in the event of their discontinuance or abandonment.
  - b) *Discontinuation.* Any commercial solar energy system shall be considered abandoned and discontinued use after six (6) months without energy production unless a plan is developed by the owner or applicant and approved by the Administrator outlining the steps and a schedule for returning the commercial solar energy system to service.
  - c) *Removal.* An applicant's obligations shall include removal of all physical material pertaining to the project improvements to no less than a depth of four (4) feet below ground level. Said work shall be completed within one (1) year of the discontinuation or abandonment of the commercial solar energy system. The restoration of the project area shall result in as near as practicable the condition of the site immediately before construction of such improvements.
  - d) *Written Notices.* Prior to implementing procedures to resolve any alleged failure to comply with the decommissioning plan, the appropriate jurisdictional body shall first provide written notice to the owner and/or operator, setting forth the alleged default(s). Such written notice shall provide the owner and/or operator with a reasonable time period, not to exceed sixty (60) days, to resolve the alleged default(s).
  - e) *Costs Incurred by the Jurisdiction.* If the jurisdiction removes a commercial solar energy system and/or appurtenant facilities, it may sell the salvage to defray the costs of removal. Each permittee, by virtue of the issuance of its construction

permit or inspection certificate, grants a license to the jurisdiction to enter the property and to remove all commercial solar energy systems and/or appurtenant facilities pursuant to the terms of its approved decommissioning plan.

- d. *Nuisances.* Any commercial solar energy system, structure, or portion thereof declared to be unsafe by the Administrator or Building Inspector by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, damage, or abandonment is hereby declared to be a public nuisance and shall be abated by repair, rehabilitation, demolition, or removal in accordance with the approved decommissioning plan.
- e. *Access.* The operator of a commercial solar energy system must provide an emergency key box, with keys to the site and equipment lockers on site at the main entrance or an alternative emergency access solution to the site approved by the Administrator.
- f. *Emergency Contact.* Emergency contact information shall be posted on the SES.
- g. *Bufferyards and Fencing.*
  - 1) *Visual Buffers.* A commercial solar energy system shall have a minimum six (6) foot earth berm with heavy buffer, as defined by Table 4-8, *Bufferyard Types*, along the entire perimeter of the SES property; the bufferyard is to be located outside of required fencing. The existing natural tree growth and natural landforms along the solar energy system perimeter may create a sufficient buffer and shall be preserved when reasonably practicable. Any visual buffer must be established and maintained in accordance with the most recent visual buffer plan approved by the Administrator.
  - 2) *Fencing.* All sites must have a completely fenced perimeter with fencing that is at least six (6) feet in height.
  - 3) *Easements.* If an easement is required for the location of a commercial solar energy system on the property, the easement shall be staked by a licensed and registered Ohio land surveyor so as to provide proof the facility has been constructed within the easement.
  - 4) *Lighting.* Exterior lighting for a commercial solar energy system site shall be limited to that required for safety and operational purposes.
  - 5) *Glare.* Solar panels must be oriented/screened year-round to direct glare away from adjacent properties, structures, and roadways.
  - 6) *Noise.* Cannot exceed noise of fifty (50) decibels measured at the property line.
  - 7) *Utilities.* All electrical wires and utility connections for a commercial solar energy system shall be installed underground, except for transformers, inverters, substations, and controls.
  - 8) *Signage.* Limited to one (1) sign per commercial SES. Sign standards are set forth by the zoning district the SES is located in. An emergency contact sign must be provided at each gate. The SES will be given an address to allow 911 services to

locate it. There will be no advertisement banners/signage allowed on SES fencing, but warning signs are allowable per applicable law.

46. **Special Event.** An applicant for a special event shall submit a plan of operation which at a minimum address the following:

- a. *Location.* The size of the site shall be large enough to accommodate the expected attendance in a manner that is safe for the site, neighborhood, street, or other infrastructure.
- b. *Hours.* The hours of the special event shall be limited to 7:00 AM to 9:00 PM on weekdays and 8:00 AM to 10:00 PM on weekends.
- c. *Duration.* The event shall not be held on a parcel more than four (4) times per calendar year and shall be limited to no more than five (5) consecutive days, not including set-up and tear-down.
- d. *Operational Requirements.* The City may request that a building code inspection occur prior to the event that could include a review of parking, security, noise trespass, and accessibility.
- e. *Traffic and Parking.* A plan for routing traffic to the property and where parking of vehicles will occur.
- f. *Lighting.* All outdoor lighting associated with the special event shall be turned off by 10:00 PM.
- g. *Licensure.* Documentation of any required federal, state, or local permits or licenses shall be required to be submitted with an application.

47. **Temporary Structures.**

- a. *Location.* All temporary structures must be set back at least ten (10) feet from all lot lines.
- b. *Duration.*
  - 1) Temporary structures for uses incidental to construction work shall be removed upon the completion or abandonment of construction work.
  - 2) Temporary storage structures must be in place less than ninety (90) days.
- c. *Occupancy Approval.* Administrator may permit temporary occupancy of a temporary structure in any zoning district provided that the applicant intends to build a permanent home on the premises within twelve (12) months. The applicant, in demonstrating an intent to construct a permanent home and as a condition of receiving a temporary occupancy permit, must:
  - 1) Obtain approval from the City of Chillicothe Health Department for a septic system, or supply a copy of a sewer hook-up permit from the appropriate jurisdiction;
  - 2) Obtain a building permit for the permanent home;
  - 3) Pay fees for all permits according to the fee schedule approved by the City Council.

- d. *Mobile Food Trucks.* Mobile food trucks shall be in compliance with Chapter 726 of the City's Codified Ordinances.
48. **Townhouse.** Side setbacks for the use shall be at least 10 feet for any exterior wall to an adjoining property line.
49. **Triplex.** Side setbacks for the use shall be at least 10 feet for any exterior wall to an adjoining property line.
50. **Vending Kiosk.**
- a. *Structural Requirement.* The use must be affixed to a permanent foundation.
  - b. *Size.* The use shall be no larger than 250 square feet.
  - c. *Utility Connections.* The use shall have appropriate utility connections, such as electricity and water, and these connections must meet all City requirements.
  - d. *Weatherproof.* The use shall be weatherproof and designed to prevent electrical hazards.
51. **Wind Energy System (WES), Accessory and Wind Energy System (WES), Commercial.**
- a. *Structural Standards.*
    - 1) *Construction Codes.* The facility shall comply with all applicable state construction and electrical codes as well as local building permit requirements.
    - 2) Roof-mounted WES and ground-mounted WES shall not exceed the maximum accessory structure height for the zoning district. Height shall be calculated as the distance from grade to the top of the WES at the greatest incline.
    - 3) Roof-mounted WES shall not be permitted on the front wall of the structure.
    - 4) Roof-mounted WES shall be located in such a manner as to ensure emergency access to the roof and provide smoke ventilation opportunities and cannot be located within three (3) feet of any peak, eave, valley, edge, and/or perimeter of the roof to maintain pathways of accessibility.
    - 5) Roof-mounted WES must provide a Roof Stability Report.
    - 6) Ground-mounted WES shall not be permitted in the front yard or street side yard.
  - b. *Setbacks.*
    - 1) Ground-mounted WES shall conform with the side and rear setbacks per the zoning district or a distance from any property line by the total height of the WES (to the highest vertical), whichever is greater.
    - 2) For wind energy systems mounted on an existing, conforming principal structure or existing conforming accessory structure, the distance between an on-site use wind energy system and the owner's property lines shall be equal to or greater than the height of the wind energy system tower, including the top of the blade in its vertical position as measured from where the system is attached to the structure.

- 3) The distance between an anemometer tower and the owner's property lines shall be equal to the height of the tower.
  - 4) No part of the wind energy system structure, including guy wire anchors, may extend closer than ten (10) feet to the owner's property lines.
- c. *Use and Operational Standards.*
- 1) *Electromagnetic Interference.* No on-site wind energy system shall be installed in any location where its proximity to existing fixed broadcast, retransmission, or reception antennae for radio, television, or wireless phone or other personal communication systems would produce electromagnetic interference with signal transmission or reception unless the applicant provides a replacement signal to the affected party that will restore reception to at least the level present before operation of the wind energy system. No on-site wind energy system shall be installed in any location within the line of sight of an existing microwave communications link where operation of the wind energy system is likely to produce electromagnetic interference in the link's operation unless the interference is insignificant.
  - 2) *Safety.* An on-site use wind energy system shall have automatic braking, governing, or a feathering system to prevent uncontrolled rotation or over speeding. All wind towers shall have lightning protection. If a tower is supported by guy wires, the wires shall be clearly visible to a height of at least six (6) feet above the guy wire anchors. The minimum vertical blade tip clearance from grade shall be twenty (20) feet for a wind energy system employing a horizontal axis rotor.
  - 3) *Sound Pressure Level.* On-site use wind energy systems shall not exceed fifty-five (55) dB(A) at any property line. This sound pressure level may be exceeded during short-term events such as utility outages and/or severe wind storms. If the ambient sound pressure level exceeds fifty-five (55) dB(A), the standard shall be ambient dB(A) plus five (5) dB(A).
  - 4) *Maximum Kilowatt.* All accessory uses must have less than a ten (10) KW System.
  - 5) *Lighting.* Limited to what is required for safety and operational purposes.
  - 6) *Glare.* Must be oriented/screened year-round to direct glare away from adjacent properties, structures, and roadways.
  - 7) *Utility Location.* Ground-Mounted WES cannot be located over a septic field, legal easement, ROW, or City Drain without proper approval; Ground-Mounted WES must be a minimum of three (3) feet from any easement. Roof-mounted WES cannot be located under utility powerlines.
- d. *Nuisances.* Any WES, structure, or portion thereof declared to be unsafe by the Administrator or the Building Inspector, by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, damage, or abandonment is hereby declared to be a public nuisance and shall be abated by repair, rehabilitation, demolition or removal in accordance with best practices.

e. *Emergency Contact.* Emergency contact information shall be posted on the WES.

**52. Wireless Communication Facilities (WCF) and Towers.**

a. *Standards for All Types.*

- 1) *Federal Requirements.* All WCFs shall meet the current standards and regulations of the Federal Aviation Administration (FAA), the Federal Communications Commission (FCC), and any other agency of the federal government with the authority to regulate WCFs. If such standards and regulations are changed, then the owners of the WCF governed by this Sec. 3-C-52 shall bring such facility into compliance with such revised standards and regulations within the time period mandated by the controlling federal agency. Failure to meet such revised standards and regulations shall constitute grounds for the removal of the WCF at the owner's expense.
- 2) *Radio Frequency Standards.* All WCFs shall comply with federal standards for radio frequency emissions. If concerns regarding compliance with radio frequency emissions standards for a WCF have been made to the City, the City may request that the owner or operator of the WCF provide information demonstrating compliance. If such information is not sufficient, in the reasonable discretion of the City, to demonstrate compliance, the City may request that the owner or operator of the WCF submit a project implementation report which provides cumulative field measurements of radio frequency emissions of all antennas installed at the subject site, and which compares the results with established federal standards. If, upon review, the City finds that the facility does not meet federal standards, the City may require corrective action within a reasonable period of time, and if not corrected, may require removal of the WCF pursuant to the procedures in this UDC. Any reasonable costs incurred by the City, including reasonable consulting costs to verify compliance with these requirements, shall be paid by the applicant.
- 3) *Signal Interference.* All WCFs shall be designed and sited so as not to cause interference with the normal operation of radio, television, telephone, and other communication services utilized by adjacent residential and non-residential properties; nor shall any such facilities interfere with any public safety communications. The applicant shall provide a written statement ("signal interference letter") from a qualified radio frequency engineer, certifying that a technical evaluation of existing and proposed facilities indicates no potential interference problems and shall allow the City to monitor interference levels with public safety communications during this process.
- 4) *Legal Access.* In all applications for WCFs outside of the right-of-way, an applicant shall demonstrate that it owns or has lease rights to the site.
- 5) *Operation and Maintenance.* To ensure the structural integrity of WCFs, the owner of a WCF shall ensure that it is maintained in compliance with standards contained in applicable local building and safety codes. If, upon inspection, the City determines that a WCF fails to comply with such codes and constitutes a danger to persons or property, then, upon written notice being provided to the owner of the WCF, the

owner shall have thirty (30) days from the date of notice to bring such WCF into compliance. Upon good cause shown by the owner, the Administrator may extend such compliance period not to exceed ninety (90) days from the date of said notice. If the owner fails to bring such WCF into compliance within said time period, the City may remove such WCF at the owner's expense. No hazardous materials shall be permitted in association with WCFs, except those necessary for the operations of the WCF, and only in accordance with all applicable laws governing such materials.

- 6) *Abandonment and Removal.* If a WCF has not been in use for a period of three (3) months, the owner of the WCF shall notify the City of the non-use and shall indicate whether re-use is expected within the ensuing three (3) months. Any WCF that is not operated for a continuous period of twelve (12) months shall be considered abandoned. The City, in its sole discretion, may require an abandoned WCF to be removed. The owner of such WCF shall remove the same within thirty (30) days of receipt of written notice from the City. If such WCF is not removed within said thirty (30) days, the City may remove it at the owner's expense, and any approved permits for the WCF shall be deemed to have expired.
- 7) *Camouflage/Concealment.* All WCFs and any related accessory equipment shall, to the maximum extent possible, use concealment design techniques and, where not possible, utilize camouflage design techniques. Camouflage design techniques include, but are not limited to, using materials, colors, textures, screening, undergrounding, landscaping, or other design options that will blend the WCF into the surrounding natural setting and the built environment. Design, materials, and colors of WCFs shall be compatible with the surrounding environment. Design elements shall be compatible with structures and vegetation on the same parcel and adjacent parcels.
  - a) Where WCFs are located in areas of high public visibility, they shall, where physically possible, be designed to be concealed, and where not possible to be concealed, to minimize the WCF profile through placement of equipment fully or partially underground, or by way of example and not limitation, behind landscape berms.
  - b) A concealment design may include the use of alternative tower structures should the Administrator determine that such design meets the intent of this Chapter and the community is better served thereby.
  - c) All WCFs, such as antennas, vaults, equipment rooms, equipment enclosures, and towers, shall be constructed of non-reflective materials (visible exterior surfaces only).
  - d) No advertising is permitted anywhere on the Wireless Telecommunications Facility (WCF). Signage that identifies the use of the structure is however permitted.
- 8) *Siting.*
  - a) No portion of any WCF may extend beyond the property line.

- b) WCFs shall be required to be designed and constructed to permit the facility to accommodate WCFs from at least two wireless service providers on the same WCF unless the City approves an alternative design. No WCF owner or operator shall unfairly exclude a competitor from using the same facility or site.
  - c) WCFs shall be sited in a location that does not reduce the parking for the other principal uses on the parcel below UDC standards.
  - d) WCFs shall not encroach into any sight triangles.
  - e) The location of the Tower and Equipment Shelter and Antenna Support Structure shall comply with all natural resource protection standards established in this UDC, including those for flood plains, wetlands, and steep slopes.
- 9) *Lighting.* WCFs shall not be artificially lighted, unless required by the FAA or other applicable governmental authority, or the WCF is mounted on a light pole or other similar structure primarily used for lighting purposes. If lighting is required, the City may review the available lighting alternatives and approve the design that would cause the least disturbance to the surrounding views. Lighting shall be shielded or directed to the greatest extent possible so as to minimize the amount of glare and light falling onto nearby properties, particularly residences.
- 10) *Landscape and Fencing Requirements.*
- a) WCFs shall be sited in a manner that does not reduce the landscaped areas for the other principal uses on the lot or parcel below any applicable standard within this UDC.
  - b) The site of the WCF shall be landscaped with a buffer of plant materials that effectively screens the view of the WCF from adjacent residential property. The standard buffer shall consist of the front, side, and rear landscaped setback on the perimeter of the site.
  - c) In locations where the visual impact of the WCF would be minimal, the landscaping requirement may be reduced or waived in whole or in part by the Administrator.
  - d) Existing mature tree growth and natural landforms on the site shall be preserved to the maximum extent possible. In some cases, such as WCFs sited on large, wooded lots, natural growth around the site perimeter may be sufficient to buffer.
  - e) No trees larger than four (4) inches in diameter measured at four and a half (4½) feet high on the tree may be removed unless authorized by the Administrator. To obtain such authorization, the applicant shall show that:
    - 1. Tree removal is necessary; and
    - 2. The applicant's plan minimizes the number of trees to be removed.
  - f) Any trees removed are replaced at a ratio of 2 (two) to 1 (one).

- g) Security fencing eight feet in height shall surround the Tower, Equipment Shelter and any guy wires, either completely or individually as determined by the Planning Commission. No barbed or razor wire shall be permitted in residential neighborhoods. The City and co-locators shall have reasonable access. No fence shall be required on top of a building or other structure if access to the roof or top of the structure or building is secure.
- b. *Standards by WCF Type.*
- 1) *Base Stations.*
    - a) Base Stations shall be architecturally compatible with respect to attachments and colored to match the building or structure to which they are attached.
    - b) The maximum protrusion of such facilities from the building or structure face to which they are attached shall be two (2) feet.
    - c) Wall-mounted WCFs shall not extend above the roofline unless mounted to a penthouse.
    - d) Roof-mounted WCFs shall be approved only where an applicant demonstrates a wall-mounted WCF is inadequate to provide service and shall be evaluated for approval based upon the following criteria:
      - 1) Roof-mounted whip antennas shall extend no more than twelve (12) feet above the parapet of any flat roof or ridge of a sloped roof or penthouse to which they are attached;
      - 2) Roof-mounted panel antennas shall extend no more than seven (7) feet above the parapet of a flat roof or ridge of a sloped roof to which they are mounted; and
      - 3) Other roof-mounted accessory equipment shall extend no more than seven (7) feet above any parapet of a flat roof upon which they may be placed and shall not be permitted on a sloped roof.
  - 2) *Alternative Tower Structures (ATS) and Small Cell Facilities Located Outside of the Right-of-Way.*
    - a) ATS shall be designed and constructed to look like a building, facility, or structure typically found in the area, in order that the WCF is concealed.
    - b) Height or size of the proposed ATS or small cell facility should be minimized as much as possible and shall be subject to the maximum height restrictions of the zoning district in which they are located, subject to a maximum height limit of sixty (60) feet.
    - c) ATS shall be sited in a manner that is least obtrusive to residential structures and residential district boundaries.
    - d) ATS should take into consideration the uses on adjacent and nearby properties and the compatibility of the facility to these uses.

- e) ATS and small cell facilities shall be compatible with the surrounding topography, tree coverage, and foliage.
  - f) ATS and small cell facilities shall be designed utilizing design characteristics that have the effect of concealing where technically feasible and generally reducing or eliminating visual obtrusiveness.
  - g) Visual impacts of the proposed ingress and egress shall be minimized.
- 3) *Alternative Tower Structures and Small Cell Facilities Located in the Right-of-Way.*
- a) No ATS pole shall be higher than thirty-five (35) feet.
  - b) No pole or structure shall be more than ten (10) feet higher (as measured from the ground to the top of the pole or structure) than any existing utility or traffic signal within five hundred (500) feet of the pole or structure.
  - c) Any new pole for ATS or small cell facilities shall be separated from any other existing WCF facility by a distance of at least six hundred (600) feet unless the new pole replaces an existing traffic signal, street light pole, or similar structure determined by the Administrator.
  - d) With respect to pole-mounted components, small cell facilities shall be located on an existing utility pole serving another utility or be located on a new utility pole where other utility distribution lines are aerial if there are no reasonable alternatives.
  - e) ATS must be concealed consistent with other existing natural or manmade features in the right-of-way near the location where the ATS will be located.
  - f) When placed near a residential property, facilities must be placed in front of the common side yard property line between adjoining residential properties. In the case of a corner lot, the facility must be placed in front of the common side yard property line adjoining residential properties or on the corner formed by two (2) intersecting streets.
  - g) Small Cell Facilities shall:
    - 1) Be designed such that antenna installations on traffic signals are placed in a manner so that the size, appearance, and function of the signal will not be considerably altered;
    - 2) Be designed such that all antennas, mast arms, equipment, and other facilities are sized to minimize visual clutter and, where possible, concealed within the structure;
    - 3) Be consistent with the size and shape of the pole-mounted equipment installed by communications companies on utility poles near the ATS;
    - 4) Require that any ground-mounted equipment be installed in an underground or partially underground equipment vault (projecting not more than thirty-six (36) inches above grade), or co-located within a traffic

cabinet of a design approved by the Administrator, unless a use by special review is obtained subject to the requirements of this Sec. 3-C-52;

- 5) Not alter vehicular circulation or parking within the right-of-way or impede vehicle, bicycle, or pedestrian access or visibility along the right-of-way;
- 6) Comply with the federal ADA requirements and all applicable local, state, and federal law and regulations; and
- 7) Not be located or maintained in a manner that causes unreasonable interference. Unreasonable interference means any use of the right-of-way that disrupts or interferes with its use by the City, the general public, or other person authorized to use or be present upon the right-of-way when there exists an alternative that would result in less disruption or interference. Unreasonable interference includes any use of the right-of-way that disrupts vehicular or pedestrian traffic, any interference with public utilities, and any other activity that will present a hazard to public health, safety, or welfare.

4) *Towers.*

- a) Towers shall either maintain a galvanized steel finish or, subject to any applicable FAA standards, painted a neutral color (non-contrasting gray or similar) so as to reduce visual obtrusiveness as determined by the City;
- b) Tower structures should use existing landforms, vegetation, and structures to aid in concealing the facility from view or blending in with the surrounding built and natural environment;
- c) All towers shall be enclosed by security fencing or wall at least six (6) feet in height and shall also be equipped with an appropriate anti-climbing device. No security fencing or any portion thereof shall consist of barbed wire or chain link material;
- d) Towers shall be subject to the maximum height restrictions of the zoning district in which they are located, subject to a maximum height limit of sixty (60) feet;
- e) Towers should be sited in a manner that is least obtrusive to residential structures and residential district boundaries where feasible;
- f) Towers should take into consideration the uses on adjacent and nearby properties and the compatibility of the tower to these uses;
- g) Towers should be designed utilizing design characteristics that have the effect of reducing or eliminating visual obtrusiveness; and
- h) Visual impacts of the proposed ingress and egress shall be minimized.
- i) *New Towers Permitted.* No new Towers shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the City that no existing WCFs can accommodate the needs that the applicant proposes to address with its

Tower application. Evidence submitted to demonstrate that no existing WCFs can accommodate these needs may consist of the following:

- 1) No existing WCFs are of sufficient height and are located within the geographic area required to meet the applicant's engineering requirements;
  - 2) Existing WCFs do not have sufficient structural strength to support applicant's proposed WCF;
  - 3) The applicant's proposed WCF would cause electromagnetic interference with the WCFs on the existing WCFs, or the existing WCFs would cause interference with the applicant's proposed WCF; and
  - 4) The Applicant demonstrates that there are other limiting factors that render existing WCFs unsuitable for collocation.
- j) *Setbacks.* A Tower shall meet the greater of the following minimum setbacks from all property lines:
- 1) The setback for a principal building within the applicable zoning;
  - 2) Twenty-five percent (25%) of the facility height, including WCFs and transmission equipment; or
  - 3) The Tower height, including antennas, if the tower is adjacent to a residential district or residential zoned property.
- k) *Height.* Towers over forty (40) feet in height shall not be located within one-quarter ( $\frac{1}{4}$ ) mile from any existing tower that is over forty (40) feet in height, unless the applicant has shown to the satisfaction of the City that there are no reasonably suitable alternative sites in the required geographic area which can meet the applicant's needs.
- l) *Right-of-Way.* No Towers shall be permitted in the right-of-way.
- m) *Related Accessory Equipment.* Related accessory equipment for all WCFs shall meet the following requirements:
- 1) All buildings, shelters, cabinets, and other accessory components shall be grouped as closely as technically possible;
  - 2) The total footprint coverage area of the WCF's related accessory equipment shall not exceed three hundred and fifty (350) square feet;
  - 3) No related accessory equipment or accessory structure shall exceed twelve (12) feet in height; and
  - 4) Located out of sight whenever possible by locating behind parapet walls or within equipment enclosures. Where such alternate locations are not available, the related accessory equipment shall be camouflaged or concealed.

## Chapter 4 – Site Standards

### A. Parking, Loading, and Stacking.

1. **Purpose.** The purpose of this Section 4-A is to ensure that:
  - a. Adequate off-street parking is provided;
  - b. Standards are established for the functional design of off-street parking facilities;
  - c. Sufficient parking is provided in non-residential areas that are near residential neighborhoods so that the character and quality of life in the residential neighborhoods are protected from overflow parking;
  - d. Adequate loading areas are provided that do not interfere with the function of other vehicular use areas;
  - e. Adequate stacking areas are provided to ensure safe and efficient circulation within sites that contain drive-in or drive-through uses; and
  - f. Access to sites is managed to maintain the desired function and safety of the adjacent street(s).
  - g. These requirements are intended to encourage the orderly development of off-street parking and loading areas within the City and to promote the safety of residents and visitors by ensuring the efficient handling of vehicular traffic.
2. **Applicability.** Unless otherwise provided for by this Chapter, required parking spaces shall be provided on the same parcel of property as the land use according to Table 4-1, *Off-Street Parking Requirements*. If a property or adjacent properties consist of more than one (1) land use (e.g., a school with a stadium), the applicant may use the shared parking requirements of Table 4-4, *Shared Parking Demand*, to reduce the total amount of parking required.
3. **Land Use and Zoning District Specific Requirements.**
  - a. *Reduction for Drive-In or Drive-Through Facility.* An off-street parking reduction of twenty-five percent (25%) is provided for uses with a drive-in or drive-through facility.
  - b. *DE District.*
    - 1) *Lots with less than 70% Lot Coverage.* Lots within the DE District having less than seventy percent (70%) lot coverage shall provide off-street parking, however the amount of parking required shall be reduced and shall vary according to whether the property is used for residential or non-residential purposes.
      - a) *Residential.* The parking requirements of Table 4-1, *Off-Street Parking Requirements*, shall be reduced by fifty percent (50%).
      - b) *Nonresidential Uses.* The parking requirements of Table 4-1, *Off-Street Parking Requirements*, shall be reduced by fifteen percent (15%).

- 2) *Lots with more than 70% Lot Coverage.* Lots within the DE District having more than seventy percent (70%) lot coverage are exempt from the off-street parking requirements of Table 4-1, *Off-Street Parking Requirements*.
- c. *DE, MU, and RO Districts.* For the DE, MU, and RO Districts only, required parking and loading spaces shall be provided either on the same lot, or within 300 feet of the principal use which they serve. Parking spaces within the public right-of-way shall be included within this calculation. For all other zoning districts the required parking and loading space shall be required on the property.
4. **Variable for Calculating the Required Parking.** The variables used for parking calculations are measured as follows:
- a. *Per Dwelling Unit (DU).* The phrase "per DU" means that the number of parking spaces is calculated based on the number of dwelling units.
- b. *Per Bedroom (BR).* The phrase "per BR" means the number of parking spaces is calculated based on the number of bedrooms.
- c. *Gross Square Feet.* The phrase "gross square feet" means the total amount of square footage within a building or buildings.
- d. *Licensed Capacity.* This phrase refers to the occupancy noted on the Certificate of Occupancy and Maximum Capacity Card.
- e. *Common Area.* The phrase "common area" means the total indoor area of a building that is available all residents a facility.
- f. *Usable Floor Area.* The phrase "usable floor area" means the total square footage within a building that is open to the public.

Table 4-1, Off-Street Parking Requirements	
Land Use	Parking Spaces Required
<b>RESIDENTIAL USES</b>	
<b>Residential – Primary</b>	
Single Detached Dwelling	Two (2) spaces per DU
Manufactured Home	Two (2) spaces per DU
Manufactured Home Park	One and a half (1.5) spaces per DU plus 1 space per every ten (10) dwelling units
Duplex	Two (2) spaces per DU
Triplex	Two (2) spaces per DU
Townhouse	Two (2) spaces per DU
Multi-Dwelling Residential	One and a half (1.5) spaces per DU plus 1 space per every ten (10) dwelling units
<b>Residential – Accessory</b>	
Attached Accessory Dwelling Unit	One (1) additional space per DU
<b>Commercial Uses of the Home</b>	
Child Care Home	One (1) additional space, in addition to those required for the primary residential use

<b>Table 4-1, Off-Street Parking Requirements</b>	
<b>Land Use</b>	<b>Parking Spaces Required</b>
Home Business	One (1) space may be installed in addition to those required for the primary residential use
Short-Term Rental	One (1) space per BR designated for the use
<b>NON-RESIDENTIAL USES</b>	
<b>Automobile and Related Service Uses</b>	
Automobile Repair, Major	Three (3) spaces per bay
Automobile Repair, Minor	Three (3) spaces per bay
Automobile / Vehicle Sales and Rental	One (1) space per 200 gross square feet
Car Wash	One (1) space per two (2) bays for self-service vehicle washes (not including the service bays); one (1) space per unattended automated wash; five (5) spaces per attended, automated wash with detail or hand-finishing services
<b>Civic, Institutional, and Health Care Uses</b>	
Assisted Living / Nursing Home	1 space per sleeping unit plus 1 space per 500 square feet of common area
Cemetery	One (1) space per acre
Child Care Center	One (1) space per every four (4) persons when the center is at capacity
Correctional Institution	One (1) per every employee on the largest shift plus 1 per every 20 inmates at licensed capacity
Governmental Service (Police, Fire, Emergency Medical Services)	One (1) space per every 300 sf plus 1 per vehicle stored on-site plus 1 per employee
Hospital / Rehabilitative Care	Two (2) spaces per every exam or outpatient/inpatient bed, procedure/operating room, plus 1 per laboratory or recovery room, plus 1 per every 2 employees
Library	One (1) space per 400 gross square feet
Medical and Dental Office / Clinic	One (1) space per 200 square feet of gross floor area
Museum / Gallery	One (1) space per 400 gross square feet
Parks and Recreation Facilities	Twenty (20) spaces per athletic field or two spaces per tennis, pickleball, or racquetball court plus one (1) per 1,000 sq. ft. of indoor or outdoor play area
Place of Public Assembly, Indoor	One (1) space per 4 persons when the assembly area is at capacity
Schools	Four (4) for each classroom, or one (1) for each five (5) seats in the main auditorium, whichever is greater
<b>Commercial Uses</b>	
Bank, Credit Union, and Financial Services	One (1) space per 300 gross square feet
Building Materials and Hardware Store	One (1) space per 400 gross square feet
Commercial Recreation and Amusement Services, Indoor	One (1) space per 300 gross square feet
Commercial Recreation and Amusement Services, Outdoor	One (1) space per acre

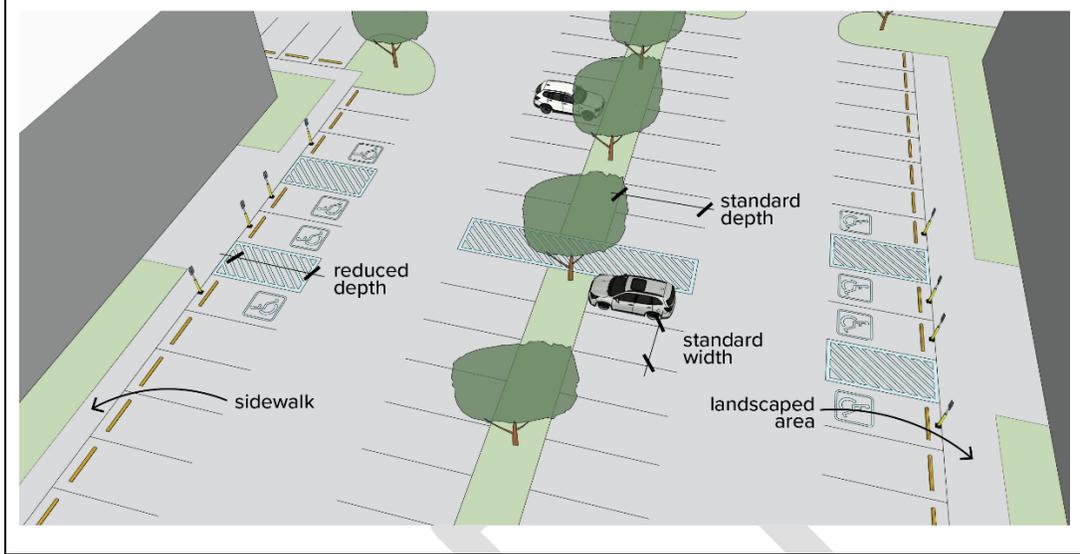
<b>Table 4-1, Off-Street Parking Requirements</b>	
<b>Land Use</b>	<b>Parking Spaces Required</b>
Grocery	One (1) space per 300 gross square feet
Heavy Equipment Sales and Rentals	One (1) space per 200 sq. ft. of usable floor area in offices, waiting area, customer service area plus 1 per rental vehicle
Hotel	One (1) space per room or suite in addition to one space per employee on the largest shift
Kennel	One (1) space per every 12 cages, plus 1 per employee on the largest shift
Office, General	One (1) space per 350 square feet of gross floor area
Personal Services	One (1) space per every station, chair, or activity area or 1 per 300 square feet, whichever is greater
Refueling Station	One (1) space per 4 pump stations or Level 3 charging stations plus 1 space per 250 gross square feet of attached convenience store
Restaurant	One (1) space per every four (4) persons who the building is at capacity
Retail Sales	One (1) space per 200 square feet of gross floor area
Self-Storage, Mini-Warehouse	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.
Sexually Oriented Businesses	One (1) space per 200 square feet of gross floor area
Veterinary Clinic and/or Service	One (1) space per every 12 cages, plus 1 per employee on the largest shift
<b>Industrial and Manufacturing Uses</b>	
Contractor's Shop	One (1) space per 300 square feet of gross floor area, plus 1 per 500 square feet of storage yard
Junkyard / Salvage Yard	One (1) space per three (3) acres
Manufacturing, Heavy ( <i>includes handling of explosive and/or foul materials</i> )	One (1) space per 500 gross square feet
Manufacturing, Light ( <i>includes product assembly and processing</i> )	One (1) space per 500 gross square feet
Medical and Diagnostic Laboratories	One (1) space per 400 gross square feet
Warehousing and Storage, Indoor	One (1) space per 500 gross square feet
<b>Transportation and Utility Uses</b>	
Airport / Heliport	One (1) space per 500 gross square feet of the terminal
Cargo Terminal	One (1) space per 500 gross square feet
Landfill	One (1) space per 3 acres
Public Transportation Terminal	One (1) space per 300 gross square feet
Solar Energy System, Commercial	One (1) space per 3 acres
Wind Energy System, Commercial	One (1) space per 3 acres

5. **Surfacing and Striping.** Off-street parking and vehicle use areas shall be surfaced, graded, and constructed with Portland cement concrete (PCC) or asphalt. Such surface must protect against potholes, erosion, and dust and provide for adequate drainage. All parking spaces that are located in parking lots or provided on a street shall be clearly marked.
6. **Parking Lot and Parking Space Dimensions.**
- a. *Minimum Width and Length.* Required parking spaces for all uses shall be a minimum width of nine (9) feet and a minimum length of twenty (20) feet, except parallel parking spaces which shall have a minimum length of twenty-two (22) feet.
  - b. *Parking Lot Separation.* All parking lots for non-residential and multi-dwelling residential uses shall be separated from adjoining non-paved surfaces with a continuous concrete curb at least six (6) inches in height.
  - c. *Stormwater.* All parking lots shall be designed to provide adequate storm water drainage, including onsite detention capabilities.
  - d. *Concrete Curbs or Wheel Stops.* Concrete curbs, vehicle wheel stops, or similar permanent devices shall be provided within all parking areas to prevent vehicles from encroaching on landscaped areas.
  - e. *Traffic Islands.* Curbed traffic islands are to be located on both ends of each parking row to facilitate safe traffic circulation within the parking lot.
  - f. *Access.* Required off-street parking spaces shall be designed, arranged and regulated as to have individual spaces marked, be unobstructed and have access to an aisle or driveway so that any vehicle may be moved without moving another and so that no maneuvering directly incidental to entering or leaving a parking space shall be on any public right-of-way. All parking areas shall be provided with circulation aisles of adequate dimension to ensure efficient internal circulation.
  - g. *Parking Space Dimensions.* The following standards of Table 4-2, *Parking Space Dimensions*, shall apply.

<b>Angle of Parking Relative to Circulation Aisle</b>	<b>Circulation Aisle Width</b>	<b>One- or Two-Way Circulation</b>
0 degrees (parallel parking)	12 feet	One
30 degrees	12 feet	One
45 degrees	14 feet	One
60 degrees	18 feet	One
90 degrees (perpendicular parking)	24 feet	Two

- h. *Parking Lot Signage.* All signage within parking areas shall conform to the standards within the standards within Sec. 4-C, *Signs*.
- i. *Parking Lot Lighting.* Lighting within parking areas shall conform to Sec. 4-D, *Lighting*.
- j. *Parking Lot Illustrative.* See Figure 4-1, *Parking Lot Illustrative*.

**Figure 4-1, Parking Lot Illustrative**



7. **Parking for Persons with Disabilities (ADA).** ADA accessible parking shall be provided within all parking lots. The ADA accessible parking spots shall be those parking spaces that are nearest to the main accessible entry of the building served.
- a. *Number Required.* The number of ADA parking spaces shall be based on the Federal Americans with Disabilities Act (ADA) as represented by the Table 4-3, *ADA Parking Space Standards*. This table is intended to represent the minimum requirements of the ADA and shall be deemed to be updated and amended consistently with any ADA amendments.

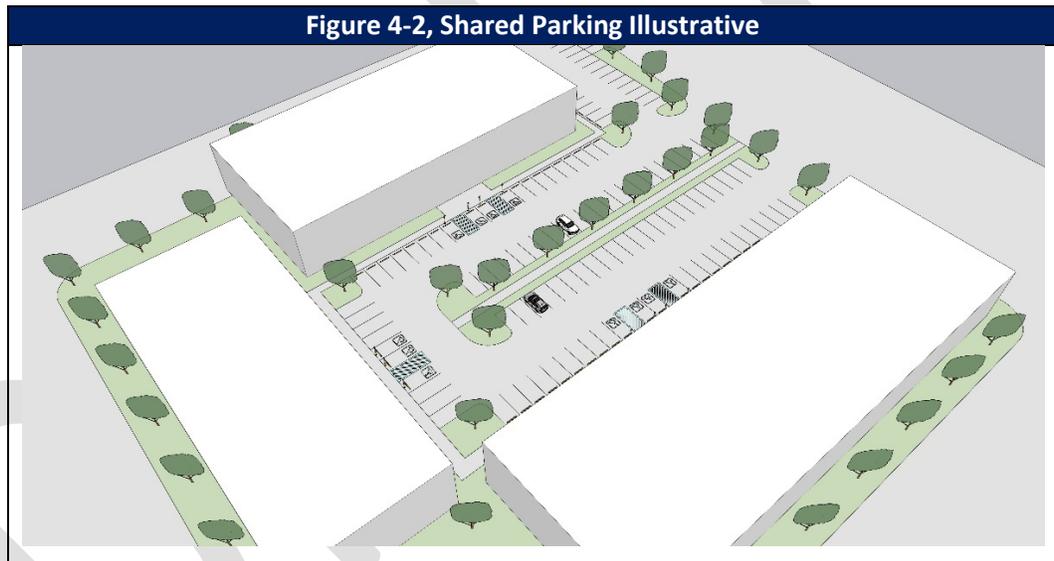
Table 4-3, ADA Parking Space Standards	
Total Spaces in Parking Lot	ADA Parking Spaces Required
1 - 25	1
26 - 50	2
51 - 75	3
76 - 100	4
101 - 150	5
151 – 200	6
201 – 300	8
301 – 400	12
Over 400	12 spaces + 2 additional spaces for every 250 or a fraction thereof over 400

b. *Counted Toward Minimum Requirements.*

- 1) In parking lots with ten (10) parking spaces or less, the required ADA parking spaces as shown in Table 4-3, *ADA Parking Space Standards*, shall be in addition to the minimum parking spaces required by this UDC.
- 2) For parking lots with more than ten (10) spaces, the required ADA parking spaces may be considered toward meeting the minimum total parking space requirement.

8. **Shared Parking.**

- a. *Parking Reduction.* Shared parking allows a reduction in the total number of required parking spaces when a property is occupied by two or more uses that typically do not experience peak use of parking areas at the same time.
- b. *Example of Shared Parking.* An example of a site where shared parking is applicable is provided below in Figure 4-2, *Shared Parking Illustrative*. The example shown below in this illustrative is only one example of where the site design lends itself to the use of shared parking.



- c. *Calculation of Reduced Parking.* When any structure is used for two or more uses that are listed in Table 4-4, *Shared Parking Demand*, below, the minimum total number of required parking spaces may be determined by the following procedures, which are followed by Table 4-5, *Illustrative Shared Parking Reduction Calculation Examples*, showing an example of how to calculate shared parking reductions.
  - 1) Determine the minimum parking requirements for each use category in Column (A) as if it were a separate use;
  - 2) Multiply the sum of the required parking spaces for each use by the corresponding percentages for each of the five time periods set forth below in Table 3.4, *Shared Parking Demand*;
  - 3) Calculate the total for each time period; and

- 4) Select the column with the highest total to find the required number of shared spaces.

Table 4-4, Shared Parking Demand					
Use Category	Weekday		Weekend		Night: Weekday and Weekend (midnight to 6am)
	Day (6am to 6pm)	Evening (6pm to midnight)	Day (6am to 6pm)	Evening (6pm to midnight)	
Multi-Dwelling Residential	60%	90%	80%	90%	100%
Office, General	100%	10%	10%	5%	5%
Retail Sales	60%	90%	100%	70%	5%
Hotel	75%	100%	80%	100%	10%
Restaurant	50%	100%	80%	100%	10%
Commercial Recreation and Amusement Services	40%	100%	100%	100%	10%
All others	100%	100%	100%	100%	100%

Table 4-5, Illustrative Shared Parking Reduction Calculation Examples <sup>1</sup>					
Use Category	Weekday		Weekend		Night (midnight to 6am)
	Day (6am to 6pm)	Evening (6pm to midnight)	Day (6am to 6pm)	Evening (6pm to midnight)	
Multi-Dwelling Residential: 41 spaces (for 25 DU)	$60\% \times 41 = 25$	$90\% \times 41 = 37$	$80\% \times 41 = 33$	$90\% \times 41 = 37$	$100\% \times 41 = 41$
Office, General: 86 spaces (for 30,000 square feet)	$100\% \times 86 = 86$	$10\% \times 86 = 9$	$10\% \times 86 = 9$	$5\% \times 86 = 5$	$5\% \times 86 = 5$
Retail Sales: 100 spaces (for 20,000 square feet)	$60\% \times 100 = 60$	$90\% \times 100 = 90$	$100\% \times 100 = 100$	$70\% \times 100 = 70$	$5\% \times 100 = 5$
Column totals:	171 <sup>2</sup>	136	142	112	51

**Table 4-5, Illustrative Shared Parking Reduction Calculation Examples<sup>1</sup>**

Use Category	Weekday		Weekend		Night (midnight to 6am)
	Day (6am to 6pm)	Evening (6pm to midnight)	Day (6am to 6pm)	Evening (6pm to midnight)	

**TABLE NOTES:**

1. EXAMPLE: A parking lot in the GC zoning district provides parking for an apartment with 25 dwelling units, 30,000 square feet of general office space, and 20,000 square feet of retail space. Separately, these uses would require a minimum of 227 parking spaces. However, using the shared parking calculation they only require 171 spaces.
2. The largest number, 171, is the number of parking spaces required. This example is a 25 percent reduction compared to individual calculations.

**9. Site Access.**

- a. Driveway entrances and exits to parking lots shall be located a minimum of seventy (70) feet from centerlines of intersecting streets to prevent hazards in the street and impeding the flow of traffic in the parking lot.
- b. Entrances shall be designed to allow vehicles entering the site to be stored to prevent backup on the adjacent street.
- c. Parking lot entrances and exits shall be consolidated, when possible, to limit the number of access points to the site.
- d. In instances where parking areas are one hundred (100) feet or wider, the parking lot entrance shall be a minimum of fifty (50) feet from the nearest existing access drive.
- e. Where feasible cross access between two adjoining properties that have a commercial use shall be provided.

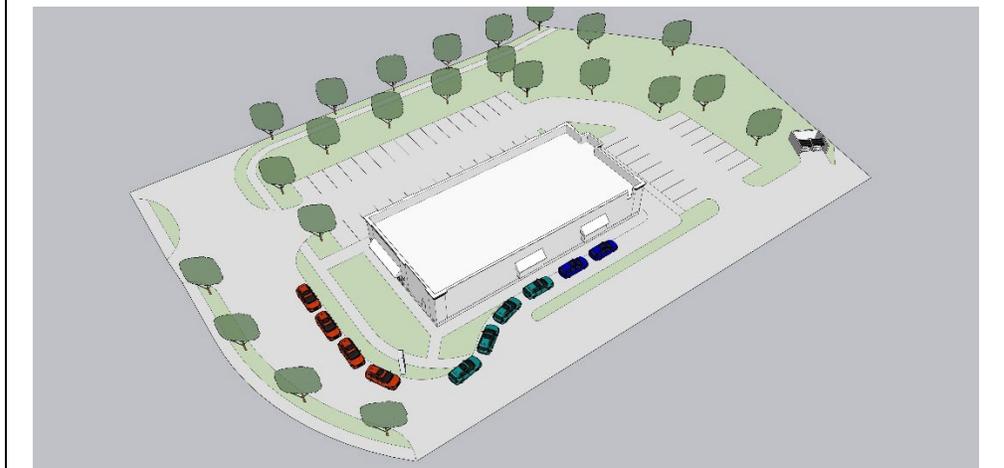
**10. Off-Street Loading.**

- a. *General Regulations.*
  - 1) All required off-street loading facilities which serve a structure or use that has been erected, altered, enlarged, or intensified after the effective date of this UDC shall be located on the same lot as the structure or use of land to be served.
  - 2) All required off-street loading facilities shall be located according to front, side, or rear yard requirements of the principal structure or use which it serves.
  - 3) Off-street loading facilities shall be located in a manner to prevent vehicle maneuvering in or blockage of rights-of-way.
- b. *Required Number of Parking Spaces.* All nonresidential uses having at least ten thousand (10,000) square feet of gross floor area shall provide and maintain off-street facilities for the loading and unloading of merchandise and goods within the building or on the lot adjacent to a private service drive. Where such loading space is located adjacent to a residential district, the space shall be enclosed on three sides. Loading spaces shall be provided in accordance with the table below.

Table 4-6, Required Loading Spaces for Nonresidential Uses	
Square Feet of Gross Floor Area	Minimum Required Spaces
0 to 10,000	None
10,000 to 50,000	1
50,000 to 100,000	2
100,000 to 200,000	3
Each additional 100,000	1 additional

11. **Stacking Space Requirements.** All non-residential uses shall provide stacking spaces for vehicles at drive-up and drive-through facilities consistent with the following requirements.
- a. *Dimensions.* Each stacking space shall have a minimum dimension of twenty (20) feet in length by ten (10) feet in width.
  - b. *On-Site Parking Areas.* The location of stacking spaces shall avoid interference with on-site parking areas. The lane(s) containing the stacking spaces shall be separate and distinct from other access drives and maneuvering lanes for parking spaces.
  - c. *Pedestrians.* Pedestrian walkways should not pass through a stacking space area unless there is no alternative. Pedestrian walkways shall be clearly marked through pavement striping or a stamped pattern or texture.
  - d. *Required Number of Spaces.* Uses that include drive-through service or a car wash shall not have fewer than the following number of stacking spaces:
    - 1) *Drive-Through Restaurants.*
      - a) If two (2) service windows are provided (one for payments and one for pick-up):
        - 1) Four (4) stacking spaces to each menu board;
        - 2) Four (4) stacking spaces between the menu board and the first window (including the position at the first window); and
        - 3) Two (2) spaces between the first window and the second window (including the position at the second window).
      - b) If one (1) service window is provided (for both payments and pick-up):
        - 1) Six (6) stacking spaces to each menu board; and
        - 2) Five (5) stacking spaces between the menu board and the service window.
    - 2) *Car Wash:* Two (2) stacking spaces per drive-through station;
    - 3) *Other Commercial Uses:* Three (3) stacking spaces per drive-through station.
    - 4) *Stacking Requirement Graphic:* An illustrative graphic which shows the requirements for a drive-through restaurant with two (2) service windows as described in Sec. 4-A-11-d-1-a is shown below in Figure 4-3, *Stacking Requirements*.

Figure 4-3, Stacking Requirements



e. *Design.*

- 1) Stacking lanes shall be clearly marked and shall not interfere with on-site or off-site traffic circulation.
- 2) Stacking areas shall not be located between the façade of a building and the public street upon which the building fronts.
- 3) Stacking lanes shall be designed with an abutting eight (8) foot wide bypass lane.

12. **Commercially Licensed Vehicles in the SB, SU, and RO Districts.** No Class A or Class B commercially licensed vehicle requiring a commercial driver's license (CDL) to operate shall be parked or stored within the SB, SU, or RO Districts except when the vehicle is:

- a. Parked within an enclosed private garage;
- b. Delivering or receiving property on the premise;
- c. Rendering services to persons occupying the premise; or
- d. Located in an area within the RO District where the land uses of grocery or personal services are permitted with use standards as set out in Chapter 3 of this UDC.

13. **Recreational Residential Equipment in SB, SU, and RO Districts.** The storage of travel trailers, motor homes, pick-up campers, folding tent trailers, boats or boat trailers and similar recreational residential equipment shall be subject to the following requirements:

- a. No more than two pieces of recreational residential equipment shall be stored on a piece of property within the SB, SU, or RO Districts.
- b. Recreational residential equipment shall not be occupied or used for sleeping, housekeeping or business purposes within the SB, SU, or RO Districts.

**B. Landscaping, Buffering, and Screening**

1. **Purpose.** The purposes of the landscaping, buffering, and screening regulations are to:
  - a. Provide a proper utilization of landscaping as a screen or buffer between particular land uses;

- b. Increase compatibility between neighboring land uses; and
- c. Minimize noise, air and/or visual pollution and artificial light glare.

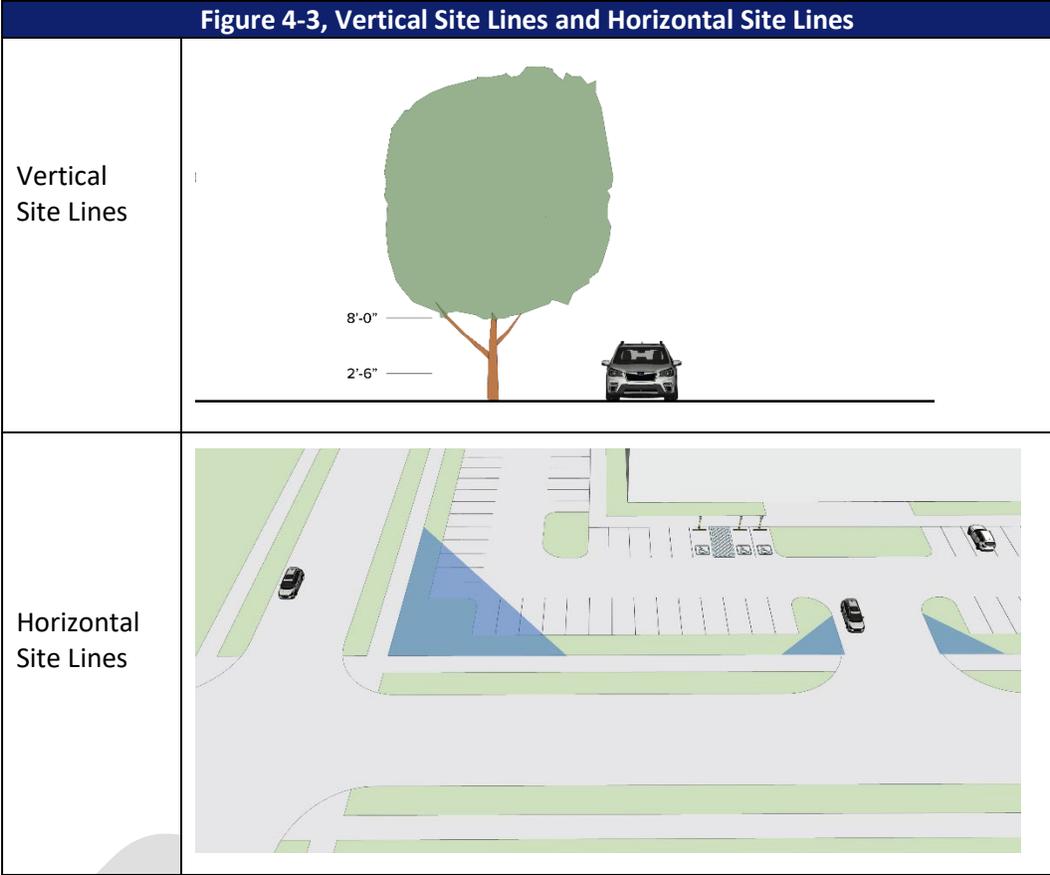
**2. Applicability.**

- a. *All Zoning Districts.* The standards of this Sec. 4-B apply to all Chillicothe zoning districts unless otherwise stated.
- b. *Compliance Required.* A site shall be brought into compliance with the standards established in this Sec. 4-B when either of the following occurs:
  - 1) The primary use of the parcel changes; and
  - 2) The impervious surface coverage of the lot increases by more than twenty percent (20%).
- c. *Natural Vegetation to Maintained.* When preparing and reviewing site and/or development plans, preliminary plans, and final plans, a 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.

**3. Landscape Design.**

- a. *Generally.* Plantings may be clustered or staggered for variety and a natural appearance or may be spaced in equal increments for a more formal appearance. In most circumstances, plant grouping is encouraged to provide a more naturalistic landscape appearance. The landscape design should make use of plant clusters to block undesirable views, glaring lights, etc.
- b. *Easements.* Landscape material shall not be planted in rights-of-way without permission from the City or in easements without the permission from the easement holder. A tree canopy may project over a right of way or easement.
- c. *Projections into the Right-of-Way.* Landscape materials shall be located to avoid interference with vehicle and pedestrian movement. Specifically, plant materials shall not project into sidewalks, pedestrian paths, trails, and the like below a height of seven (7) feet. Plant material shall not project over street curbs or pavement within rights-of-way or access easements below a height of fourteen (14) feet.

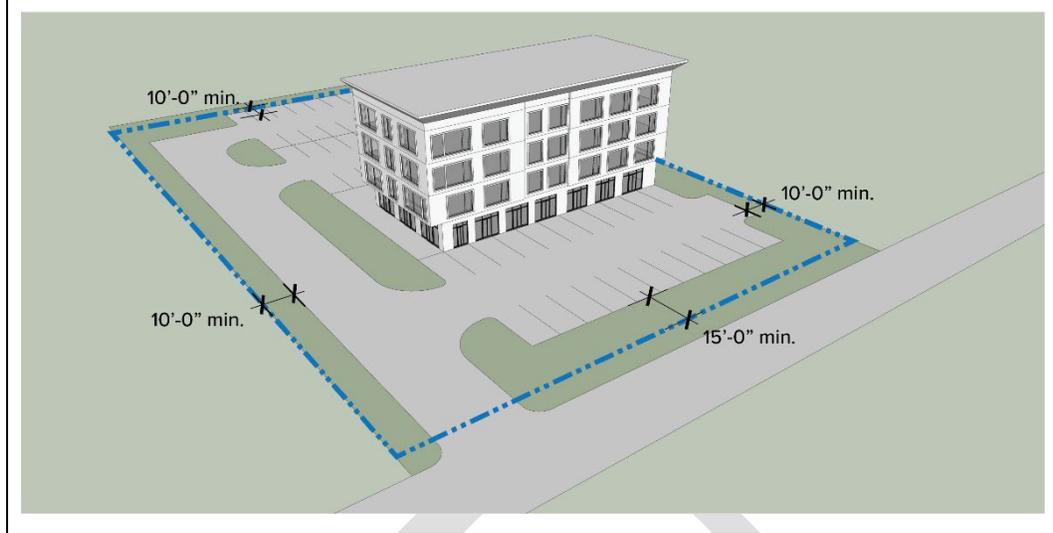
- 4. Visual Clearance on Corner Lots.** No fence, wall, hedge, tree, shrub, sign, or other object which obstructs site lines and elevations between two and one-half (2½) and eight (8) feet above the street shall be placed, planted, or permitted to remain on any corner lot within the triangular area formed by the street right-of-way lines and a line connecting points thirty-five (35) feet from the intersection of said street lines, or in the case of a rounded property corner, from the intersection of the street right-of-way lines extended. The same site line limitations as stated in this section shall apply to any area within ten (10) feet of the intersection of a street right-of-way line with the edge of any driveway pavement or alley line. See Figure 4-3, *Vertical Site Lines and Horizontal Site Lines.*



**5. Parking Lot Landscaping.**

- a. *Perimeter Landscaping Area.* All parking lots shall be surrounded by a minimum of a ten (10) foot wide perimeter landscaping area and separated from all planned and existing public right-of-way. The perimeter landscaping width shall be a minimum of fifteen (15) feet for all front yards. See Figure 4-4, *Parking Lot Landscaping.*

**Figure 4-4, Parking Lot Landscaping**



- b. *Driveway Crossing.* A driveway entrance that complies with this Section may cross a perimeter landscaping area; however, the width of the driveway may not be subtracted from the length of the perimeter landscaped area for the purpose of determining landscaping requirements.
- c. *Adjacent to Residential Zoning.* Where adjacent to a residentially zoned parcel, the perimeter landscaping around a parking lot shall consist of a bufferyard consistent with *Table 4-8, Bufferyard Types,* and *Table 4-9, Bufferyard Required.*
- d. *Interior Parking Areas.* In addition to the perimeter landscaping required above, parking areas of twenty (20) or more spaces shall provide maintained landscaped areas on the interior of such parking areas, which shall comprise, at a minimum, five percent (5%) of the total parking area.

**6. Development Landscaping.**

- 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. *Foundation Landscaping.*
  - 1) *Applicability.* This provision applies to all primary structures.
  - 2) *Plantings Required.* The number of shrubs or ornamental trees listed below, in *Table 4-7, Minimum Foundation Landscaping,* are required in addition to landscape materials that may be required by parking lot planting, screening, and bufferyard planting specified in other parts of this Section.

**Table 4-7, Minimum Foundation Landscaping**

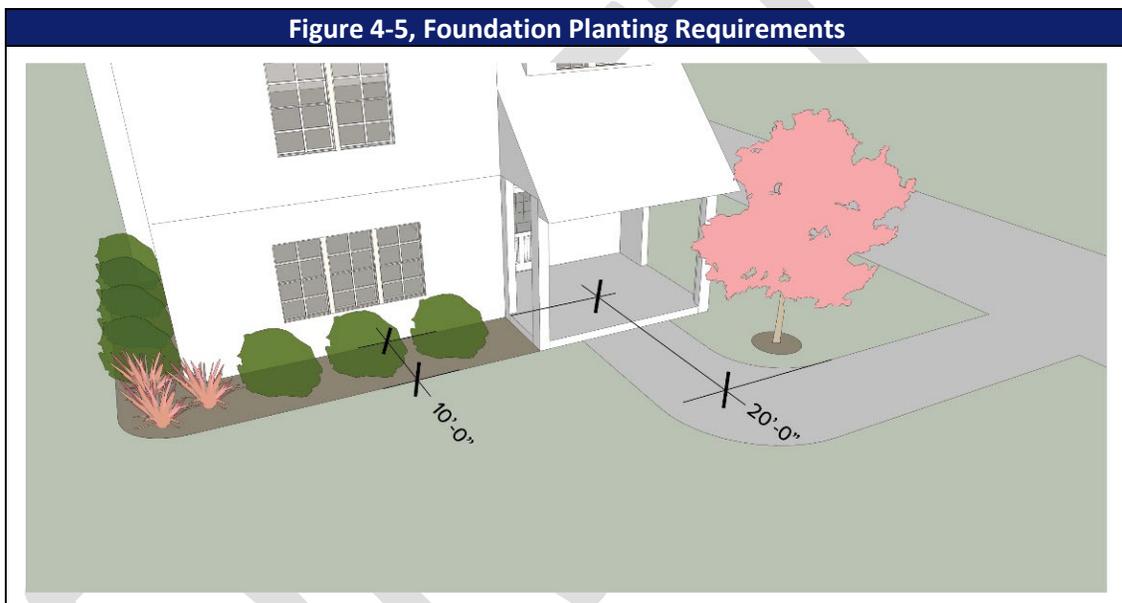
Frontage Street Pavement Width	Front Facades	Side & Rear Facades
Eighty (80) feet or less	Three (3) shrubs	One (1) shrub or ornamental tree per every thirty (30) lineal feet

Table 4-7, Minimum Foundation Landscaping		
Frontage Street Pavement Width	Front Facades	Side & Rear Facades
More than eighty (80) feet	One (1) shrub or ornamental tree per every twenty (20) lineal feet	One (1) shrub or ornamental tree per every forty (40) lineal feet

3) *Placement.* Foundation plantings shall be planted along all four (4) sides of the foundation (excluding drive-throughs, loading docks, and the front door) and be located as follows (See Figure 4-5, *Foundation Planting Requirements*).

a) *Shrubs.* Within ten (10) feet of the foundation.

b) *Ornamental Trees.* Within twenty (20) feet of the foundation.



## 7. Screening.

- a. *Districts.* In the MD, GC, DE, LI, and GI Districts, if the side or rear yards are located adjacent to an existing residence or any district where residential dwelling units are permitted uses, landscaping and screening of those yards must occur. Screening and buffering shall consist of walls, landscaped earthen mounds, fences, natural vegetation, or an acceptable combination of these elements as determined by the Administrator.
- b. *Dimensions.* Such areas shall be a minimum of ten (10) feet wide and contain screening at least seven (7) feet in height at the time of planting except as required by Sec. 4-B-5, *Parking Lot Landscaping*, of this UDC. The use of year-round vegetation, such as pines or evergreens, and non-invasive species is encouraged. Landscaped screening shall have at least seventy-five percent (75%) opacity during full foliage.
- c. *Dumpsters, Recycling and Similar Containers.* Dumpsters, recycling and other containers shall be screened by a six (6) foot-tall, one hundred percent (100%) opaque fence of wood, vinyl, brick, or stone construction, and shall be completely enclosed. Opaque, six (6) foot tall gates shall be provided to access the containers. The gates shall remain

closed, except when immediate access to the area is required. Such enclosures shall not be located between public streets and the primary structure. See Figure 4-6, *Dumpster or Recycling Container*.

**Figure 4-6, Dumpster or Recycling Container**



d. *Mechanical Equipment*. Ground level mechanical equipment in the front yard is discouraged. If unavoidable, front yard locations for mechanical equipment and air conditioning compressors, shall be screened by a masonry wall erected around the front and sides of the equipment, which is at least one (1) foot taller than the equipment. The wall shall leave access to the equipment from the rear. In addition, there shall be a mix of evergreen shrubs, evergreen trees, and/or ornamental trees, in a planting bed extending a minimum of five (5) feet in all directions from the equipment. Landscape plantings shall also leave access to the mechanical equipment from the rear.

8. **Bufferyards**. The following bufferyards requirements shall apply to all zoning districts:

a. *Responsibility*. The developer or owner of the subject property is required to install and maintain a bufferyard on their own parcel as it develops or redevelops when the adjacent parcel is already developed. If the adjacent parcel is undeveloped, a bufferyard is not required on the subject property.

b. *More Intensive Bufferyard May Apply*. If a subject property develops or redevelops under a zoning district where an existing buffer on an adjacent property no longer meets the bufferyard requirement, the subject property shall install a new buffer on their property that meets the more intensive bufferyard requirement.

c. *Bufferyards*. Bufferyards shall be located along the lot's outside perimeter, parallel to and extending along one hundred percent (100%) of side and rear property lines, as indicated in Table 4-9, *Bufferyard Required*. Bufferyard widths are in addition to required setbacks. Bufferyards shall not be placed in the public right-of-way.

d. *Use and Possession*.

1) *Water or Drainage Areas*. Bufferyards may contain natural water amenities or areas established for drainage if planting requirements are still satisfied.

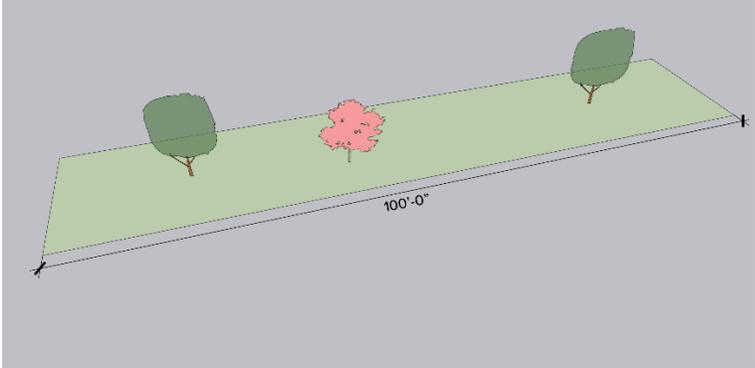
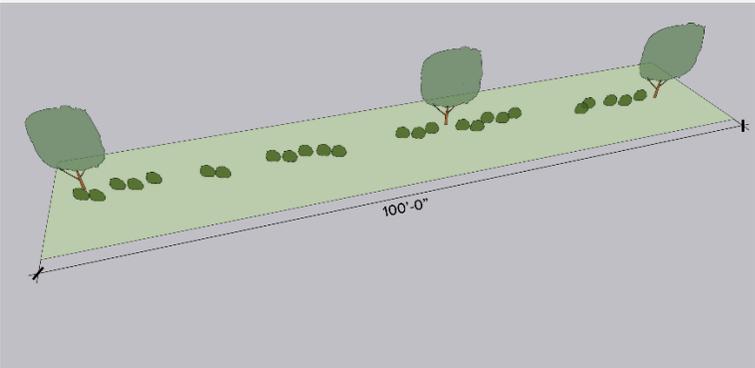
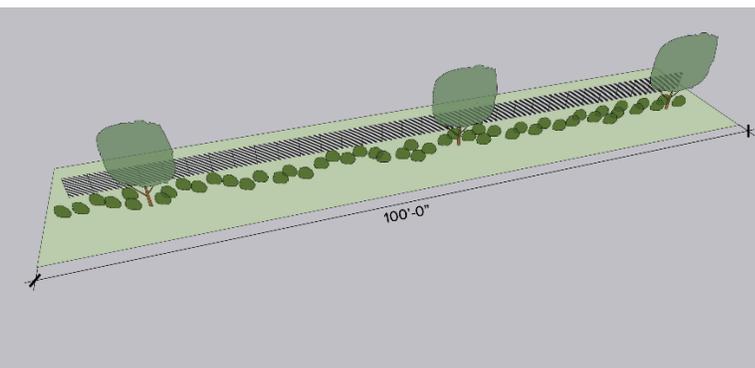
- 2) *Parking and Loading Areas.* Neither parking nor loading is allowed within any required bufferyard area.
  - 3) *Overlap with Easements.* Bufferyards may overlap with drainage and utility easements, but required plantings shall not be placed within the actual drainage and utility easements.
  - 4) *Recreational Use.* Bufferyards may be used for passive recreation. A bufferyard may contain pedestrian or bicycle trails. Provided that the total width of the bufferyard is not reduced, and all other regulations of this UDC are met. In no event, however, shall permanent structures be permitted in bufferyards.
  - 5) *Ownership of Bufferyards.* Bufferyards may remain in the ownership of the original developer and may be subjected to deed restrictions. A bufferyard may subsequently be freely conveyed or transferred to an adjoining landowner, homeowners' association or a park, open space, or conservation group provided that the Administrator finds that such conveyance adequately guarantees the protection of the bufferyard for the purposes of this UDC.
- e. *Plant Arrangement.* Plant material shall be installed within the bufferyard such that views between properties, noise, and other impacts from conflicting land uses are disrupted.
  - f. *Substitution for Pre-Existing Trees.* The Administrator may lessen the requirements of the bufferyard standards by twenty percent (20%) due to unique site conditions or features that prevent the appropriate and healthy installation of the trees. These site conditions or features may include existing vegetation, such as pre-existing trees, that exceed the bufferyard requirements in size and quantity or topography that shields the adjacent property in a more thorough way than the bufferyard requirements.
  - g. *Side and Rear Buffers.* Bufferyards shall be provided in all required side and rear yards, between uses in accordance with Table 4-8, *Bufferyard Types*, and Table 4-9, *Bufferyard Required*, below. If the incoming use borders a jurisdiction outside of the corporate limits of Chillicothe, the bufferyard used shall be based on the current land use in that adjacent jurisdiction.
  - h. *Fences and Walls in Bufferyards.* Fences and walls shall be a minimum of six (6) feet tall and opaque. Fences shall be constructed of wood or vinyl. Walls shall be brick or stone construction. Any fence or wall shall be located at least fifteen (15) feet from the property line, and the required landscaping shall be planted between the fence and the property line.
  - i. *Berms in Bufferyards.* Berms shall be constructed of earth and must be completely contained inside the bufferyard. The slope of the berm must be completely on the subject property, and the base must be at least three (3) feet from the property line. A berm shall not exceed five (5) feet at its peak. No berm shall have slopes in excess of three horizontal units to one vertical unit (3:1 slope). Required landscaping may be planted on the berm.

Table 4-8, Bufferyard Types		
Type	Minimum Buffer Width	Landscaping Required per 100 Linear Feet
<b>1 – Light Buffer</b>	Setback + 5'	2 shade trees + 1 ornamental <u>or</u> 1 evergreen trees
<b>2 – Medium Buffer</b>	Setback +7.5'	3 shade trees + 2 evergreen trees <u>or</u> 10 shrubs
<b>3 – Heavy Buffer</b>	Setback +15'	3 shade trees + 6' tall opaque screen (fence or wall) <u>or</u> 3' tall berm + 20 shrubs <u>or</u> 3 evergreen trees

Table 4-9, Bufferyard Required												
Zoning Districts		Subject Property										
		SB	SU	MH	MD	RO	CI	DE	MU	GC	LI	GI
Adjacent Property	<b>SB</b>	--	--	--	--	--	2	2	1	2	3	3
	<b>SU</b>	--	--	--	--	--	2	2	1	2	3	3
	<b>MH</b>	--	--	--	--	--	2	2	1	2	3	3
	<b>MD</b>	--	--	--	--	--	2	2	1	2	3	3
	<b>RO</b>	--	--	--	--	--	2	2	1	2	3	3
	<b>CI</b>	2	2	2	2	2	--	1	1	1	3	3
	<b>DE</b>	2	2	2	2	2	1	--	--	2	3	3
	<b>MU</b>	1	1	1	1	1	1	--	--	2	3	3
	<b>GC</b>	2	3	3	3	3	1	2	2	--	2	2
	<b>LI</b>	2	3	3	3	3	3	3	3	2	--	2
	<b>GI</b>	2	3	3	3	3	3	3	3	2	2	--

- j. *Examples of Bufferyard Types.* Set out in Figure 4-7, *Example of Bufferyard Types*, are the illustrative examples of the different bufferyard types.

Figure 4-7, Example of Bufferyard Types

Bufferyard Type	Illustrative Example
Light	
Medium	
Heavy	

9. **Fencing.**

- a. *Height and Location.* The permitted height of a fence or wall shall be determined by its location on the property as follows:
- 1) 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.
  - 2) A decorative fence or wall not exceeding forty-eight inches (48") in height may be erected within the front yard of any SB, SU, MH, MD, and RO District provided that the following conditions are met:

- a) The fence or hedge is located not less than three (3) feet from the street right-of-way line, and
    - b) Such decorative fence shall not consist of discarded wood or debris.
  - b. *Setback.* In any district not listed in Sec. 4-B-9-a-2, 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.
  - c. *Prohibited Fences.* In any SB, SU, MH, MD, and RO 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 with barbed wire, razor wire, or other exposed cutting points or edges.
  - d. *Fence Permit.* Fence permits are required pursuant to Sec. 1311.01, *Building Permits, of the Codified Ordinances*
10. **Materials.** Landscape materials utilized in meeting requirements of this Sec. 4-B shall 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.
  - b. *Suitable Tree Species.* Pursuant to Section 907.06 of the Codified Ordinances, the list of trees suitable for planting, as approved by the Chillicothe Tree Commission, shall be utilized in meeting the planting and maintenance requirements of this UDC.
  - 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 the requirements of this chapter 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.
11. **Maintenance.**
- a. *Generally.* Plants and other landscape material shall be maintained to match the approved landscaping requirements of the approved development plan (See Sec. 7-C-

11, *Planned Unit Development*) and shall use landscape industry best practices for trimming, mulching, fertilizing, watering and treatment against disease and pests.

- b. *Responsibility.* The owner of the property shall be responsible for the continuous proper maintenance of all required landscaping materials and shall keep them free from refuse and debris and in a healthy, growing condition at all times.
- c. *Inspection.* A site is subject to landscape inspection by the Administrator at the time of installation and at any time in the future, to confirm the accuracy of the installation, the health of plant materials and the maintenance of the approved landscape portion of a development plan. See Sec. 7-C-11, *Planned Unit Development*.

**C. Signs.**

1. **Purpose.** The purpose of this section is to:

- a. Regulate the size, color, illumination, movement, materials, location, height, and condition of all signs placed on private property for exterior observation, thus ensuring the protection of property values, the character of the various neighborhoods, the creation of a convenient, attractive and harmonious community, and encourage economic development;
- b. Provide sufficient communication through signage while encouraging aesthetic quality in the design, location, size, and purpose of all signs;
- c. Provide legible and appropriate to signage that is not distracting to motorists, and is constructed and maintained in a structurally sound and attractive condition; and
- d. Promote signage that is compatible with the use of the property for which it is located.

2. **Applicability.**

- a. This section must be interpreted in a manner consistent with the First Amendment guarantee of free speech while also ensuring that this section is consistent with U.S. Supreme Court cases relating to not regulating content and allowing for the regulation of off-premise signage regulation.
- b. A sign placed on land or on a building for the purpose of identification, protection or directing persons to a use conducted within the building shall be deemed to be an integral but accessory and subordinate part of the principal use of the land or the building.

3. **General Sign Provisions.**

- a. *Interference with Public Safety.* A sign shall not be placed or designed in any way to interfere with, obstruct the view of, or be confused with any authorized traffic signs, signal, or device, or constitute a public nuisance.
- b. *Signs Subject to More than One Classification.* Except as hereinafter provided, where a sign is subject to more than one classification, all regulations governing the various classifications to which the sign is subject shall be applicable.
- c. *Existing Signs.*

- 1) No sign or billboard erected before this ordinance was in effect shall be repaired or altered unless it be brought into compliance with the requirements of this chapter. This section shall not prevent repairing or restoring to a safe condition any part of the structural supports of any sign or minor alterations of copy or maintenance operations performed thereon.
  - 2) Any sign or billboard or any substantial part thereof now existing and which for any reason or purpose is blown down, destroyed, taken down or removed, shall not be re-erected, reconstructed, rebuilt or relocated unless it shall be made to comply with this chapter and the proper permits obtained.
- d. *Relocation.* If an existing sign is moved and erected on the same premises for which the original permit was issued, no further permit shall be required, but the sign when erected must conform to the provisions of this chapter governing erection and construction of signs. If moved to a new location, it shall be classed as a new sign and shall conform to all the rules governing this type of sign and a new permit shall be obtained.
- e. *Attachment.* Light poles, utility poles, or another supporting member of a building or property cannot be used for the placement of any sign unless the owner of the pole or supporting member has given permission for such use and the sign conforms to all requirements of this section. Said signs may be removed and discarded by the City without notice.
- f. *Materials and Construction.* All signs should be made of highly durable products including but not limited to brass, aluminum, metal, vinyl, or finished nonrusting metal.
- g. *Permits for Signage.* A permit is required to erect, replace, or alter (in a manner that does not include the allowances for maintenance in Sec. 4-C-8, *Maintenance of Signs*) a sign or sign structure that is not exempted from this UDC.
- h. *Measurement of Signs.* For the purposes of this Section, the measurement of sign area shall comply with the following standards:
- 1) 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.
  - 2) 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
  - 3) 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.
  - 4) For multifaceted signs, the area of all display faces shall be included in determining the area of the sign.
  - 5) 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.

- 6) The height of the sign shall be measured from the average (mean) elevation of the ground within fifty (50) feet in any direction from the point which the base of the sign meets the ground, to the highest point on the sign.

**4. Prohibited Signage.**

- a. *General.* Signs that are not specifically permitted in this Chapter shall be considered prohibited.
  - b. *Obstructive Signs.* Any sign or sign element that obstructs any part of a doorway, exit, fire escape, or access route are prohibited.
  - c. *Use of Right-of-Way Prohibited.* No sign shall be placed in any public or railroad right-of-way, except publicly owned signs used for an official government function (such as welcome signs, traffic-control signs, and directional signs). Any sign affixed to any utility pole, tree, traffic control signal or sign, public bench, or otherwise located within the street right-of-way is prohibited. Signage during the election period is included within this right-of-way prohibition. See Section 313.07, *Unauthorized Signs and Signals, Hiding from View, Advertising*, of the Codified Ordinances. Signs projecting closer than one (1) foot to the curbline are prohibited.
  - d. *Offensive Signs.* Sign content shall not contain language or symbols that are offensive to the morals of the general community.
  - e. *Off-Premises Signs.* Off-premises signs are prohibited.
  - f. *Plastic Signs.* Plastic signs are prohibited except as otherwise provided within this UDC.
  - g. *Flashing, Movement, and Sound.* All signs having intermittent or flashing illumination, animated or moving parts, rotating or simulating movement by any means of fluttering, spinning of reflection devices, or that emit sound are prohibited. Signs which move or contain elements that are animated to give the perception of movement and which are located within ten (10) feet of the right-of-way of any street or roadway are prohibited.
  - h. *Outline Lighting.* Signs with outline lighting are prohibited except as otherwise provided.
  - i. *Poor Construction Signs.* No permanent signs can be painted or printed on paper, muslin, or other fabric, shall be extended over public property or posted, tacked, or otherwise secured to any exterior surface of the buildings or other structures, fences, posts, poles, trees, or the surfaces of other fixed objects.
  - j. *Signage on Pedestrian Amenities.* All signage located on pedestrian amenities such as benches and chairs are prohibited.
  - k. *Other Prohibited Signs.* All banners, pennants, streamers, balloons, search lights, strobe lights, beacons, inflatable signs, and costumed characters are prohibited except as otherwise provided in this UDC.
5. **Exempt Signs.** The following signs are exempt from the provisions of this section of the UDC except Chapter 9, *Enforcement*, and do not require a permit.

- a. *Government Signage.* These regulations do not apply to signs erected, maintained or otherwise posted, owned or leased by this State, the federal government or the City.
  - b. *Street Address.* Signs not exceeding two (2) square feet in area that are customarily associated with residential use and are not of a commercial nature, including but not limited to 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.
  - c. *Flags with Non-Commercial Message.* Flags with non-commercial messages, including flags of any country, state, unit of local government, institution of higher learning, or similar institutional flags.
  - d. *Historical Building Signs.* Names of buildings, date of erection, monumental citations, commemorative tables, and the like when carved into stone, concrete, or similar material or made of bronze, aluminum, or other permanent type construction not to exceed nine (9) square feet. No commercial messages or logos are permitted on such signs.
  - e. *Interior Signage.* Signs erected within any building whether visible to the public or otherwise.
  - f. *Decals.* 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.
  - g. *Directional and Safety Signs.* Public and private signs of a non-commercial nature and in the public interest or erected by or on the order of public officer(s) in the performance of public duty (such as signs to promote safety, no trespassing and memorial and historic signs.
6. **Exceptions During Election Period.** The standards for maximum size and maximum number of signs contained in this Sec. 4-C do not apply to any sign that does not exceed thirty-two (32) square feet prior to any federal, state, school district, local government, and any special election as provided by law.
7. **Murals.**
- a. *Generally.* Any and all paintings on a wall, regardless of whether or not the intent is to advertise or not, shall be considered a mural. Murals require a sign permit; however the City has limited review in permitting.
  - b. *Approval Criteria.* Approving or denying a proposed sign permit considered to be a mural shall be limited to ensuring that the proposed mural is not an obscenity.
8. **Maintenance of Signs.**
- a. *Routine Maintenance.*
    - 1) Routine maintenance does not require a permit.
    - 2) All signs shall be maintained free of peeling paint or paper, sun fading, staining, rust, faded or worn letters, or other conditions that impair the legibility of such signs.

- 3) The premises on which ground signs are erected shall be kept free of all debris, long grass, and weeds by the owner of the sign.
- b. *Public Hazard.* Any signs permitted by the provisions of this article, including all supports, braces, guys, and anchors, must be maintained in conformance with this article and in such a manner as not to cause a hazard to the public. Notwithstanding the provisions of this chapter, 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.

**9. Permits for Signage.**

- a. *Permit Required for Permanent Signage.* A permit is required to erect, replace, or alter (in a manner that does not include the allowances for maintenance in Sec. 4-C-8, *Maintenance of Signs*) a permanent sign or permanent sign structure. See Sec. 1311.01, *Building Permits*.
- b. *Permit Not Required for Temporary Signage.* Temporary sign types as shown in Table 4-19, *Temporary A-Frame Signs* – Table 4-23, *Temporary Yard Signs* do not require a permit. Compliance with all requirements of this UDC is, however, required. Violations for temporary signage shall be enforced along with permanent signage in accordance with Chapter 10, *Enforcement*.
- c. *Procedures to Obtain a Permit for Signage.* See Sec. See Sec. 1311.01, *Building Permits*, for the process of obtaining a permit.

**10. Permanent Signs by Zoning District.**

- a. *Permitted Sign Matrix.* Table 4-10, *Permitted Permanent Sign Matrix*, shows what signs are permitted in each zoning district provided that all of the standards of this Sec. 4-C, *Signs*, are also met and a valid permit is issued.

<b>Table 4-10, Permitted Permanent Sign Matrix</b>											
<b>Sign Type</b>	<b>Zoning District</b>										
	<b>SB</b>	<b>SU</b>	<b>MH</b>	<b>MD</b>	<b>RO</b>	<b>CI</b>	<b>DE</b>	<b>MU</b>	<b>GC</b>	<b>LI</b>	<b>GI</b>
Canopy Signs	--	--	--	--	--	P	P	P	P	P	P
Directional Signs	--	--	--	P	P	P	P	P	P	P	P
Monument Signs	P	P	P	P	P	P	P	P	P	P	P
Pole Signs <sup>1</sup>	--	--	--	--	--	--	--	--	P	P	P
Projecting Signs	--	--	--	--	--	P	P	P	P	P	P
Wall Signs	--	--	--	P	P	P	P	P	P	P	P
Window Signs	--	--	--	--	P	P	P	P	P	P	P

Notes: P = Permitted; -- = Prohibited

1. Pole signs shall only be permitted on a parcel of property when either a monument sign has not already been installed on the property or the monument sign has been removed.

11. Canopy Signs.

- a. *Sign Standards.* Table 4-11, *Canopy Signs*, shows the limitations for canopy signs within each zoning district.

Table 4-11, Canopy Signs			
			
Zoning District	Maximum Number	Maximum Sign Area	Maximum Height
Suburban Residential (SB)	Prohibited Sign Type		
Semi-Urban Residential (SU)			
Manufactured Home Park Residential District (MH)			
Multi-Dwelling Residential (MD)			
Residential Office District (RO)			
Civic and Institutional (CI)	1 per face of the awning, canopy, or marquee	65% of side faces of awning, canopy, or marquee and 40% of front face of awning, canopy, or marquee	Shall not extend above the bottom of the 2 <sup>nd</sup> -floor windowsill
Downtown Enterprise (DE)			
Mixed Use (MU)			
General Commercial (GC)			
Light Industrial (LI)			
General Industrial (GI)			

- b. *Ground Clearance.* Awnings, canopies, and marquees extending over the public right-of-way must have at least eight (8) feet of clearance between the bottom of the sign and the sidewalk.

**12. Directional Signs.**

- a. *Sign Standards.* Table 4-12, *Directional Signs*, shows the limitations for directional signs within each zoning district.

Table 4-12, Directional Signs		
		
Zoning District	Maximum Number	Maximum Sign Area
Suburban Residential (SB)	Prohibited Sign Type	
Semi-Urban Residential (SU)		
Manufactured Home Park Residential District (MH)		
Multi-Dwelling Residential (MD)	2 per property	4 square feet per sign
Residential Office District (RO)		
Civic and Institutional (CI)		12 square feet per sign
Downtown Enterprise (DE)		
Mixed Use (MU)		
General Commercial (GC)		
Light Industrial (LI)		
General Industrial (GI)		

- b. *Internal Traffic.* For properties containing two (2) or more non-residential buildings, additional signage may be installed for the purpose of directing traffic, in addition to other allowed signs.

**13. Monument Signs.**

- a. *Sign Standards.* Table 4-13, *Monument Signs*, shows the limitations for monument signs within each zoning district.

Table 4-13, Monument Signs



Zoning District	Maximum Number	Maximum Sign Area	Maximum Height
Suburban Residential (SB) <sup>1</sup>	1 per entrance, maximum of 2	25 square feet per sign	5 feet
Semi-Urban Residential (SU) <sup>1</sup>			
Manufactured Home Park Residential District (MH) <sup>1</sup>			
Multi-Dwelling Residential (MD) <sup>2</sup>			
Residential Office District (RO) <sup>1</sup>	1	16 square feet	4 feet
Civic and Institutional (CI)	1	36 square feet	6 feet
Downtown Enterprise (DE)			
Mixed Use (MU)			
General Commercial (GC)			
Light Industrial (LI)			
General Industrial (GI)			
Notes:			
1. Permitted as a subdivision sign.			
2. Permitted as a multi-family sign.			

- b. *Minimum Front Setback.* No portion of a monument sign can encroach into the public ROW.
- c. *Minimum Side Setback.* All monument signs shall have a minimum side setback of five (5) feet.
- d. *Permanent Subdivision Signs.* Permanent subdivision signs are permitted as monument signs in the SB, SU, MH, and RO zoning districts, provided the following standards are met:
  - 1) The signs shall identify only the name of the subdivision;
  - 2) The signs shall be part of a decorative sign structure made of wood, brick, stone, or masonry with an overall design compatible with the character of the neighborhood;

- 3) The signs may be illuminated only externally from below and in a manner so that the light, reflection, or glare does not travel onto adjoining premises or streets;
  - 4) The signs shall be no closer than ten (10) feet to any street right-of-way; and
  - 5) Provisions shall be made in the subdivision covenants for permanent maintenance of the sign and of the surrounding area, even if the area has been dedicated to public use. If not properly maintained, the city may remove the sign at the expense of those bound by the covenants to maintain the sign and surrounding area, and its relocation made only with the approval of the Planning Commission.
- e. *Multi-Dwelling Development Signs.* Multi-Dwelling development signs are permitted in the MD zoning district, provided that the following standards are met:
- 1) The signs shall identify only the name of the multi-dwelling development;
  - 2) The signs shall be monument signs and part of a decorative sign structure made of wood, brick, stone, or masonry with an overall design compatible with the colors and materials used in the multi-dwelling residential buildings;
  - 3) The signs may be illuminated only externally from below and in a manner so that the light reflection, or glare does not travel onto adjoining premises or streets; and
  - 4) The signs shall be no closer than ten (10) feet to any street right-of-way.

**14. Pole Signs.**

- a. *Sign Standards.* Table 4-14, *Pole Signs*, shows the limitations for pole signs within each zoning district.

**Table 4-14, Pole Signs**



Zoning District	Maximum Number	Maximum Sign Area	Maximum Height
Suburban Residential (SB)	Prohibited Sign Type		
Semi-Urban Residential (SU)			
Manufactured Home Park Residential District (MH)			
Multi-Dwelling Residential (MD)			
Residential Office District (RO)			
Civic and Institutional (CI)			
Downtown Enterprise (DE)			
Mixed Use (MU)			
General Commercial (GC)			
Light Industrial (LI)	1	64 square feet	16 feet
General Industrial (GI)			

b. *Alternative to Monument Sign.* Pole signs will be permitted as shown in Table 4-14, *Pole Signs*, as an alternative to a monument sign. A pole sign and a monument sign will not be permitted on the same lot.

c. *Minimum Setback.* No portion of a pole sign can encroach or project into the public ROW.

**15. Projecting Signs.**

a. *Sign Standards.* Table 4-15, *Projecting Signs*, shows the limitations for projecting signs within each zoning district.

**Table 4-15, Projecting Signs**



Zoning District	Maximum Number	Maximum Sign Area	Maximum Projection
Suburban Residential (SB)	Prohibited Sign Type	Prohibited Sign Type	Prohibited Sign Type
Semi-Urban Residential (SU)			
Manufactured Home Park Residential District (MH)			
Multi-Dwelling Residential (MD)			
Residential Office District (RO)			
Civic and Institutional (CI)			
Downtown Enterprise (DE)	1	12 square feet	4 feet
Mixed Use (MU)			
General Commercial (GC)			
Light Industrial (LI)			
General Industrial (GI)			

- b. *Ground Clearance.* Projecting signs extending over the public right-of-way must have at least eight (8) feet of clearance between the bottom of the sign and the sidewalk.
- c. *Separation.* At least twenty (20) feet of separation is required between projecting signs.

**16. Wall Signs.**

- a. *Sign Standards.* Table 4-16, *Wall Signs*, shows the limitations for wall signs within each zoning district.

Table 4-16, Wall Signs



Zoning District	Maximum Number	Maximum Combined Sign Area	Maximum Placement Height
Suburban Residential (SB)	Prohibited Sign Type		
Semi-Urban Residential (SU)			
Manufactured Home Park Residential District (MH)			
Multi-Dwelling Residential (MD)	NA <sup>1</sup>	2.25 square feet per linear foot of street frontage (minimum 25 square feet)	Roofline for single-story buildings, 2 <sup>nd</sup> story window still for multi-story buildings
Residential Office District (RO)			
Civic and Institutional (CI)			
Downtown Enterprise (DE)	NA <sup>1</sup>	2.75 square feet per linear foot of street frontage (minimum 30 square feet)	Roofline for single-story buildings, 2 <sup>nd</sup> story window still for multi-story buildings
Mixed Use (MU)			
General Commercial (GC)			
Light Industrial (LI)			
General Industrial (GI)			
Notes:			
1. There is no maximum number of wall signs as long as the combined sign area does not exceed what is permitted.			

- b. *Placement of Wall Sign.* Wall signs cannot extend beyond the edge of the wall. The distance between the face of the wall and the face of the sign should be twelve (12) inches or less.

**17. Window Signs.**

- a. *Sign Standards.* Table 4-17, *Window Signs*, shows the limitations for window signs within each zoning district.

Table 4-17, Window Signs



Zoning District	Maximum Number	Maximum Sign Area
Suburban Residential (SB)	Prohibited Sign Type	
Semi-Urban Residential (SU)		
Manufactured Home Park Residential District (MH)		
Multi-Dwelling Residential (MD)		
Residential Office District (RO)	1 per window	50% of each window area
Civic and Institutional (CI)		
Downtown Enterprise (DE)		
Mixed Use (MU)		
General Commercial (GC)		
Light Industrial (LI)		
General Industrial (GI)		

**18. Temporary Signs by Zoning District.**

a. *General Requirements.*

- 1) *Permits.* Temporary signs do not require a permit. See Sec. 4-C-9, *Permits for Signage.*
- 2) *Location.* A temporary sign shall not be located on a public right-of-way.
- 3) *No Illumination.* Temporary signs are not permitted to be illuminated.

- 4) *Maximum Temporary Signs.* No more than two (2) temporary signs shall be permitted on an individual business at one time. One additional temporary sign shall be permitted if the business has frontage on more than one (1) street.
  - 5) *Construction.* 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.
  - 6) *Height.* No temporary sign shall exceed four (4) feet in height.
- b. *Temporary Sign Standards by Zoning District.* See Table 4-18, *Permitted Temporary Sign Matrix*, for the permitted temporary signs in each zoning district.

<b>Table 4-18, Permitted Temporary Sign Matrix</b>											
<b>Sign Type</b>	<b>Zoning District</b>										
	<b>SB</b>	<b>SU</b>	<b>MH</b>	<b>MD</b>	<b>RO</b>	<b>CI</b>	<b>DE</b>	<b>MU</b>	<b>GC</b>	<b>LI</b>	<b>GI</b>
Attention Seeking Sign	--	--	--	--	--	--	--	--	--	--	--
A-Frame Signs	--	--	--	--	--	--	P	P	--	--	--
Banner Signs	--	--	--	--	P	P	P	P	P	P	P
Ground Signs	P	P	P	P	P	P	P	P	P	P	P
Wall Signs	P	P	P	P	P	P	P	P	P	P	P
Yard Signs	P	P	P	--	P	--	--	--	--	--	--

Notes: P = Permitted; -- = Prohibited

**19. Temporary A-Frame Signs.**

- a. *Sign Standards.* Table 4-19, *Temporary A-Frame Signs*, shows the limitations for temporary a-frame signs within each zoning district.

Table 4-19, Temporary A-Frame Signs				
				
Zoning District	Maximum Number	Maximum Sign Area	Maximum Height	Maximum Duration
Suburban Residential (SB)	Prohibited Sign Type			
Semi-Urban Residential (SU)				
Manufactured Home Park Residential District (MH)				
Multi-Dwelling Residential (MD)				
Residential Office District (RO)				
Civic and Institutional (CI)				
Downtown Enterprise (DE)	1 per business	8 square feet	4 feet	Displayed during business hours only
Mixed Use (MU)				
General Commercial (GC)	Prohibited Sign Type			
Light Industrial (LI)				
General Industrial (GI)				

- b. *Location.* The sign must be located within one (1) foot of the building containing the business using the sign.
- c. *Accessibility.* At least five (5) feet of unobstructed sidewalk must be maintained. The sign cannot be placed in a manner that obstructs or impedes pedestrian traffic or creates a visibility hazard for vehicle, bicycle, or pedestrian traffic.
- d. *Anchoring.* Folding portable signs shall be permitted in the DE District if such signs are anchored so as to prevent accidental collapse.

**20. Temporary Banner Signs.**

- a. *Sign Standards.* Table 4-20, *Temporary Banner Signs*, shows the limitations for temporary a-frame signs within each zoning district.

Table 4-20, Temporary Banner Signs				
				
Zoning District	Maximum Number	Maximum Sign Area	Maximum Height	Maximum Duration
Suburban Residential (SB)	Prohibited Sign Type			
Semi-Urban Residential (SU)				
Manufactured Home Park Residential District (MH)				
Multi-Dwelling Residential (MD)				
Residential Office District (RO)				
Civic and Institutional (CI)	1 per business <sup>1</sup>	20 square feet	4 feet	30 days per a consecutive twelve (12) month period
Downtown Enterprise (DE)				
Mixed Use (MU)				
General Commercial (GC)				
Light Industrial (LI)				
General Industrial (GI)				
<b>Notes:</b>				
1. A location may have one ground sign, portable/trailer sign, or one banner sign, not all three.				

- b. *Size.* Banners 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.
- c. *Location.* The sign must be located within one (1) foot of the building containing the occupant using the sign.
- d. *Accessibility.* At least five (5) feet of unobstructed sidewalk must be maintained. The sign cannot be placed in a manner that obstructs or impedes pedestrian traffic or creates a visibility hazard for vehicle, bicycle, or pedestrian traffic.

**21. Temporary Ground Signs.**

- a. *Sign Standards.* Table 4-21, *Temporary Ground Signs*, shows the limitations for temporary ground signs within each zoning district.

Table 4-21, Temporary Ground Signs				
				
Zoning District	Maximum Number	Maximum Sign Area	Maximum Height	Maximum Duration
Suburban Residential (SB)	Prohibited Sign Type			
Semi-Urban Residential (SU)				
Manufactured Home Park Residential District (MH)				
Multi-Dwelling Residential (MD)				
Residential Office District (RO)	1 per occupant per frontage <sup>1</sup>	32 square feet	4 feet	30 days per a consecutive twelve (12) month period
Civic and Institutional (CI)				
Downtown Enterprise (DE)				
Mixed Use (MU)				
General Commercial (GC)				
Light Industrial (LI)				
General Industrial (GI)				
Notes:				
1. A location may have one ground sign, portable/trailer sign, or one banner sign, not all three.				

- b. *Setback Requirements.* The setback requirements that apply to accessory structures within the zoning district will also apply to temporary ground signs.

22. **Temporary Wall Signs.** *Sign Standards.* Table 4-22, *Temporary Wall Signs*, shows the limitations for temporary ground signs within each zoning district.

Table 4-22, Temporary Wall Signs				
				
Zoning District	Maximum Number	Maximum Sign Area	Maximum Height	Maximum Duration
Suburban Residential (SB)	Prohibited Sign Type			
Semi-Urban Residential (SU)				
Manufactured Home Park Residential District (MH)				
Multi-Dwelling Residential (MD)				
Residential Office District (RO)	1 per occupant per frontage <sup>1</sup>	32 square feet	Not to extend above the building roofline	30 days per a consecutive twelve (12) month period
Civic and Institutional (CI)				
Downtown Enterprise (DE)				
Mixed Use (MU)				
General Commercial (GC)				
Light Industrial (LI)				
General Industrial (GI)				

23. **Temporary Yard Signs.** *Sign Standards.* Table 4-23, *Temporary Yard Signs*, shows the limitations for temporary yard signs within each zoning district.

Table 4-23, Temporary Yard Signs				
				
Zoning District	Maximum Number	Maximum Sign Area	Maximum Height	Maximum Duration
Suburban Residential (SB)	1 per residential lot	6 square feet	4 feet	NA
Semi-Urban Residential (SU)				
Manufactured Home Park Residential District (MH)				
Multi-Dwelling Residential (MD)	Prohibited Sign Type			
Residential Office District (RO)	1 per residential lot	6 square feet	4 feet	NA
Civic and Institutional (CI)	Prohibited Sign Type			
Downtown Enterprise (DE)				
Mixed Use (MU)				
General Commercial (GC)				
Light Industrial (LI)				
General Industrial (GI)				

**24. Master Sign Program.**

- a. *Purpose.* The purpose of a master sign program is to allow for a unified presentation of signage throughout parcels proposed for development while also allowing for flexibility, when needed, to provide for unique situations.
- b. *Applicability.* An approved master signage program shall only be applicable to signage within a multi-tenant development that exceeds 1,000 square feet of gross floor area.
- c. *Standards for all Master Sign Programs.* Standards and permissions of master sign programs are as follows:
  - 1) *Generally.* Subject to compliance with a master sign program that is approved according to the flexibility criteria set out in this Section, signs that are proposed to

the Planning Commission as part of a master sign plan may deviate from the standards of this section in terms of the:

- a) Types and numbers of signs allowed;
  - b) Maximum sign area; and
  - c) Materials and illumination standards [including Digital Display Signs (DDS)].
- 2) *Prohibited Signs and Sign Elements.* Prohibited signs and sign elements are not eligible for inclusion in a master sign program unless specifically indicated in this section.
  - 3) *Architectural Theme.* All signs shall be architecturally integrated into or complementary to the design of the buildings and character of the site and shall use similar and coordinated design features, materials, and colors. The master sign program shall establish an integrated architectural vocabulary and cohesive theme for the parcel(s) proposed for development.
  - 4) *Uniform Signs in Multi-Use Developments.* Wall signs displayed by two (2) or more businesses using common parking facilities shall be uniform in construction (e.g., channel letters, plaques) and lighting (e.g., direct, indirect).
- d. *Conditions of Approval.* The Administrator, Planning Commission, or City Council, as applicable, may impose reasonable conditions on the master sign plan relating to the design, materials, locations, placements or orientations, and sign specifications that are not related to the content of the signs or the viewpoints of the sign users, to ensure continuing compliance with the standards of this Section and the approved master sign plan.
25. **Removal of Abandoned Signage.** Sign and sign structures shall be considered abandoned and shall be removed when:
- a. The sign no longer identifies or advertises a business located on the property. A business has ceased operations if it is closed to the public for at least 120 consecutive days. Seasonal businesses are exempt from this requirement.
  - b. The sign has a message or display that is unreadable, obsolete, or is no longer functional as advertising or identification; or
  - c. The sign structure is no longer used to support or hold a sign.
26. **Billboard.** The erection of new billboards within the City is prohibited, however all existing billboards within the City are deemed to be conforming structures. As such, any existing billboard will not be forced to be removed provided that the structure is not structurally deficient. See Figure 4-8, *Billboard*.

Figure 4-8, Billboard



**27. Digital Display Sign (DDS).**

- a. *Generally.* Digital Display Signs (DDS) must be:
  - 1) Permanent signage that conforms to the requirements of this Sec. 4-C, *Signs*; and
  - 2) Must meet all applicable Ohio Department of Transportation (ODOT) standards.
- b. *Location.* Digital Display Signs (DDS) shall be allowed only on properties:
  - 1) Zoned as GC, LI, or GI;
  - 2) Having direct frontage to arterial streets as designated by the Ohio Department of Transportation (ODOT); and
  - 3) Not within fifty (50) feet of a residential use or residential zoning districts.
- c. *Enclosure Required.* DDSs that are a component of monument signs, wall signs, or projecting signs shall be enclosed on all sides with a finish of brick, stone, stucco, finished metal, or other durable material that is used for that portion of the surface of the sign face that is not a DDS, and the DDS appears to be either recessed into the frame or flush with it. The enclosure shall extend not less than four (4) inches outward from the DDS component on all sides.
- d. *Design.*
  - 1) *Generally.* DDSs on monument signs, wall signs, projecting signs, and billboards shall be designed as an integral part of the sign.
  - 2) *Size and Proportions.*
    - a) A DDS that is incorporated into a monument sign shall not occupy more than fifty percent (50%) of the sign area of the sign into which it is incorporated.
    - b) A DDS that is incorporated into a monument sign or wall sign shall not exceed the fifty percent (50%) of the sign area of the sign into which it is integrated.

- 3) *Brightness.* The maximum brightness of an internally illuminated DDS shall be calibrated with the illumination standards in Sec. 4-C-28, *Sign Illumination*.
  - 4) *No Movement, Flash, or Scroll.* The message on the sign cannot move, appear to move, flash, or scroll.
  - 5) *Static for Eight Seconds.* The message on the sign must be constant for a minimum of eight seconds.
  - 6) *Automatic Dimmer.* The sign must have equipped an automatic dimmer control/photocell sensor, to produce a distinct, stepped luminance change from a higher luminance level to a lower luminance level to comply with the luminance levels in Sec. 4-C-28, *Sign Illumination*, and to adjust sign brightness based on ambient lighting levels (i.e. cloudy days). The automatic dimmer control/photocell sensor must always be activated while the sign is in operation.
  - 7) *No Traffic Hazards.* The direct or reflected light from a primary light source shall not create a traffic hazard to operators of motor vehicles on public and/or private roadways.
  - 8) *Light Directed away from Surrounding Properties.* The light from any sign shall be directed such that the light intensity or brightness will not be objectionable to the surrounding properties. No light shall shine directly onto adjacent property with a level of brightness to be considered a nuisance by the average person.
- e. *Graphic.* See Figure 4-9, *Digital Display Sign*.



**28. Sign Illumination.**

- a. *Signs with Illumination Permitted.* Illuminated signs shall be permitted only in the GC, DE, GI, MU, and LI Districts.
- b. *Indirect Light Source.* Illumination shall be from a concealed or indirect light source and shall not flash, blink, fluctuate in intensity, travel, move, or in any manner fail to provide

constant illumination, except for DDSs. Illuminated signs shall not create a hazard or visibility problem or interfere with or impair vehicular traffic. The level of illumination emitted from a sign shall not be of an intensity to constitute a safety hazard to vehicles on any street. Illuminated signs shall be constructed and maintained so that the source of illumination is shielded or otherwise prevented from beaming directly onto adjacent properties or streets.

c. *Illumination Requirements.*

- 1) All illuminated signs, both digital and non-digital, may be illuminated from 5:00 p.m. until 11:00 p.m., or until thirty (30) minutes past the close of business of the facility being identified or advertised, whichever is later. A business or facility that is open twenty-four (24) hours a day is not required to turn off its sign.
- 2) All electric and neon signs shall be constructed of materials approved by the National Board of Fire Underwriters.
- 3) All signs illuminated by electricity, including those made to be illuminated by projected lights, shall have safe connections to the main wiring system, and the electrical part of the sign shall not be operated until such approval has been rendered.

D. **Lighting.**

1. **Purpose and Applicability.**

a. *Purpose.* The purpose of this Sec. 4-D is to provide regulations for outdoor lighting that will:

- 1) Permit the use of outdoor lighting that does not exceed the minimum levels specified for nighttime safety, utility, security, productivity, enjoyment, and commerce;
- 2) Minimize adverse off-site impacts of lighting, such as light trespass, and obtrusive light;
- 3) Help protect the natural environment from the adverse effects of night lighting from gas or electric sources; and
- 4) Conserve energy and resources to the greatest extent possible.

b. *Applicability.*

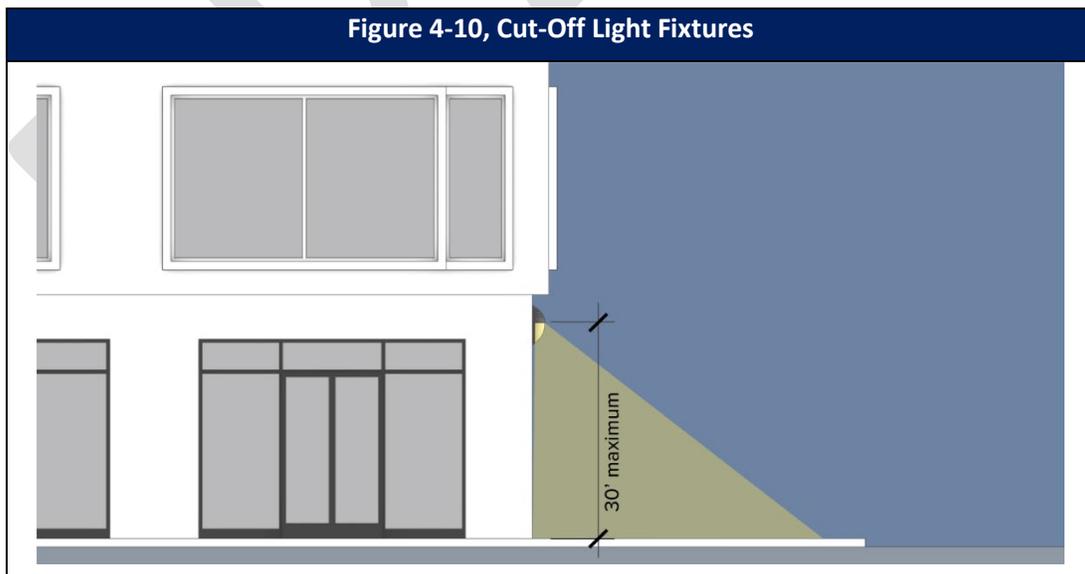
- 1) Unless specifically exempted within this UDC or required by state or federal law, all outdoor lighting within the City limits must comply with the requirements of this UDC. Street lighting shall also comply with Chapter 5-E-16, *Street Lights*, of this UDC.
- 2) The following are not regulated by this Section:
  - a) Lighting within the public right-of-way for the principal purpose of illuminating streets or roads;
  - b) Temporary lighting used by law enforcement, fire, and other emergency services;
  - c) Lighting required by law to be installed on motor vehicles;

- d) Lighting for public monuments and public statuary, provided the lighting does not constitute a hazard to the operation of motor vehicles upon a public street;
- e) Lighting solely for signs;
- f) Temporary lighting for theatrical, television, performance areas and construction sites, provided the lighting does not constitute a hazard to the operation of motor vehicles upon a public street;
- g) Underwater lighting in swimming pools and other water features; and
- h) Temporary lighting and seasonal lighting, provided that individual lamps are less than seven (7) watts and forty-five (45) lumens.

**2. Lighting Design.**

- a. *Generally.* All lighting shall be shielded so the source of illumination (bulb or direct lamp image) is not visible from the property line. This reduces glare and interference with boundary streets and adjacent properties. No lamp shall extend past the housing of a light fixture.
- b. *Light Fixture Type.* Light fixtures shall be:
  - 1) "Full cut-off" fixtures that:
    - a) Limit lighting that is visible or measurable at the property line;
    - b) Providing lighting to be of constant intensity; are
    - c) Reflected or shielded so as not to:
      - (1) Be of excess brightness;
      - (2) Cause glare hazardous to pedestrians or drivers;
      - (3) Create any public or private nuisance; or
      - (4) Unreasonably interfere with an adjacent property owner's right to enjoy their property.
  - 2) "No cut-off" fixtures, used for decorative purposes, provided:
    - a) They have light fixtures that produce no more than fifteen hundred (1,500) lumens (approximately equal to a one hundred (100) watt incandescent bulb); or
    - b) They use energy-efficient bulbs, such as compact fluorescent (CF) and light-emitting diode (LED); and
    - c) Is designed as not to:
      - (1) Be of excessive brightness;
      - (2) Cause glare hazardous to pedestrians or drivers;
      - (3) Create any public or private nuisance; or
      - (4) Unreasonably interfere with an adjacent property owner's right to enjoy their property.
- c. *Cut-Off Requirements.*

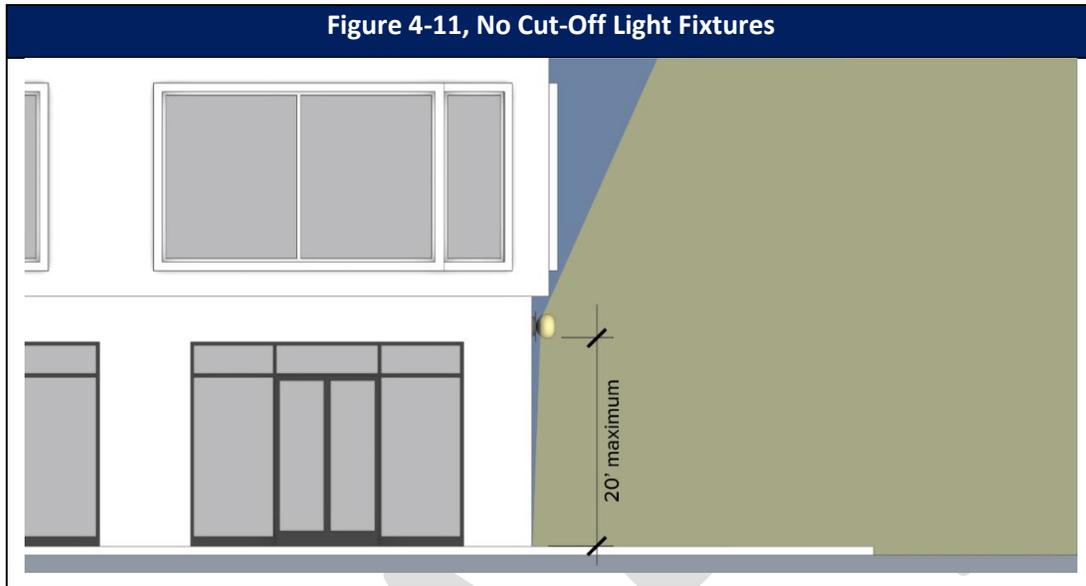
- 1) *Full Cut-Off.* Except as otherwise allowed, all lighting (including, but not limited to vehicle use areas, canopies, security, walkway, landscaping, signs, outdoor display areas, and building) shall have one hundred percent (100%) of its output below one hundred and eighty (180) degrees from a vertical line through the fixture.
  - 2) *Adjacent to Residential Use or District.* All lighting fixtures that are mounted on a building wall facing a property line adjacent to a residential property line or public right-of-way boundary shall be fitted with a "house side shielding" reflector on the side facing the residential property line or public right-of-way.
  - 3) *Flags and Statues.* Light fixtures used to illuminate flags, statues, or any other objects mounted on a pole, pedestal, or platform shall use a narrow cone beam of light that will not extend beyond the illuminated object.
- d. *Maximum Fixture Height.*
- 1) *Freestanding Fixtures.* No freestanding light fixture shall be greater than thirty (30) feet in height except for outdoor recreation facilities lighting.
  - 2) *Fixtures Mounted on Residential Buildings and Accessory Structures.* Fixtures that are mounted on residential buildings or accessory structures shall not be located higher than sixteen (16) feet or above the lowest point of the roof eave, whichever is lower.
  - 3) *Fixtures Mounted on Nonresidential Buildings.* Fixtures that are mounted on nonresidential buildings shall not be located above the highest point of the roofline of any building.
    - a) *Full Cut-Off Fixtures.* Full cut-off fixtures shall have a maximum height of thirty (30) feet. See Figure 4-10, Cut-Off Light Fixtures.



- b) *No Cut-Off Fixtures.* No cut-off fixtures:
  - (1) Shall have a maximum height of twenty (20) feet; and

(2) Are not permitted on any side of a building that faces or abuts a residential property line.

(3) See Figure 4-11, No Cut-Off Light Fixtures.



**3. Illuminance.**

a. *Generally.* Outdoor lighting on private property shall not exceed the footcandle values in Table 4-26, *Illumination Standards*.

<b>Zoning Districts</b>	<b>Maximum Footcandle Adjacent to a Residential Property Line</b>	<b>Maximum Footcandle Adjacent to a Nonresidential Property Line</b>
<b>SB, SU, MH, MD, and RO</b>	0.5	0.5
<b>CI, DE, MU, GC, LI, and GI</b>	0.5	1.0

**Table Notes:**

1. Light levels shall be measured in footcandles with a direct-reading, portable light meter. Horizontal footcandles are measured horizontally from the surface of the property by holding a light meter parallel to the ground approximately one foot off the surface. The reading shall be taken only after the cell has been exposed long enough to provide a constant reading.

b. *Nuisance Prohibited.* Outdoor lighting shall be deflected, shaded, and focused away from abutting properties and shall not be a nuisance to such abutting properties.

c. *Parking Lot Lighting.* Parking facilities, including structured and open parking lots, spaces, drive aisles, entrances, and stairways must provide an even distribution of lighting to illuminate the entire parking lot and reduce the number of dark spots and

shadow creation for pedestrian and motorist safety. Light fixtures shall be designed and installed to prevent glare from being cast outside of any parking structure or parking lot.

- d. *Canopy Lighting.* Canopy lighting for uses that have sheltered outside work or service areas, such as vehicle gas and fueling stations, must recess all luminaires into the canopy so that they cannot be viewed off-site from an eye height of four feet (to protect automobile drivers from glare).
- e. *Outdoor Recreation Facilities.*
  - 1) *Average Permitted Horizontal Footcandle Exemption.* Illumination levels for sports facilities may exceed the maximum permitted horizontal footcandle requirements and shall be:
    - a) Designed to be no higher than recommended for the appropriate class of play, as defined by the current version of the Illuminating Engineering Society of North America (IESNA) publication IES RP-6-15; and
    - b) Comply with the maximum footcandles adjacent to residential and non-residential property lines standards established in Table 4-26, *Illumination Standards*.
  - 2) *Shielding.* Fixtures used for non-aerial sports shall be fully shielded. Fixtures used for aerial sports, such as baseball and softball, shall be shielded to the full extent possible while also allowing the minimum of vertical illuminance needed to track the ball.
  - 3) *Certification.* Lighting systems for outdoor recreational facilities shall be designed and certified by an engineer registered in the state as conforming to all applicable restrictions of this UDC before construction commences.
- f. *After-Hours Lighting for Commercial Uses.* As a means to assist with crime prevention, commercial uses are required to install exterior lighting fixtures, location of which shall be determined during the plan review, that remain in operation from sunset until sunrise even during closed business hours. Installed lighting shall have a minimum watt rating of forty (40) watts.

#### 4. **Prohibited Lighting.**

- a. *Generally.* No outdoor lighting may be used in any manner that may interfere with the safe movement of motor vehicles on public rights-of-way.
- b. *Prohibitions.* The following types of outdoor lighting fixtures, sources, or types are prohibited in the City:
  - 1) Temporary lighting in which any single luminaire exceeds twenty thousand (20,000) initial luminaire lumens or the total lighting load exceeds one hundred and sixty thousand (160,000) lumens;
  - 2) Any fixed light not designed for roadway illumination that produces incident or reflected light that could impair the operator of a motor vehicle;
  - 3) The installation, use, or maintenance of beacons or searchlights;

- 4) Exposed strip lighting, neon tubing, flickering or flashing lights used to illuminate building facades or outline buildings, except for temporary decorative seasonal lighting; and
- 5) Aerial lasers.

**E. Floodplain Regulations.** All development within the floodplain shall conform to Chapter 1329, *Flood Damage Prevention*, of the Codified Ordinances.

DRAFT

## Chapter 5 – Subdivision Design Regulations

### A. Purpose and Applicability.

1. *Purpose.* These subdivision design standards are intended to provide predictability to subdividers and property owners while ensuring City residents benefit from quality residential, commercial, and industrial development that promotes the public health, safety, and general welfare of the City.
2. *Applicability.* In addition to the requirements established in this Chapter, all plats shall comply with the following laws, rules, and regulations:
  - a. All applicable Ohio statutory provisions;
  - b. City Standard Plans and Specifications;
  - c. The UDC, Zoning Map, building, and fire codes;
  - d. The City's Comprehensive Plan;
  - e. Any rules of the Ross County Health Department and/or other applicable state or local agencies;
  - f. The rules of ODOT if the subdivision or any lot contained therein abuts a state highway or connecting street; and
  - g. All other applicable laws of the City of Chillicothe.

### B. Subdivision Design Principles.

1. *Generally.* The principles of this Sec. 5-B shall be interpreted in the context of other applicable standards and applied to the maximum extent practicable without imposing restrictions on the intended development that is permitted by this UDC.
2. *Compatibility.* Proposed subdivisions shall be designed in a way that provides:
  - a. *Buffering.* Provides appropriate space for bufferyards and transitions between land uses or obvious changes in density or intensity alongside and rear lot lines as set out in Sec. 4-B-8, *Bufferyards*;
  - b. *Environment.* Protects and preserves the environmental resources to the benefit of the subject property and abutting properties;
  - c. *Connectivity.* Provides appropriate, context-sensitive vehicle and pedestrian linkages, providing access while protecting neighborhood integrity and individual property values;
  - d. *Common Open Space.* Maximizes the access to and benefit of common open spaces by providing for a connection to or continuation of the open spaces of abutting or adjacent properties and providing for maximum frontage and access to such open spaces;
  - e. *Storm Water.* Protects neighboring property from undue stormwater runoff;
  - f. *Access.* Minimizes interference with existing access to adjacent and nearby properties, unless the proposed development provides new or improved access;

- g. *Level of Service*. Does not reduce the level of service of public infrastructure that is provided to the surrounding development;
- h. *Visual Qualities*. The system of roadways and sidewalks and the lot layout should be designed to take advantage of the visual and environmental qualities of the area; and
- i. *Topography and Natural Features*. The arrangement of lots, blocks, and the street system should be designed to conserve and maximize the use of topography and natural features.

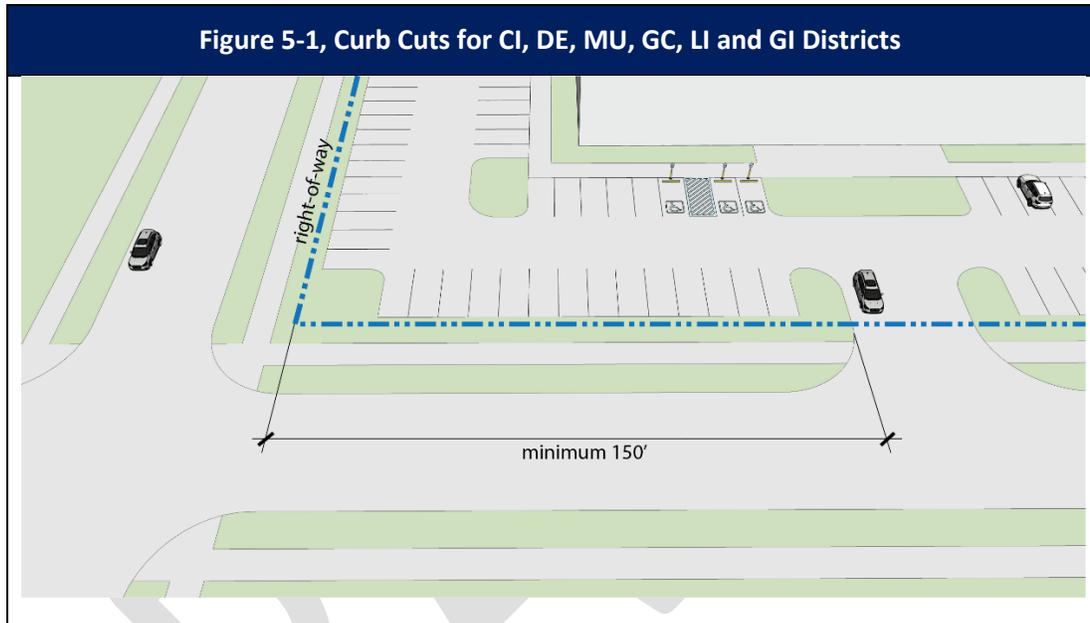
**C. Subdivision Types.**

- 1. *Residential Subdivision*.
  - a. *Minor*. A minor residential subdivision, or “lot split,” shall be a subdivision of no more than two (2) lots along an existing public street.
  - b. *Major*. A major residential subdivision shall be any subdivision greater than a minor subdivision.
- 2. *Nonresidential Subdivisions*. If a proposed subdivision or development includes land that is zoned for commercial or industrial uses, then the nonresidential subdivision process is required.
- 3. *Procedure for Subdivision Type Approval*. See Sec. 6-C, *Planning Commission (PC)*.

**D. Street Access and Connectivity.**

- 1. *Access Management*.
  - a. *Generally*. No subdivision shall be approved unless the area to be subdivided shall have frontage on and access from an existing public street, including:
    - 1) An existing state, county, or municipal roadway; or
    - 2) A street shown upon a plat approved and recorded in the County Recorder’s Office. Such street or highway must be suitably installed and improved as required by the rules, regulations, specifications, or orders or be secured by performance surety required under this UDC and/or City Code of Ordinances.
  - b. *Curb Cuts*.
    - 1) *SB, SU, MH, MD, and RO Districts*. Curb cuts for properties not abutting a public alley or located on a collector or arterial street shall be located more than fifty (50) feet from any street intersection, as measured from the nearest right-of-way line of the intersecting street. If more than one (1) curb cut is proposed on a single lot, the applicant for a zoning certificate on such property shall demonstrate to the satisfaction of the City Engineer 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 from the site.
    - 2) *CI, DE, MU, GC, LI and GI Districts*. All new curb cuts must be located more than 150 feet from any street intersection and fifty (50) feet from any adjacent property line.

Notwithstanding the above, if the curb cut is located on a street classified as an arterial or collector street, the location of the curb cut shall be subject to specific approval by the City Engineer. In such cases, the City Engineer shall utilize the standards and requirements of the Ohio Department of Transportation Access Management Manual, as may be amended. 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. See Figure 5-1, *Curb Cuts for CI, DE, MU, GC, LI and GI Districts*.



- 3) *Construction and Application for Curb Cuts.* Curb cuts, culverts, and ditches shall be constructed in accordance with Chapter 905, *Curb Cuts, Culverts, and Ditches*, of the Codified Ordinances.
- c. *Driveways.*
- 1) All driveways shall have a maximum grade of ten percent (10 %) except under the provisions of Sec. 5-L, *Hillside Regulations*.
  - 2) The edge of all driveways shall be at least three (3) feet from the side lot line.
  - 3) No driveway shall be approved providing direct access from a single or two-dwelling unit residential lot to a street designated as an arterial or major collector street.
- d. *Access to a Primary Arterial or Major Roadway.* Direct access to primary arterials or other major roadways, as defined in Table 5-1, *Street and Roadway Classification System*, is highly discouraged. Collector streets should be introduced to reduce demand for access to arterials and major roadways.
- e. *Adjacency to Primary Arterial or Major Roadway.* Where a subdivision borders on or contains an existing or proposed primary arterial or major roadway, the city shall require access to such street be limited by one (1) of the following:

- 1) *Frontage Road*. Utilization of frontage roads constructed and separated from the primary arterial;
  - 2) *No-Access Easement and Landscape Screen*. Individual lots that gain access from a local street, but back up to another exterior roadway of any classification shall provide a five (5) foot no-access-easement along the exterior roadway to prohibit access to said arterial. In addition, a Type 2 Landscape Buffer shall be provided along the exterior roadway, as required by Table 4-8, *Bufferyard Types*; or
  - 3) *Other Planning Commission Approved Proposal*. Another proposed solution by the City Engineer may be deemed necessary for the adequate protection of properties within the subdivision from through-traffic.
2. *Street Connectivity*.
- a. *Continuation of Proposed Street*. A proposed street shall provide for the continuation of existing, planned, or platted streets on adjacent property.
  - b. *Centerline Connection*. Where a wider right-of-way connects with a narrower right-of-way, the centerlines of the two streets shall be aligned.
  - c. *Extension to Boundary Line*. Proposed streets shall be extended to the boundary lines of the parcel to be subdivided.
  - d. *Required Connectivity*. The arrangement of streets shall provide for the continuation of streets between adjacent properties when the continuation is necessary for convenient movement of traffic, effective fire protection, efficient provision of utilities, and effective emergency services.
3. *Level of Service*.
- a. *No Adverse Effect*. No development shall be approved if such development, at full occupancy will have an adverse effect on public health or safety.
  - b. *Traffic Mitigation Measures*. The subdivider may propose and construct approved traffic mitigation measures to provide adequate roadway capacity for the proposed development.
  - c. *Traffic Impact Analysis*. A traffic impact analysis may be required by the Administrator and recorded on a preliminary plan should one of the following circumstances arise:
    - 1) Detached single-family or two-family subdivisions with more than fifty (50) lots in the total development; or
    - 2) Subdivisions where the expected number of trips exceeds five hundred (500) trips per day or one hundred (100) trips during a peak hour.
4. *Construction of Street Openings*. Construction of street openings shall meet the standards of Chapter 901, *Street Openings*, of the City's Codified Ordinances.

**E. Street Design.**

1. *Purpose*. The requirements set forth herein are designed to provide for streets that:

- a. Are suitable in location, width, and improvement so that they may accommodate prospective traffic;
  - b. Afford satisfactory access to police, fire, snow removal, sanitation, and road-maintenance equipment;
  - c. Compose a convenient traffic system and avoid undue hardships to adjoining properties;
  - d. Provide a safe, convenient, and functional system for vehicles, pedestrian, and bicycle circulation;
  - e. Are properly related to the Comprehensive Plan; and
  - f. Are appropriate for the specific traffic characteristics of each proposed development.
2. *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.
3. *Right-of-Way and Street Width Requirements.*
- a. *Design.* Street design shall meet the requirements of Table 5-1.

Table 5-1, Street and Roadway Classification System					
Street Class	Average Daily Trips (ADT)	Minimum Right-of-Way	Pavement Width <sup>1</sup>	Maximum Grade	Minimum Grade
<i>Arterial</i>	>5,000	90 feet	-- <sup>2</sup>	12%	0.5%
<i>Collector (Major or Minor)</i>	2,000 to 5,000	70 feet	36 feet	12%	0.5%
<i>Local</i>	<500	50 feet	27 feet	12%	0.5%
<i>Cul-de-Sac</i>	<500	50 feet	27 feet	12%	0.5%
<i>Industrial</i>	N/A	60 feet	40 feet	12%	0.5%

Notes:

1. Pavement width is measured from the face of the curb to the face of the curb. The 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 City Engineer.
3. The City Engineer shall determine standards for proposed streets with grades in excess of 12%.

- b. *Alleys.* The minimum right-of-way width of alleys, where platted, shall be twenty-five (25) feet.
- c. *Dedication.* In a subdivision that adjoins or includes an existing street that does not conform to the minimum right-of-way requirement of Table 5-1, *Street and Roadway Classification System*, the subdivider shall dedicate additional right-of-way width as required to meet this UDC.

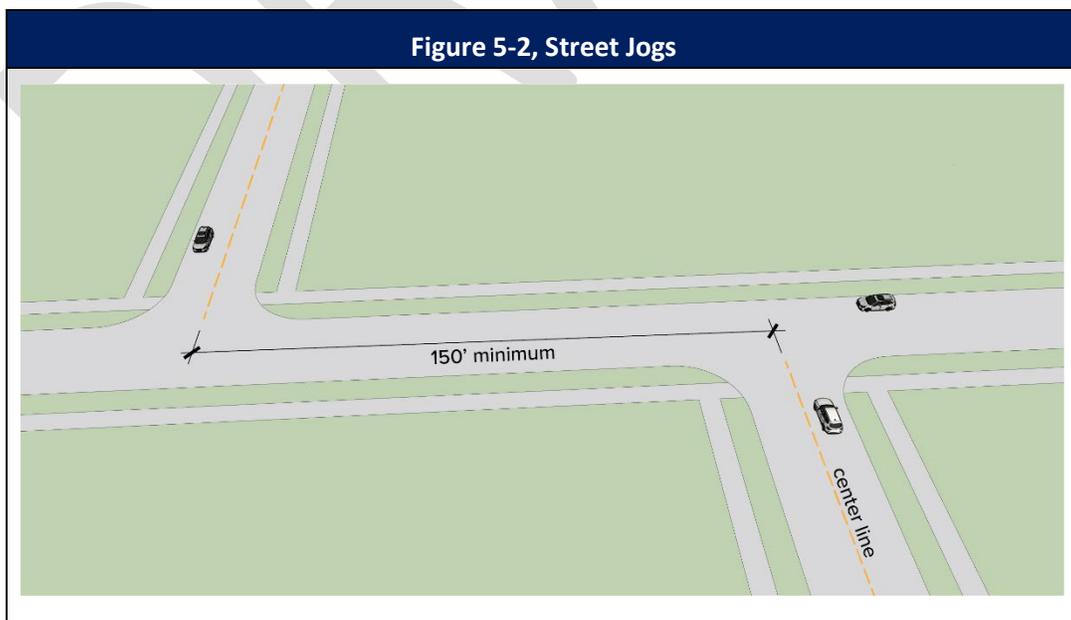
4. *Construction Standards.*

- a. Construction of streets and roadways shall include:
  - 1) All necessary excavating and filling required to place the surface to the proper sub-grade elevation for the placement of the required depth of paving material.
  - 2) The building of concrete combined curbs and gutters on each side of the paved portion of the street or roadway.
- b. The requirements set forth in the most recent edition of ODOT Standard Specifications and Standard Drawings are minimum requirements. Individual projects, particularly commercial and industrial subdivisions, may warrant additional requirements dictated by best practice engineering design. Where additional requirements are necessary, they shall be recorded as conditions of approval for the preliminary plan.
- c. *Street Grading.* No street grading shall be permitted until the final construction plans have been approved by the City Engineer and inspection fees have been paid. No street grading shall be commenced without a two (2) business day notice being given to the City Engineer.
- d. *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 City Engineer. The subgrade shall be shaped and compacted subject to the requirements of the City Engineer, and no fill shall be placed until said subgrade has been inspected and approved.
- e. *Pavement Application.* No pavement shall be placed until the prepared subgrade has been inspected and approved by the City Engineer. The finish pavement course shall not be placed over the base course until a period of time as specified by the City Engineer has elapsed. All failures in the base course must be repaired prior to installation of the finish course.

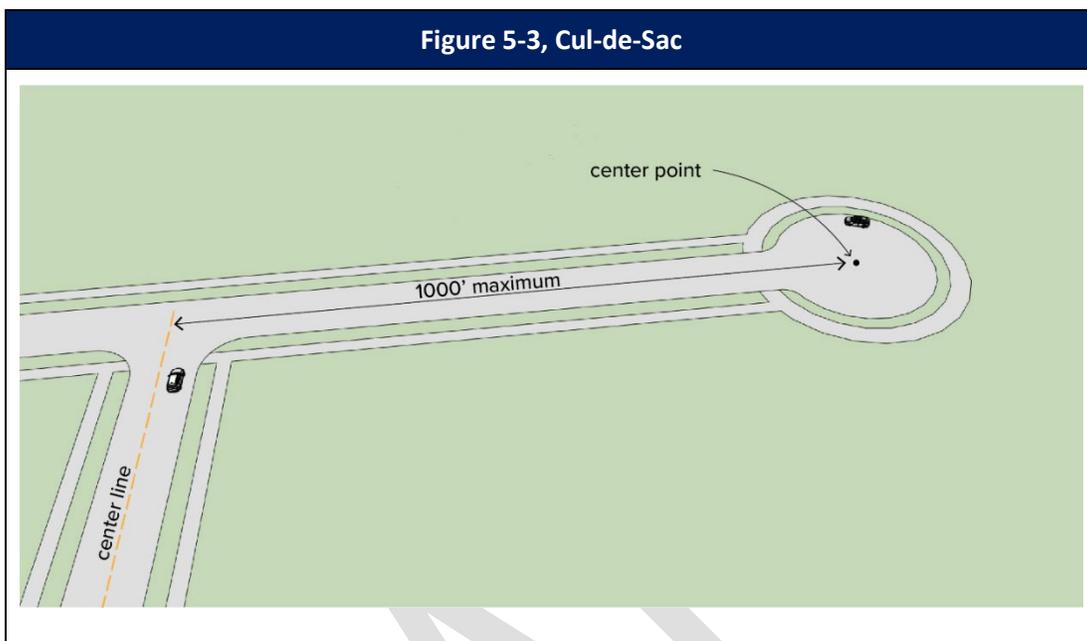
5. *Street Layout.*

- a. *Traffic Generation.* All streets shall be properly built to handle specific traffic generators such as industries, business districts, schools, churches, shopping centers, population densities, and to the pattern of existing and proposed land uses.
- b. *Efficient Use of Property.* All streets shall be arranged to obtain as many building sites as possible at, or above the grades of the streets. Streets shall also be laid out to permit efficient drainage and utility systems, and to result in the minimum number and length of streets to provide convenient and safe access to property.
- c. *Nonresidential Subdivisions.* For nonresidential subdivisions, the streets shall be planned to minimize conflict of movement between various types of traffic, including pedestrian. Street layouts should consider the grouping of buildings, railway location, the presence of alleys, truck loading and maneuvering areas, and interior walks and parking areas.
- d. *Slope Requirement.* Street slopes shall not be more than three-to-one (3:1).

- e. *Additional Right-of-way.* Right-of-ways wider than the standards designated in this UDC shall be required whenever, due to topography, additional width is necessary to provide adequate earth slopes.
- f. *Alignment.*
  - 1) In order to provide for efficient and effective access by emergency vehicles, the street pattern shall make provision for the continuance of streets 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 City shall 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 said arterial or collector street, and no vehicular access across the strip.
  - 3) If a subdivision adjoins an existing or proposed arterial or major collector street, the City shall 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 stop bar or right-of-way line.
  - 6) Street jogs shall be discouraged. In no case shall a street jog be allowed on an arterial street. Where such jogs are unavoidable, in no case shall the centerlines be offset by less than 150 feet. See Figure 5-2, *Street Jogs*.



- 7) The maximum length of a cul-de-sac shall be 1,000 feet, measured from the centerline of the intersecting street to the middle of the turnaround. See Figure 5-3, *Cul-de-Sac*.



- 8) Half width streets shall be prohibited.

6. *Dead-End Streets.*

- a. *Temporary.* If the adjacent property is undeveloped and the street must temporarily be a dead-end street, the right-of-way shall be extended to the property line. A temporary cul-de-sac, T- or L-shaped turn-around shall be provided on all temporary dead-end streets, with the notation on the final plat that land outside the normal street right-of-way shall revert to the adjoining landowners when the street is continued. The subdivider shall provide barriers and signage for any temporary dead-end street. Temporary dead-end streets shall exist for no longer than one year which at such time a permanent cul-de-sac shall be installed.
- b. *Permanent.* Where a road does not extend beyond the boundary of the subdivision and its continuation is not required by the City for access to adjoining property, its terminus shall not be nearer to such boundary than fifty (50) feet. However, the City may require the reservation of an appropriate easement to accommodate drainage facilities, pedestrian traffic, or utilities. A cul-de-sac turn-around shall be provided at the end of a permanent dead-end street. For greater convenience to traffic and more effective police and fire protection, permanent dead-end streets shall be limited in length to six hundred (600) feet.

7. *Street Grade.*

- a. *Generally.* Street grades shall conform as closely as possible to the original topography.

- b. *Grade Requirement.* The grade of all streets shall not exceed the requirements of the ODOT Ohio Design Manual except where, in the opinion of the City Engineer, an unusual topographic condition justifies a waiver of the requirements of this UDC.
  - c. *Approval of Plan.* Roads shall be graded, improved, and conform to the ODOT Ohio Design Manual and shall be approved as to design and specifications by the Administrator, in accordance with the construction plans required to be submitted prior to final plat approval.
8. *Street Intersections.*
- a. *Generally.* All intersections shall adhere to the ODOT Ohio Design Manual.
  - b. *Right Angles.* Streets shall be laid out according to Section 5-E-5-f, *Alignment* of this UDC.
  - c. *Street Alignment.* Proposed new intersections along one (1) side of an existing street shall, wherever practicable, align with any existing intersections on the opposite side of such street. No more than two (2) streets shall intersect at one (1) point.
  - d. *Curb Radius.* Minimum curb radius at the intersection shall be controlled by the ODOT Ohio Design Manual.
  - e. *Visibility.* No intersection shall create a traffic hazard by limiting visibility. The visibility and sight distances at intersections shall be controlled by the ODOT Ohio Design Manual.
  - f. *Required Covenant Language Regarding Visibility.* To ensure the safe movement of both vehicle and pedestrian traffic, the following paragraphs shall be required as a provision of the restrictive covenants for all final plats and shall be included in all deeds written relative to said plats. The proposed owner shall sign a copy of this covenant and it shall be filed with the County Recorder's Office.

*"No fence, wall, hedge, tree or shrub planting which obstructs sight lines with elevations between two and one-half (2.5) feet and eight (8) feet above the street surface elevation shall be placed or permitted on any corner lot within the triangular area formed by the street right-of-way lines and a line connecting points forty (40) feet from the intersection of said street right-of-way lines for neighborhood and local streets, and seventy-five (75) feet for arterial streets, or in the case of a rounded property corner, from the street right-of-way lines extended. The same site line limitations shall apply to any lot within ten (10) feet of the intersection of a street right-of-way line with the edge of a driveway pavement or alley line. No driveway shall be located within seventy (70) feet of the intersection of two (2) street right-of-way lines."*
9. *Curb and Gutter.* Curb and gutter shall be constructed by the subdivider on both sides of all streets. Curbs shall be constructed as one of the standard curbs as directed by the ODOT Standard Specifications and Standard Drawings.
10. *Roadside Drainage Swales.*
- a. *New Streets.* No new subdivision streets shall have roadside drainage swales.

- b. *Existing Streets.* Roadside drainage swales shall be placed along existing roads, as follows:
    - 1) Culverts are to be placed or extended under the roadway where necessary. The size of the culvert is to be according to the calculated amount of storm water flow, but not less than twelve (12) inches in diameter. All culverts shall extend from right-of-way to right-of-way. All culverts shall have applicable end sections.
    - 2) Roadside drainage swales shall be constructed in accordance with the City of Chillicothe's Stormwater Management Ordinance.
    - 3) When practicable, roadside swales will be replaced with curb and gutter and a contained storm drainage system.
11. *Improvements to Adjacent Streets.*
- a. *Realignment or Widening of Street.* Where a subdivision borders an existing narrow road or when the Comprehensive Plan or other policy document of the City indicates plans for the realignment or widening of a road that would require use of some of the land in the subdivision, the subdivider shall be required to improve and dedicate at its expense those areas designated for widening or realignment.
  - b. *Dedication.* Frontage roads and streets shall be improved and dedicated by the subdivider at their own expense to the full width as required by this UDC when the subdivider's development activities contribute to the need for the road expansion. Land reserved for any road purposes may not be counted in satisfying yard or area requirements of the UDC whether the land is to be dedicated in fee simple or an easement granted to the City.
12. *Construction of Curb Cuts, Culverts, and Ditches.* Construction shall be pursuant to Ch. 905, *Curb Cuts, Culverts, and Ditches*, of Codified Ordinances.
13. *Private Streets.*
- a. *Construction.* Private streets must be constructed to meet or exceed the standards in the ODOT Ohio Design Manual and the ODOT Standard Specifications and Standard Drawings. A waiver from this requirement is not permitted.
  - b. *Maintenance.* Maintenance of private streets is the responsibility of the subdivider or property owners as outlined in the recorded covenants, on the plat, and in the written commitments.
14. *Access Roads, Limited Access Roads, and Railroads.*
- a. *Limited or Improved Access.*
    - 1) *Potential Hazard.* Access roads from a proposed development on to an existing or proposed public right-of-way may be restricted or denied where such a road presents a potential hazard to public safety.
    - 2) *Improvements may be Required.* Where such potential hazard to the public safety is determined to be present, the City Engineer may require the subdivider to make

improvements to an existing or proposed public right-of-way as a condition of allowing access.

- b. *Access Roads.* The number of access roads required for a proposed subdivision shall be based upon the number of lots, engineering design best practice, and continuity of the public street system. If the City Engineer determines that an additional access road is necessary, it will advise the subdivider at the time of preliminary plan consideration.
  - c. *Distance Requirements.* Railroad rights-of-way and limited access highways that may affect the subdivision of adjoining lands shall be treated as follows:
    - 1) *Residential Districts.* In residential districts, a buffer strip at least twenty-five (25) feet in depth in addition to the normal depth of the lot required in the district shall be provided adjacent to railroad right-of-way or a limited access highway. This strip shall be in a common area or part of the platted lot(s) and shall be designated on the plat: "*This strip is reserved for screening. The placement of structures on this land is prohibited.*"
    - 2) *Commercial or Industrial Subdivisions.* In commercial or industrial subdivisions, the nearest street extending parallel or approximately parallel to a railroad right-of-way shall, wherever practicable, be at a sufficient distance from the railroad right-of-way to ensure suitable depth for commercial or industrial sites.
    - 3) *Intersecting Streets.* When streets parallel to a railroad right-of-way intersect a street, which crosses the railroad right-of-way at grade, they shall, to the extent practicable, be at a distance of at least one hundred fifty (150) feet from the railroad right-of-way. Such distance shall be determined with due consideration of the minimum distance required for future separation of grades by means of appropriate approach gradients.
  - d. *Parallel Street Required.* Where a subdivision borders on or contains a railroad right-of-way or limited access highway right-of-way, the City Engineer may require a street approximately parallel to and on each side of such right-of-way at a spacing suitable for the appropriate use of the intervening land. Such spacing shall also be determined with due regard for the requirements of the approach grade of any future grade separation structure.
15. *Street Signs.* In addition to the requirements of Sec. 4-C, *Signs*, of this UDC, street signs within subdivisions shall be subject to the following standards:
- a. *MUTCD Requirement.* Each installed sign shall comply with the urban standards established by the State of Ohio.
  - b. *Subdivider Expense.* The subdivider shall be responsible for the installation of all street signs required by the City or ODOT, as applicable. The Applicant shall provide all traffic control, street name, and parking signs at intersections and other locations as designated by the City. Such signs shall be purchased from the City.
  - c. *Installation Timeframe.* The subdivider shall install all street signs before issuance of any certificates of occupancy for any primary structure within the subdivision.

- d. *Placement of Signs.* Street name signs are to be placed at all intersections within or abutting the subdivision as approved by the Administrator.
- e. *Maintenance.* Sign maintenance is the responsibility of the subdivider or the property owners within the development, as outlined in the recorded covenants, on the plat, and in the written commitments until the time of dedication to the City.

16. *Street Lights.*

- a. Underground utilities shall be required for all subdivisions within the City of Chillicothe. Unless specific approval is granted by the City, all utility boxes shall be located in side or rear yards.
- b. At a minimum, street lights shall be required at all street intersections for all subdivisions within the City of Chillicothe. The City Engineer may require the Applicant to make adequate provisions for the subsequent placement of additional street lights within the subdivision.
- c. Street lights and all appurtenances thereto shall be installed by the applicant and shall be of a type acceptable for cost-effective service as determined by the electric utility providing service to the City. The City Council shall have the authority to assess costs associated with the operation and maintenance of the system to the lots within the subdivision.
- d. Illumination for street lights shall be uniform and shall follow the recommendations of the current Illuminating Engineering Society (IES) Handbook and shall be in compliance with Sec. 4-D, *Lighting*, of this UDC.
- e. 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.
- f. The location of all street lights shall be shown on the street construction plans.

17. *Street Trees.*

- a. Street trees in new subdivisions shall comply with the standards of Sec. 907.06, *Approved Trees for Planting*, of the City's Codified Ordinances.
- b. Street trees shall not be planted in the right-of-way of any street designated as an arterial roadway unless specific approval is granted by the City.
- c. Trees planted in the right-of-way of any other street shall not be planted in any location where the City Engineer 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, sanitary or storm sewer manholes, or fire hydrants.
- 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 the limb to the highest point of the curb and a minimum of eight feet (8') from the sidewalk to the lowest portion of the tree extending over such sidewalk.

- e. *Installation of Street Trees.* Street trees shall be installed in compliance with Chapter 907, *Trees*, of the Codified Ordinances.

**F. Lots and Blocks.**

1. *Arrangement of Blocks.*

- a. *Compatible with Topography.* The layout of a subdivision's blocks shall be compatible with the topography and other physical conditions of the land to ensure that compliance with the UDC, Building Code, and other local, state, and federal regulations can be achieved.
- b. *Public Street Access Required.* Every block shall have sufficient and adequate access to a public street constructed, or to be constructed, in accordance with this UDC.
- c. *Access to Potential Future Lots Required.* The City may require that blocks be arranged to allow further subdivision and the opening of future streets where necessary to serve potential future or existing lots.

2. *Design of Blocks.*

- a. *Off-Street Parking and Loading.* The depth and width of blocks reserved or laid out for business, commercial, or industrial purposes shall be adequate to provide off-street parking and loading facilities required for the type of use and development contemplated, as established in the UDC. See Sec. 4-A, *Parking, Loading, and Stacking*.
- b. *Block Length.* Blocks shall not exceed one thousand four hundred (1,400) feet and not be less than eight hundred (800) in length.
- c. *Block Width.* Blocks shall be of sufficient width to permit two (2) tiers of lots of appropriate depth, except where an interior street parallels a limited access highway, an arterial street, or a railroad right-of-way.

3. *Arrangement of Lots.*

- a. *Compatible with Topography.* The layout of a subdivision's lots shall be compatible with the topography and other physical conditions of the land to ensure that compliance with the UDC, Building Code, and other local, state, and federal regulations can be achieved.
- b. *Public Street Access Required.* All lots shall have the required frontage on an improved public street or an approved private street. Access to garages or parking areas via an alley may be permitted if the alley is constructed to standards as approved by the City Engineer.
- c. *Access to Potential Future Lots Required.* The City may require that lots be arranged to allow further subdivision and the opening of future streets where necessary to serve potential future or existing lots. Lots shall not be created by dividing land at the terminus of stub streets in adjacent subdivisions, such stub streets being intended to promote the continuity of street systems in adjoining subdivisions.

4. *Design of Lots.*

- a. *Lot Requirements.* Lot dimensions shall comply with the minimum standards of the applicable zoning district in the UDC. See Chapter 2, *Zoning Districts*.
  - b. *Calculation of Lot Areas.* Land reserved for any proposed street, drainage structure (retention or detention), lake, river, stream, or wetlands shall not be counted in satisfying the minimum lot area requirements of the UDC.
  - c. *Off-Street Parking and Loading.* The depth and width of lots reserved or laid out for business, commercial, or industrial purposes shall be adequate to provide off-street parking and loading facilities required for the type of use and development contemplated, as established in the UDC. See Sec. 4-A, *Parking, Loading, and Stacking*.
  - d. *Right-Angle Requirement.* Side lot lines shall be at right angles to street lines (or radial to curving street lines) unless the City Engineer determines that a variation from this rule will give a better street or lot plan. Dimensions of corner lots shall be large enough to allow for the erection of buildings, observing the minimum front yard setbacks from both streets. All residential lots shall be approximately rectangular in shape and should not have a depth in excess of four (4) times their width, except where extra depth is necessary due to topography or natural conditions or to meet other requirements of this Ordinance.
  - e. *Lot Line Determination.* The lot or block line common to the street right-of-way shall be the front property line. All lots and blocks shall face the front property line and a similar line across the street. Wherever feasible, lots and blocks shall be arranged so that the rear lot line does not abut the side lot line of an adjacent lot.
  - f. *Avoided Lot Types.* Double frontage and reversed frontage lots shall be prohibited except where necessary to provide separation of development from traffic arterials or to overcome specific disadvantages of topography and orientation. The decision as to whether or not a double frontage lot meets this standard shall be made by the City Engineer.
5. *Numbering of Lots and Buildings.* See Sec. 121.09, *House Numbering Assignment and Placement*, of the City's Codified Ordinances.

**G. Sidewalks.**

1. *Width.* Sidewalks are to be at least five (5) feet in width.
2. *Within Right-of-Way.* Sidewalks shall be included within the dedicated, non-pavement right-of-way of all streets.
3. *Required on Both Sides of the Street.* Sidewalks are required to be installed on both sides of the street regardless of the subdivision type.
4. *Construction Requirements.* Sidewalks shall be installed in accordance with the requirements of Chapter 903, *Sidewalks*, of the City's Codified Ordinances.

## H. Easements.

### 1. *General Requirements.*

- a. Easements shall be required alongside rear lot lines for local service utility lines. Easements shall be provided on both sides of any open drainage course for the purposes of widening, deepening, or general maintenance.
- b. In no case shall an interior fence, planting, or any other obstruction, including playground equipment or other accessory structures, be constructed on an easement. Driveways and/or other paved concrete and/or asphalt structures are exempt from this regulation. 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.

### 2. *Drainage Easements.*

- a. All drainage easements, including for any stream, watercourse, or surface drainage course located within a proposed subdivision, shall be indicated on the preliminary plan and the final plat.
- b. All drainage easements (public and private) shall be a minimum of twenty (20) feet in width and shall be located at the rear or side lot lines. One-half (1/2) the width of an easement shall be taken from each lot for interior lots.
- c. When topographical or other conditions make it impractical to include utilities within the rear lot lines, perpetual unobstructed easements at least twenty (20) feet in width shall be provided along the side lot lines with satisfactory access to the street or rear lot lines. One-half (1/2) of the width of an easement shall be taken from each lot for interior lots. This subsection does not apply to the sanitary sewer system, which is required by city ordinance to be within the street right-of-way.
- d. Provisions shall be made by the applicant for perpetual maintenance of all drainage easements including, but not limited to, stream, watercourse, or storm drainage course easements and shall be specified on the final plat of the subdivision.

### 3. *Utility Easements.* Easements shall be required for poles, wire, cable, conduits, storm and sanitary sewers, water lines, gas lines or any other utility lines. Unless approval is granted by the City Engineer, such easements shall be no less than ten feet (10') in width, or twenty feet (20') if multiple underground and overhead utilities are present, and shall be located along front, rear or side lot lines of each lot. Notwithstanding the foregoing, easements of greater width may be required in particular cases upon determination of the City Engineer.

### 4. *Pedestrian and Bicycle Connectivity Easements.* To facilitate pedestrian and bicycle access and connectivity, the City may require perpetual unobstructed easements, at least ten (10) feet in width, from the proposed development to adjacent residential neighborhoods, schools, parks, playgrounds, places of public assembly, government buildings, facilities, other community amenities, or any other points of social, environmental, economic, or historical interest. Every such easement shall be indicated on the final plat.

## **I. Land Preservation.**

1. *Generally.* Existing features that would add value to the development or to the City as a whole (such as trees, watercourses and falls, historic sites, and similar irreplaceable assets) shall be encouraged to be preserved in the design of the subdivision. 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.
2. *Required Preservation Areas.* The following specific areas shall be preserved as undeveloped open space, to the extent consistent with reasonable utilization of the land:
  - a. Wetlands, as defined in Sec. 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 Chapter 1329, *Flood Damage Prevention*, of the City's Codified Ordinances;
  - c. Slopes in excess of twelve percent (12%) unless appropriate engineering methods are employed, pursuant to Sec. 5-L, *Hillside Regulations*, of this UDC;
  - d. Historically significant structures or sites as listed, or eligible for inclusion, on the National Register of Historic Places;
3. *Land Not Suited for Development.* If the City Engineer determines that land proposed for subdivision development is unsuitable due to flooding, poor drainage, topography, landslip potential, inadequate public facilities, or other conditions 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 Commission shall not approve such subdivision unless adequate methods are proposed by the applicant for alleviating the problems that would be created by development of the land, subject to the approval of the City Engineer.
4. *Plat Exclusions.* When the Planning Commission determines that only part of a proposed plat can be developed in compliance with the requirements of this UDC, it shall limit development to only that portion.
5. *Conditional Approval.* The Planning Commission may attach other reasonable conditions as is appropriate to the approval of plats within areas not suited for development. 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 City Engineer.

## **J. Storm Water Management and Erosion Control.**

1. *Purpose.* The purpose of this Sec. 5-J is to promote the public safety, health, general welfare and protection of property, lands and waters within the City and surrounding area, to the extent possible, by alleviating harmful and damaging effects of ineffective stormwater management and erosion and sediment control.

2. *Applicability.* The Applicant shall use adequate measures to minimize erosion and its impacts during subdivision construction activity. This regulation shall apply to all entities involved in earth-disturbing activities, including but not limited to any clearing, stripping, excavation, filling, grading, construction or other activities involving the disturbance of natural terrain or vegetation ground cover. All erosion and sedimentation control devices shall be in place at the start of construction activity.
3. *Storm Water Drainage.*
  - a. *Generally.* No subdivision plan or plat shall be approved that does not make adequate provision for storm water runoff and flood waters. The Planning 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.
  - b. *Preservation of Natural Drainage Courses.*
    - 1) The natural flow of all existing drainage courses, including underground drainage systems, shall be accommodated. Such underground systems, including farm field tile systems, shall be identified and mapped as part of the preliminary plan.
    - 2) 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. The City Engineer may require an easement to 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 Applicant for construction and future maintenance. These easements must be shown on the Construction Plans, including the volume and page number of the recorded easement.
  - c. *Outlets.* No subdivision plan or plat shall be approved by the Planning Commission unless an adequate outlet for storm water, as shown on the plan or plat, is approved by the City Engineer. The Applicant shall pay all costs associated with an analysis performed and submitted by a Professional Engineer demonstrating that an adequate outlet for storm water runoff exists. 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.
  - d. *Submittal Data.* Culverts and other components of storm water conveyance systems that cross streets or roadways 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 City Engineer may require the Applicant to pay for an analysis of the existing storm water system by a Professional Engineer 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 the 100-year storm event.
  - e. *Culverts.* All culverts utilized in subdivisions shall have the appropriate headwalls and/or other structures and improvements to protect the facility.



3. *Retention/Detention Ponds within Open Space.* If a tract being subdivided contains a pond or portion thereof, it shall be set aside as common area and shall not be included as part of a lot or in satisfying the individual lot area requirements of the UDC.
4. *Ownership and Maintenance of Common Open Space.*
  - a. *Equal Responsibility.* Responsibility, maintenance, and ownership of ponds and common area shall be distributed equally among all property owners within the development either jointly through a property owners association or individually in the event a property owners association is dissolved or does not exist.
  - b. *Proof of Agreement.* The City shall require proof of an “ownership and maintenance agreement” for the common areas within a subdivision.
  - c. *City Not Responsible for Maintenance or Safety.* The City shall not assume responsibility for the maintenance and safety of the common areas.

**L. Hillside Regulations.**

1. *Generally.* These regulations shall apply to all hillside areas, herein defined as areas where the average slope exceeds twelve percent (12%). The final determination as to whether a particular subdivision is subject to these requirements shall be made by the City Engineer. If a subdivision is determined to be subject to hillside regulations, both the City may require additional material, including but not limited to geologic conditions, soil types, and underground water levels, in addition to that material specified in Chapter 6, *Subdivision Administration*, of this UDC, in order to determine compliance. New development in hillside areas shall maintain existing levels of slope stability and not increase the potential for slope failure.
2. *Cut and Fill.* Cut and fill slopes shall be designed, constructed, and maintained in a manner that will maximize stability and minimize erosion. No land shall be graded, cut or filled so as to create a slope exceeding a vertical rise of one (1) foot for each two and one-half (2 ½) feet of horizontal distance between abutting lots or adjoining tracts of land, unless a retaining wall of sufficient height and thickness is provided to prevent slides and erosion.
3. *Retaining Walls.* Retaining walls may be required whenever topographic conditions warrant or where necessary to retain fill or cut slopes within street rights-of-way.
4. *Streets.* Final grades on all streets shall be as determined by the City Engineer on a case-by-case basis, but in no case shall the slope of any street exceed twenty percent (20%). All fill used on streets shall be compacted in accordance with Ohio Department of Transportation Specifications and the City Standard Plans and Specifications.
5. *Driveways.* The maximum grade on that portion of any driveway within a public right-of-way in a hillside subdivision shall not exceed sixteen percent (16%). Sufficient space and distance to turn around prior to entering the street shall be provided if required by the City Engineer. Driveways shall be designed and constructed to drain into the curb and gutter and not directly onto the roadway surface or onto any lot.

## M. Public Sanitary Sewer System.

1. *Installation of Facility.* The subdivider shall be required to install public sanitary sewer facilities consistent with the requirements of this Sec. 5-M of this UDC and Chapter 911, *Sewer Regulations*, of the City's Codified Ordinances as a condition of the sale of each lot or parcel in the subdivision.
  - a. *Complete System.* The subdivider shall provide the subdivision with a complete sanitary sewer system, which shall connect to a sanitary sewer outlet approved by the City.
  - b. *Placed in Easements.* Public sanitary sewers shall be laid in easements consistent with the requirements of Sec. 5-H, *Easements*.
  - c. *Installation of Laterals.* Service laterals shall be installed between the street sewer collector and the property line before the street is paved. The City shall own all infrastructure within the right-of-way. Infrastructure not within the right-of-way and on private property shall remain privately owned.
  - d. *Design and Construction Requirements.* The construction of the sanitary sewer shall be designed and constructed to the following standards:
    - 1) Sanitary sewers shall 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 all of the following:
      - a) The City Standard Plans and Specifications.
      - b) The Ohio Environmental Protection Agency (OEPA).
      - c) 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.
      - d) The current rules and regulations of the Utility Department of the City of Chillicothe.
    - 2) Sanitary sewer lines should be located in the street right-of-way, except under special conditions, when this requirement may be waived by City Engineer. In such cases, the line shall be provided with permanent access easements.
    - 3) Under no circumstances shall a new septic tank, aeration system, mound (evapo-transpiration) system or similar method of sewage disposal be installed within the City. 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 City Engineer. The property owner shall be responsible for all costs associated with any lift station for one (1) year after the system is dedicated to the City, or until not less than or until more than five (5) lots have been developed, whichever comes first.
    - 4) Minimum line size for gravity sewers shall be eight inches (8"). Downstream sewer pipe sizes shall be greater than or equal to the upstream size unless otherwise

approved by the City Engineer. 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 Chapter 6, *Subdivision Administration*, of this UDC.

- 5) *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 or watercourse with year-round flow. In those cases where a sanitary sewer crosses such a stream or watercourse, the encasement shall extend along the sewer ten (10) feet beyond the top of the bank on both sides.

2. *Submittal of Plans. Sec.7-E-2, Development Plan Review Process.*

#### **N. Private Sanitary Sewer.**

1. *Generally.* Private Sanitary Sewers are permitted provided that the requirements this Sec. 5-L of the UDC and the requirements of Chapter 911, *Sewer Regulations*, of the City's Codified Ordinances are met.
2. *Specifications.* 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 City Engineer.
3. *Permit Required.* Before any building sewer, as defined in Chapter 911, *Sewer Regulations*, of the Codified Ordinances, is constructed, a tap permit must be obtained from the City. Installation of building sewers shall conform to applicable regulations of the City.
4. *Stamp.* An "S" shall be stamped into the face of the curb at the location of any building sewer tap.

#### **O. Public Water System.**

1. *Subdivider Responsibilities.* The subdivider shall provide the subdivision with a complete water main supply system, which shall be connected to a municipal or a community water supply approved by the Administrator. When such municipal or community water supply is not available, as determined by the Administrator, an individual water supply on each lot in the subdivision is required.
2. *Connections*
  - a. *Connection to System.* All habitable buildings and buildable lots shall be connected to a water system capable of providing water for health and emergency purposes, including adequate fire protection.
  - b. *Connection per Lot.* Each lot shall be provided with a connection to the water delivery system in accordance with the City Standard Plans and Specifications.
3. *Minimum Construction Standards.* The construction of the public water facility shall at a minimum be in accordance with the City Standard Plans & Specifications and the Recommended Standards for Water Works Facilities (Great Lakes - Upper Mississippi River Board of State Public Health and Environmental Managers: 2022) as may be subsequently updated or amended.

4. *Proximity Requirement.* When a public water supply is available within five hundred (500) feet of any boundary of a proposed subdivision, the subdivider shall construct and install a system of water mains (including fire hydrants) to be connected to the public water supply.
5. *Water Service Lines.*
  - a. *Design.*
    - 1) *Generally.* Water lines shall be designed, sized, and constructed so as to be in conformance with all of the following:
      - a) The City Standard Plans and Specifications.
      - b) The Ohio Environmental Protection Agency (OEPA.)
      - c) Recommended Standards for Water Works Facilities (Great Lakes - Upper Mississippi River Board of State Public Health and Environmental Managers: 2022) as may be subsequently updated or amended.
    - 2) *Minimum Cover.* Minimum cover for water lines shall be forty-eight inches (48").
    - 3) *Minimum Residual Pressure.* The water system shall be designed in order that the minimum residual pressure at the highest inhabited floor of any building shall be not less than 20 psi.
  - b. *Location.* Water lines should be located within the street right-of-way, except under special circumstances when this requirement may be waived by the City Engineer. In such cases, the line shall be provided with permanent access easements consistent with the requirements of Sec. 5-H, *Easements*.
  - c. *Installation.*
    - 1) Water service lines shall be installed consistent with the Recommended Standards for Water Works Facilities (Great Lakes - Upper Mississippi River Board of State Public Health and Environmental Managers: 2022) as may be subsequently updated or amended.
    - 2) All water service lines shall be Type K copper.
    - 3) 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.
    - 4) Water services shall be constructed after the street is rough graded and prior to the installation of paved surfaces and curbs. A "W" shall be stamped on the face of the curb at the location of any water service tap.
  - d. *Water Main Size.* The standard minimum size of water mains shall be six inches (6") or as needed to maintain minimum fire flow requirements for the proposed development per the Chillicothe Fire Department and the Insurance Services Office (ISO). 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 Sec. 6-F-3, *Construction Process Requirements*, of this UDC.

- e. *Relationship to Sanitary or Stormwater Sewer Lines.* 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 any sanitary or storm water 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 of water mains and sanitary sewer lines, one full length of water pipe should be used in order that both joints will be as far away from the sewer line as possible. All crossings shall be made at a 90-degree angle.
6. *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 City Engineer may require an alternative location of curb boxes and/or meter pits.
7. *Fire Hydrants.*
- a. *Required.* Fire hydrants shall be required for all developments served by a public water utility or where public water utilities are reasonably accessible as determined by the Administrator.
  - b. *Approval.* The Administrator shall approve fire hydrants, including their setting, number, and size of outlets.
  - c. *Spacing Requirements.* Fire hydrants shall be located so that adequate fire flow to each structure, based on the current guidelines of the ISO, can be met, but in no case shall be more than 350 feet from another fire hydrant or as otherwise required by the Chillicothe Fire Department.
  - d. *Residual Pressure.* The water system shall be designed in order that the minimum residual pressure at the highest inhabited floor of any building shall be not less than 20 psi.
  - e. *Water Supply.* Adequate water supply as determined by the Administrator shall be provided to all fire hydrants prior to any building construction.
  - f. *Street Markers.* Plowable street markers may be required on major arterials.
  - g. *Dry Hydrants.* Dry hydrants may be required in retention/detention ponds. Placement and design must be approved by the Administrator.
  - h. *Cost and Surety.* The cost of installing the system shall be borne by the subdivider. The subdivider may be required to provide surety for installing such improvements.
8. *Submittal of Plans. Sec.7-E-2, Development Plan Review Process.*
9. *City Water System, Rates, and Restrictions.* See Chapter 915, *Water*, of the City's Codified Ordinances.

**P. Private Water Supply.**

- 1. *Proximity Requirement.* Where a public water supply is not available within five hundred (500) feet of any boundary of the proposed subdivision, the subdivider may provide each lot

with a community or individual water supply provided that the regulations this Sec. 5-P of the UDC and Chapter 3701-28 of the Ohio Administrative Code (OAC) are followed.

2. *Existing Private Wells.* All existing homes currently being served by a private potable well water supply that are to be connected to a new public water supply system shall adhere to the following:
  - a. *Abandonment.* The existing well and pumping unit shall be abandoned and the well properly plugged in accordance with the rules and regulations of OEPA and the Ohio Department of Natural Resources (ODNR).
  - b. *Continuance of Existing Private Wells.* If the homeowner chooses to keep a well in service, a physical disconnection (between the existing well supply plumbing and the new public water supply plumbing) must be completed by the homeowner and inspected by the Ross County Health Department. All plumbing disconnections shall be completed by a plumbing contractor, licensed in the State of Ohio, and shall be made in accordance with the requirements of the American Backflow Prevention Association (ABPA).

**Q. Mapping and Monumentation.**

1. *Generally.* Survey and monument activities shall be performed by, or under the direct supervision of an Ohio Registered Professional Surveyor and shall conform to OAC Chapter 4733-37, *Standards for Boundary Surveys*. (Administrative Code Sec. 4733-37), the requirements of the City Engineer, and all of other requirements of this UDC.
2. *Elevations.* Elevations shall be referenced to the North American Vertical Datum 1988 (NAVD88).
3. *Staking Required Unless Obstruction or Waiver.* All corners of interior lots shall be staked unless there is an obstruction such as a manhole or utility facility or a waiver is granted by the City Engineer for reasons the installation of the monument is unreasonable for specific circumstance that the applicant states in writing to the Office of the City Engineer. In cases where the corner cannot be staked an offset may be placed.
4. *Conformance with Plat.* The monumentation set shall conform to that shown on the recorded plat. If offsets are placed, the plat must be amended to satisfy this requirement. All monumentation set shall comply with OAC 4733-37-03, *Monumentation*. At least four permanent monuments shall be set to control the subdivision plat. For subdivision plats of more than ten lots, additional permanent monuments shall be set to properly control the original survey and interior streets.
5. *Types and Location.* Monuments for street alignment control (one-inch diameter solid iron pins, thirty (30) inches long) shall be set at street centerline intersections and changes of direction. The intersections of local or residential streets may be monumented with minor monumentation (P-K nail, Mag Nail, Rail Spike) after the final pavement is in place. Intersections of new arterial or collector streets shall be monumented in compliance with OAC 4733-37-03, *Monumentation*, and be placed within a monument box approved by the City Engineer.

6. *When Set.* Lot monuments shall be placed after lot grading and prior to sidewalk construction. After all construction activity is completed, the applicant shall ensure that all monuments are in place. Centerline monuments shall be placed after the construction of the streets is completed. Monument boxes may be placed prior to paving.

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# Chapter 6 – Subdivision Administration

## A. General Provisions.

1. *Applicability.* An applicant shall follow the applicable procedures contained in this Chapter for the type of subdivision for which approval is sought. The specific subdivision classification as defined herein shall be made by the Administrator.
2. *Authority.* The authority to grant the subdivision of property within the State of Ohio is granted by Ohio Revised Code (ORC) Chapter 711, *Plats*.
3. *Compliance with UDC.* The platting of land, when required by the UDC, shall be done in compliance with the provisions of this UDC. Land required by the UDC to be platted may not be subdivided unless approved per the regulations of this UDC.

## B. City Council.

1. *Establishment and Membership.* See Codified Ordinances of the City of Chillicothe, Ohio, Section 111.01.a, and ORC Chapter 731, *Organization*.
2. *Duties and Powers.* See Codified Ordinances of the City of Chillicothe, Ohio, Section 111.01.b, and ORC Chapter 731, *Organization*.
3. *Acceptance of Land and Improvements.* Within thirty (30) days after approval of the final plat by the Planning Commission, the Administrator shall forward the plat to the City Council for acceptance of the public rights-of-way and easements to be dedicated to the City or another entity. Action of the City Council shall be by separate ordinance, containing a statement authorizing the Clerk of Council to sign the plat.

## C. Planning Commission (PC).

1. *Establishment and Membership.* See Sec. 7-C-1, *Membership*.
2. *Duties and Powers.* See Sec. 7-C-2, *Duties and Powers*.
3. *PC Authority.* PC authority shall be derived from Chapter 711, *Plats*, and Chapter 713, *Planning Commissions*, of the Ohio Revised Code (ORC).

<b>Application Type</b>	<b>Planning Commission's Action</b>	<b>UDC Process</b>	<b>Applicable Ohio Revised Code</b>
Major Subdivision Preliminary Plat	Final	Sec. 6-B-6	§ 711.09
Major Subdivision Final Plat	Final	Sec. 6-B-7	§ 711.09

4. *PC Meetings, Public Records, Quorum and Actions.* See Sec. 7-C-4, *PC Meetings, Public Records, Quorum and Actions*.
5. *PC Process for All Application Types.* See Sec. 7-C-5, *Processes for All Application Types*.

**6. Major Subdivision Preliminary Plat Process.**

*a. Application for Preliminary Plat.*

- 1) *Initial Submittal.* Any applicant, upon determining to proceed with a major subdivision shall submit five (5) complete sets of drawings and other material for an application as specified in Sec. 6-B-6-b below, to the Administrator, along with applicable fees as established by separate ordinance.
- 2) *Completeness Review.* Within fifteen (15) working days from receipt, the Administrator shall review the submitted materials to determine whether the application is in fact complete. If the application meets the submittal requirements as specified in Sec. 6-B-6-b below, the Administrator shall certify such application and proceed with review. If the application is found to be incomplete, the applicant shall be notified as to the specifics of how the applicant is deficient.

*b. Contents of Application for Preliminary Plat.* The application for preliminary plat shall, at a minimum, include the following information:

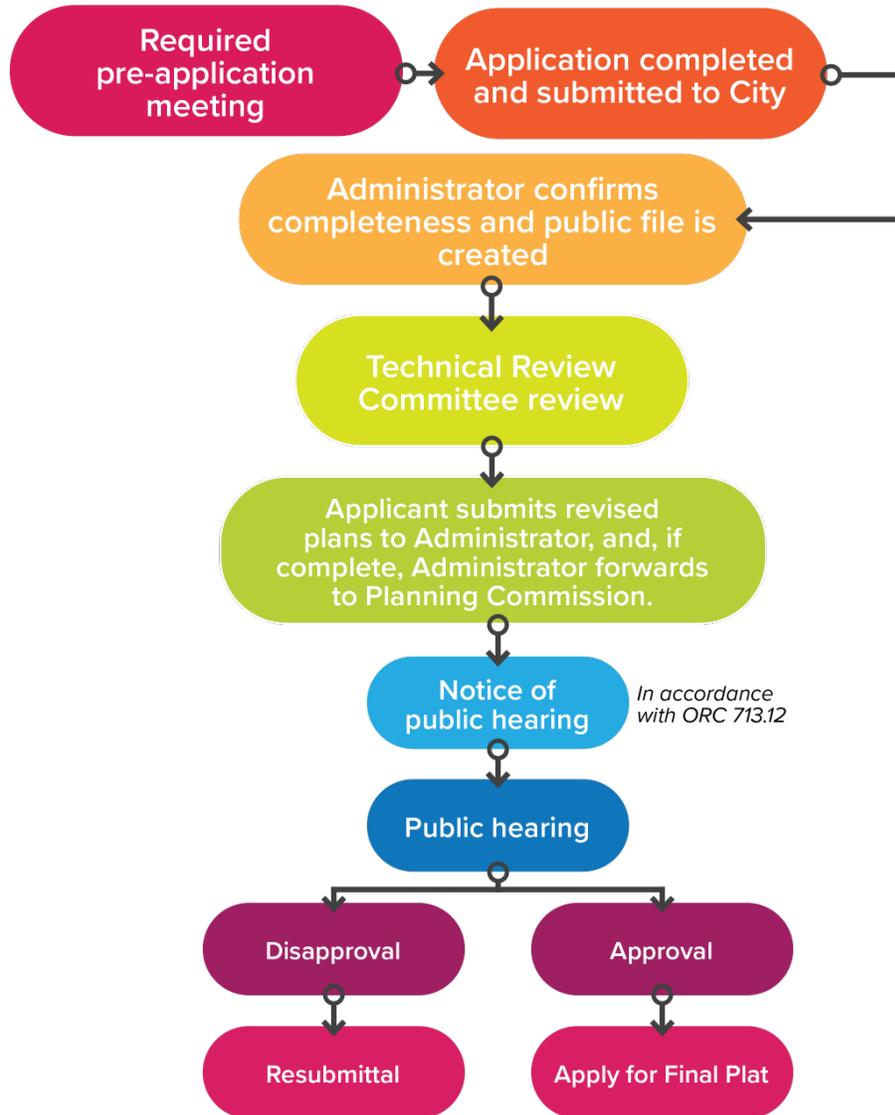
- 1) Proposed name of the subdivision and its location;
- 2) Names, addresses, and telephone numbers of the applicant;
- 3) Name, address, and registration number of the Professional Engineer or Professional Surveyor preparing the plan;
- 4) Date, north arrow and plan scale;
- 5) Boundary lines of the proposed development and the total tract owned or controlled by the applicant, along with the acreage of both;
- 6) 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') 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;
- 7) 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 Chillicothe, as may be added;
- 8) Portions of the site subject to federal wetlands requirements;
- 9) 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;
- 10) 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;
- 11) Other utility system layouts and requirements;

- 12) Proposed methods for addressing storm water runoff;
  - 13) 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;
  - 14) 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.
  - 15) All drawings shall be submitted in AutoCAD format and as TIFF images, or other format as determined by the Administrator.
- c. *Submittal of Preliminary Plat to Planning Commission.* Upon certification of the preliminary plat application pursuant to Sec. 6-B-6-a-2, *Completeness Review*, the Administrator shall review said application and submit same to the City Engineer, other City departments and/or other entities as deemed appropriate for input. In addition, the Administrator may seek the input of special consultants for the express purpose of providing input on particular issues, and the costs of such services shall be paid by the applicant.
  - d. *Transmittal to Planning Commission.* After review, the Administrator shall submit the preliminary plat to the Planning 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 plat shall be deemed the date of the first Planning Commission meeting following completion of review by the Administrator.
  - e. *Action on Preliminary Plat by Planning Commission.*
    - 1) *Required Findings to Approve.* A preliminary plat shall not be approved unless the Planning Commission finds that:
      - a) The preliminary plat complies with all applicable provisions of the ORC, this UDC and all other applicable ordinances or regulations of the City;
      - b) The subdivision can be adequately served with public facilities and services suitable under the specific circumstances;
      - 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.
    - 2) *Decision Options.* The Planning Commission may approve, disapprove, or approve with modification the submitted preliminary plat. Should there be grounds for denial, specific citations and references of UDC provision or any other provisions for which the submittal is deficient shall be stated in the written record of the meeting. Any approval of a preliminary plat shall be effective for a period of two (2) years.

- 3) *Modifications.* In the event that modifications are required, a copy of the revised preliminary plat incorporating such modifications shall be completed by the applicant and submitted to the Administrator.
  - 4) *Timeframe to Move Forward for Final Plat.* Approval of the preliminary plat 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 plat shall be submitted for final approval, pursuant to Sec. 6-B-7, *Final Plat.*
- f. *Flowchart.*

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# MAJOR SUBDIVISION, PRELIMINARY PLAT PROCESS



**7. Major Subdivision Final Plat Process.**

- a. *Application for Final Plat.* Upon approval of the preliminary plat, an application for a final plat for land being subdivided shall be submitted by the applicant pursuant to this Sec. 6-B-7. The application for a final plat shall incorporate all modifications required by the Planning Commission during approval of the preliminary plat and otherwise conform to the preliminary plat as approved. The applicant may apply for a final plat covering that portion of an approved preliminary plat which he/she proposes to develop and record at the time, provided that such portion conforms to all provisions of these regulations.
- b. *Plans and Specifications for Site Improvements.*
  - 1) Prior to action on a final plat by the Planning 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 shall be prepared and certified by a Professional Engineer. 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; and
    - f) Other site improvements as required by the City Engineer.
  - 2) A minimum of ten (10) copies of such material shall be submitted to the Administrator and directed to the City Engineer and local utilities, as necessary. All drawings shall be submitted in AutoCAD format and as TIFF images or other format as approved by the Administrator.
- c. *Contents of Application for Final Plat.* Any applicant, upon determining to proceed with a final plat, shall submit six (6) complete sets of drawings and materials as specified in this Sec. 6-B-8 to the Administrator. The applicant shall submit all fees as applicable for a final plat.
- d. *Completeness Review.* Within fifteen (15) days, the Administrator shall review the application and determine if such application is complete and if all applicable requirements of this UDC have been met.
- e. *Review by City Engineer.* The City Engineer shall review the plans submitted pursuant to Sec. 6-C-7-e, *Final Plat Requirements*, below, and, subject to his or her review, they shall be approved or returned with comments. The City Engineer may submit the plans for review by special consultants selected by the City for that purpose, if it is determined by

the City Engineer that such review is warranted. The costs associated with such reviews shall be paid for by the applicant.

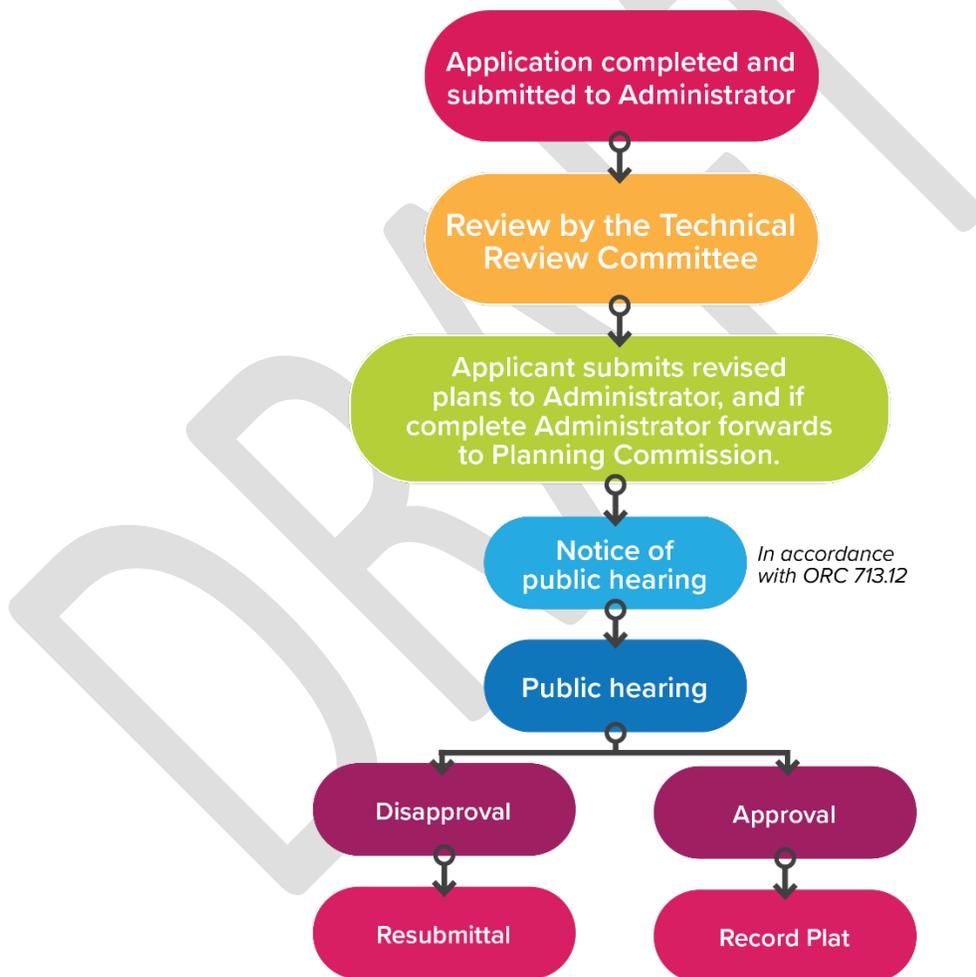
- f. *Transmittal to Planning Commission.* If the Administrator determines that the submitted application is complete and that all applicable requirements have been met, the Administrator shall transmit the application to the Planning Commission at its next regularly scheduled meeting, which shall be deemed the date of submission of the final plat.
- g. *Final Plat Requirements.*
  - 1) *Scale and Printing Size.* 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 City Engineer.
  - 2) *Format of Submittal.* All drawings shall be submitted in AutoCAD format and as TIFF images or other format as approved by the City Engineer. 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 including 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 so as to not duplicate the name of any current street name in the City.
    - 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 Ross County Recorder.
- h. *Decision Options.*
- 1) *Approvals.* If the final plat as submitted to the Planning Commission pursuant to this Sec. 6-C-7-g conforms to all other requirements of this UDC including, but not limited to Chapter 4, *Site Standards*, and Chapter 5, *Subdivision Regulations*, and is consistent with the preliminary plan as approved by the Planning Commission, the Planning Commission shall take action on the final plat at the next regularly scheduled meeting. The approval of the final plat shall be indicated in writing on the original tracing by the signature of the Chairman of the Planning Commission.
  - 2) *Conditional Approval.* The Planning Commission may grant conditional approval to a final plat by requiring the applicant to alter the plat or any part of it, as a condition for final approval. Once all conditions have been met within the specified period, the Planning Commission shall officially approve and endorse as such on the plat. No plat shall be recorded until it is endorsed with the Planning Commission's final or unconditional approval.
  - 3) *Failure to Act.* If the Planning Commission fails to act upon the final plat within the time allotted, the plat shall be considered as approved. The certificate of the Planning Commission shall be issued on demand and shall be sufficient in lieu of the written endorsement or other evidence of approval.
  - 4) *Denials.* Should there be grounds for denial, references to a specific UDC provision(s) or any other provisions for which the submittal is deficient shall be stated in the written record of the meeting.
- i. *Acceptance of Land and Improvements. Sec. 6-B-3, Acceptance of Land and Improvements*
- j. *Recording of Final Plats.*
- 1) *Recording Timeframe.* Upon approval of the final plat, a copy of said plat shall be properly recorded in the office of the Ross County Recorder, at the sole expense of the applicant. The Final Plat shall be recorded, as per state law, within sixty (60) days after such plat is approved. In the event that the Final Plat is not recorded within sixty (60) days, the approval of such Final Plat shall become null and void, unless an extension of such time is granted by the City Council.
  - 2) *Contents When Recorded.* 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 the date of final plat approval. Prior to submittal for

recording, one copy shall be returned to the Administrator, along with the assurances for completion of improvements as required in this UDC.

k. *Flowchart.*

## MAJOR SUBDIVISION, FINAL PLAT PROCESS



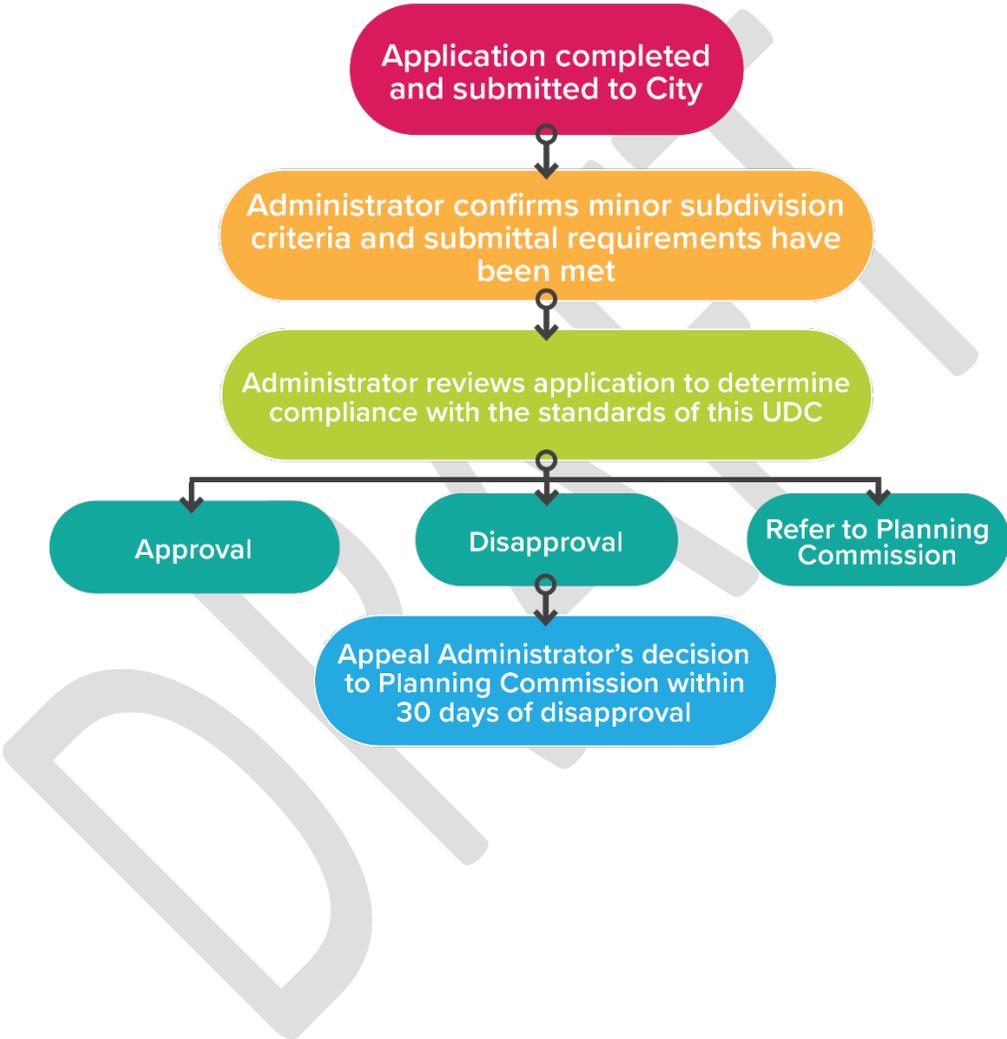
**D. Administrator.**

1. **Duties and Powers.** See Sec. 7-E-1, *Duties and Powers*.
2. **Minor Subdivision Process.**
  - a. *Purpose.* The purpose of the minor subdivision process is to facilitate minor subdivisions through an administrative designee of the Planning Commission;
  - b. *Statutory Authority.* Ohio Revised Code (ORC) § 711.131
  - c. *Criteria to be a Minor Subdivision.* If the Administrator determines that the proposed subdivision of land meets the following criteria, then it shall be classified as a minor subdivision for the purposes of this UDC:
    - 1) *Compliance with ORC Chapter 711.* The proposed subdivision complies with the requirements of ORC Chapter 711, *Plats*, and applicable zoning regulations of the City.
    - 2) *Direct Access to Public Right-of-Way.* The proposed subdivision adjoins an existing public street and does not involve opening, widening, extension or improvement of any roadway.
    - 3) *Platting Options.*
      - a) The proposed subdivision creates no more than five (5) lots including the remainder;
      - b) Replating previously platted property into the same number of lots or fewer lots than as previously platted; or
      - c) Consolidating two or more existing lots into a single lot: and
  - d. *Submittal Requirements.* If the subdivision is determined to be a minor subdivision per Sec. 6-D-2-c, *Criteria to be a Minor Subdivision*, an applicant shall prepare and submit to the Administrator an application consisting of:
    - 1) A survey of the property by a Registered Surveyor that meets the minimum State surveying standards;
    - 2) Legal descriptions for the proposed minor subdivision;
    - 3) A completed application form and the associated fee submitted to the Administrator; and
    - 4) All of the applicable requirements and associated features must conform to the applicable standards of Chapter 5, *Subdivision Design Standards*.
  - e. *Approval or Disapproval Process.*
    - 1) After determination that such action meets the criteria for a minor subdivision per Sec. 6-D-2-c, *Criteria to be a Minor Subdivision*, and within fifteen (15) days after all submittal material is submitted to the Administrator per Sec. 6-D-2-d, *Submittal Requirements*, the Administrator may approve or disapprove said minor subdivision or he/she may refer such submittal to the full Planning Commission.

- 2) A minor subdivision shall not be deemed approved unless it is fully signed and stamped.
  - 3) In cases of approval or disapproval, one (1) copy of the preliminary plat or instrument of conveyance, with such notation thereon, shall be retained for the files of the Planning Commission.
  - 4) The decision of the Administrator may be appealed in writing to the full Planning Commission within thirty (30) days from the date of the approval or disapproval.
- f. *Flowchart.*

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# MINOR SUBDIVISION PROCESS



**E. Technical Review Committee.** See Sec. 7-F, *Technical Review Committee*.

**F. Construction and Development Process.**

1. *Required Improvements Completed by Applicant.* The applicant who desires to subdivide or develop any land subject to this UDC 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, curbs, and other improvements as may be required by this UDC and the City's Standard Plans and Specifications;
  - b. Sanitary sewers, including maintenance holes, 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 City Engineer;
  - g. Street lighting, pursuant to Sec. 4-D, *Lighting*, including poles, underground conduits, and appurtenances, as determined by the City Engineer;
  - h. Utilities, including electric, telephone and cable television services;
  - i. All other improvements shown on approved plans as approved by the City;
  - j. All plans shall be prepared and sealed by a registered professional engineer licensed in the State of Ohio;
  - k. The final plat shall be prepared and all layout staking of the project shall be performed by a registered professional surveyor licensed in the State of Ohio; and
  - l. The applicant shall provide for the future extension of streets and water, sanitary sewer and storm drainage lines from the applicant's site to adjacent property as deemed necessary by the Planning Commission.
2. *Obligations of Applicant.* The applicant shall be subject to the following obligations:
  - a. The applicant shall be responsible for the payment of all fees incurred by the City Engineer pertaining to administrative responsibilities specified in this UDC, including inspection of the improvements.
  - b. 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 City Engineer.

- c. The applicant, or his agent, shall give not less than twenty-four (24) notice to the City for any inspection to be conducted. The applicant shall also ensure that no work shall be covered or obscured prior to inspection by the City.
- d. The applicant 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.
- e. All improvements and utilities will be satisfactorily installed within two (2) years from the date of approval of the construction plans, or within such other time schedule as specifically approved by the City Engineer.
- f. All permits and approvals shall be obtained and all fees and deposits paid prior to beginning any construction of any improvements.
- g. Be in compliance with Sec. 6-F-5, *Bond Determination Letter or Actual Construction*, and Sec. 6-F-6, *Performance Surety*.
- h. During construction and prior to acceptance of any public improvement, the applicant shall remove or cause to be removed such dirt and debris and foreign matter from all public rights of way, improvements or easements as existed prior to the time of construction or 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, or as deemed sufficient by the City Engineer, after being notified by the City that such work is required and shall be completed to the satisfaction of the City Engineer.
- i. All public improvements shall be guaranteed by the applicant for a period of one (1) year from the date the public improvement is accepted, in writing, by City Council pursuant to Sec. 6-B-3, *Acceptance of Land and Improvements*. 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 and shall include the following:
  - 1) Any and all defects and deficiencies in workmanship and materials; and
  - 2) 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.
- j. In the event the applicant fails to make such maintenance, repairs or replacements within ninety (90) days after notice in writing by the City Engineer, 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 surety per Sec. 6-F-6, *Performance Surety*.
- k. The applicant shall execute a development agreement with the City, specifying the terms and conditions required under this Section of this UDC.

- l. The applicant shall furnish to the City final plats and as-built drawings of all improvements as required by this UDC including but not limited to Sec. 6-F-3-d, *Certification of Improvements*.
  - m. No person or owner shall violate any of the regulations established in this Section. Upon identifying such violation, the City shall have the authority to:
    - 1) Stop all work on the development site forthwith;
    - 2) Hold the applicant, bonding company and/or institution issuing the letter of credit responsible for the completion of the public improvement according to the approved construction drawings and the agreement.
3. *Construction Process Requirements.*
- a. *General Regulations.* The improvements required by these subdivision regulations shall conform to the City Standard Plans and Specifications and other applicable portions of the Codified Ordinances of the City, as amended. All site improvements shall be designed, furnished and installed by the applicant of the subdivision. The applicant shall be responsible for the costs of all tests required by the City Engineer to establish that the materials and methods utilized in construction of the improvements meets the requirements of the City Standard Plans and Specifications. Subdivisions shall be provided with the same improvements whether the streets are public or private, except in cases of unique conditions that may be approved by the Planning Commission.
  - b. *Streets.*
    - 1) *Street Grading.* No street grading shall be permitted until the final construction plans have been approved by the City Engineer and inspection fees have been paid.
    - 2) *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 City Engineer. The subgrade shall be shaped and compacted subject to the requirements of the City Engineer, and no fill shall be placed until said subgrade has been inspected and approved.
    - 3) *Pavement Application.* No pavement shall be placed until the prepared subgrade has been inspected and approved by the City Engineer. The finish pavement course shall not be placed over the base course until a period of time as specified by the City Engineer has elapsed. All failures in the base course must be repaired prior to installation of the finish course.
    - 4) *Street Signs.* The applicant shall provide all traffic control, street name and parking signs at intersections and other locations as designated by the City. Such signs shall be purchased from the City. The City shall be responsible for the installation and maintenance of all such signs.

- c. *Private Sanitary Sewers.* Before any building sewer, as defined in Chapter 911 of the Codified Ordinances, is constructed, a tap permit must be obtained from the City. Installation of building sewers shall conform to the applicable regulations of the City.
  - d. *Certification of Improvements.* Upon the completion of construction, and prior to acceptance by the City, the applicant shall provide the City with a letter certifying that the construction is in conformance with the approved Construction Plans and the City Standard Plans and Specifications. Any and all changes made shall be shown on the required as-built plans and specifications, as required by this UDC.
  - e. *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 applicant shall assume full responsibility and liability for all areas dedicated to the public, and improvements thereon. The applicant shall agree to indemnify and hold harmless the City of Chillicothe until such time as the improvements are accepted.
4. *Costs Shared by the City.* Whenever the City requests that an applicant install utilities and/or streets to sizes and configurations in excess of the needs of the applicant's property which is being developed, the City shall share in the cost of the excess size and configuration of the utilities and/or streets as discussed below.
- a. A utility or street shall be considered excessive to the 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; or
    - 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 water line, sanitary sewer pipe, and the appurtenances thereto between what is required for the land being developed and what is excessive; or
    - 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 applicant, contractor, subcontractor, or other persons because of:
    - 1) Equipment or labor costs related to excessive excavation, due to the over sizing and/or increased depth or width of waterlines, sewers or roadways. For the purposes of this UDC, "excessive excavation" shall include excavation in bedrock, wet or loose soils, or at a depth of greater than fourteen (14) feet;
    - 2) Equipment, labor or material cost due to improper 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 the Planning Commission of the preliminary plat for the land being developed, the following procedure shall be followed:
    - 1) The City Engineer 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 City Engineer, the costs shall be certified to the chief fiscal officer of the City.
    - 4) Failure of the applicant to provide the City with copies of billings, invoices, contracts, agreements or such other evidence of construction costs as the City Engineer deems necessary within three (3) 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 in this Section null and void. In such cases, no reimbursement shall be made or monies paid without negotiation of a new cost-sharing agreement and approval of such agreement and appropriation of costs by City Council.
5. *Bond Determination Letter or Actual Construction.*
- a. *Generally.* The applicant may install, construct, have inspected and approved by the City Engineer all required site improvements prior to submitting the application for approval of a final plat or he/she may furnish satisfactory performance guarantees for the construction of such improvements.
  - b. *Requirements Prior to Work Commencing.* No construction work on such development, including street grading, shall be started until the applicant has obtained:
    - 1) Approval of the Construction and Grading Plans from the City Engineer;
    - 2) Approval of the necessary performance or construction bonds and/or letters of credit pursuant to Sec. 6-F-6, *Performance Surety*;
    - 3) Payment for all applicable inspection and other development fees; and
    - 4) Execution of any development agreement (if applicable).

6. *Performance Surety.* 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 City Engineer, shall be deposited with the City. Such performance assurance shall consist of one of the following:
- a. A performance or construction bond equal to one hundred ten percent (110%) of the estimated construction cost as approved by the City Engineer for the public improvements. Such bond shall be without time limit and shall be on such forms as may be provided by the City; or
  - b. A letter of credit or certified check made payable to the City, equal to one hundred ten percent (110%) of the estimated construction cost as approved by the City Engineer for the public improvements.

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## Chapter 7 – Zoning Administration

### A. General Provisions.

1. *Applicability.* An applicant shall follow the applicable procedures contained in this Chapter for the type of zoning approval that is sought. The specific zoning classification approval as defined herein shall be made by the Administrator.
2. *Authority.* The authority to regulate use and development of land within the State of Ohio is granted by Ohio Revised Code (ORC) Chapter 713, *Planning Commissions*.

### B. City Council.

1. *Membership and Duties.* See Codified Ordinances of the City of Chillicothe, Ohio, Section 111.01, *Membership, Duties, and Salaries*, and ORC Chapter 731, *Organization*.
2. *Schedule of Fees.* The City Council shall establish, by separate ordinance, a schedule of fees, charges, and expenses and a collection procedure for zoning certificates, subdivision plats, appeals, and other matters pertaining to this Unified Development Code (UDC). The schedule of fees shall be posted in the office of the Administrator 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.
3. *Public Notice and Public Hearing.* Before any ordinance, measure, regulation, or amendments may be passed by the City Council, thirty days (30) notice of the time and place of the public hearing shall be given in accordance with ORC 713.12, *Zoning Regulations Notice and Hearing*.

<b>Process</b>	<b>City Council's Action</b>	<b>UDO Cross Reference</b>	<b>Applicable Ohio Revised Code</b>
Comprehensive Plan: Adoption or Amendment	Final	Sec. 7-C-6	ORC 713.12
UDC Adoption or Text Amendment	Final	Sec. 7-C-7	ORC 713.12
Zoning Map: Adoption or Amendment (Rezoning)	Final	Sec. 7-C-8	ORC 713.10
Annexation	Final	Sec. 7-C-9	ORC 709
Planned Unit Development	Final	Sec. 7-C-10	ORC 713.10

### C. Planning Commission (PC).

1. *Membership.*
  - a. *Establishment.* Pursuant to Ohio Revised Code (ORC) 713.01, the Planning Commission shall consist of the Mayor, the Safety Services Director, and three (3) citizens of the City

to be appointed by the Mayor for terms of six (6) years each. Subsequent vacancies shall be filled by the Mayor.

- b. *Removal of Members.* Members of the Planning Commission shall be removable for non-performance of duty, misconduct in office, or other just cause, by the Mayor.
2. *Duties and Powers.* The Planning Commission shall have the following powers and duties:
- a. Prepare a recommended Comprehensive Plan for the City and recommend from time to time amendments to that Plan as may be needed.
  - b. Take actions to approve, approve with modification or disapprove subdivisions of land, as authorized by this UDC.
  - c. Review proposed amendments to this UDC or Official Zoning District Map and make recommendations to City Council.
  - d. Permit conditional uses as specified in the various zoning districts under the conditions specified in this UDC, and such additional safeguards as will uphold the intent of the Ordinance.
  - e. Make a recommendation for the zoning of newly annexed areas into the City, in accordance with this UDC.
  - f. Administer the requirements for planned unit developments, in accordance with Sec. 7-C-11, *Planned Unit Development (PUD)*.
3. *PC Authority.* Planning Commission authority is derived from Chapters 711 and 713 of the Ohio Revised Code.
4. *PC Meetings, Public Records, Quorum, and Actions.*
- a. The Commission shall adopt, from time to time, such rules, procedures and regulations as it may deem necessary to implement the provisions of this UDC.
  - b. The Commission shall elect a Chairman who shall serve a two (2) year term.
  - c. 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. Three (3) members of the Commission shall constitute a quorum.
  - d. The meetings of the Commission and its records shall be subject to the requirements of the Ohio Open Meeting Act.
5. *Processes for All Application Types.*
- a. *Pre-Application Conference.* Before applying for any Planning Commission process, an applicant shall schedule a required pre-application meeting with the Administrator, which may be held in person or virtually (video conference). This step allows the applicant to discuss the procedures for approval with the Administrator as well as the requirements and regulations for development.
  - b. *Application.* The applicant shall submit the appropriate official application in complete form. A complete application includes all the required supporting documentation, in addition to the official application form.

- c. *Public File.* Once the Administrator determines that an application is complete and in proper form, they shall assign a file number and create a public file.
- d. *Public Notice and Public Hearing.* Before any ordinance, measure, regulation, or amendment may be passed or recommended for adoption by the Planning Commission, thirty days' notice of the time and place of the public hearing shall be given in accordance with ORC 713.12, *Zoning Regulations Notice and Hearing.*
- e. *Additional Information.* The Administrator or the Planning Commission may require additional information to be provided at the expense of the applicant, to enable review and assessment of the application. Such additional information may include traffic impact studies paid for by the applicant by a company that is approved by the City.
- f. *Appeals.* Any decision of the Planning Commission may be appealed to any court of competent jurisdiction provided that the person has exhausted all available administrative remedies. However, nothing in this UDC expands the right to judicial review as provided by Ohio law.

Table 7-2, Planning Commission Authority			
Application Type	Planning Commission's Action	UDO Cross Reference	Applicable Ohio Code
Comprehensive Plan: Adoption or Amendment	Recommendation after Public Hearing to City Council	Sec. 7-C-6	ORC 713.10
UDC Adoption or Text Amendment	Recommendation after Public Hearing to City Council	Sec. 7-C-7	ORC 713.10
Zoning Map: Adoption or Amendment (Rezoning)	Recommendation after Public Hearing to City Council	Sec. 7-C-8	ORC 713.10
Annexation	Recommendation after Public Hearing to City Council	Sec. 7-C-9	ORC 709
Conditional Use	Final	Sec. 7-C-10	ORC 713.02
Planned Unit Development	Recommendation after Public Hearing to City Council	Sec. 7-C-11	ORC 713.10

- 6. **Comprehensive Plan Adoption or Amendment Process.** After giving proper public notice, the Planning Commission is responsible for providing a recommendation to the City Council as to whether to recommend adoption and/or amendment of a new comprehensive plan to the City Council.
- 7. **UDC Adoption or Text Amendment Process.** After giving proper public notice, the Planning Commission is responsible for providing a recommendation to the City Council as to whether to recommend adoption of a new UDC and/or amendment of a UDC to the City Council.
- 8. **Zoning Map Amendment (Rezoning) Process.**

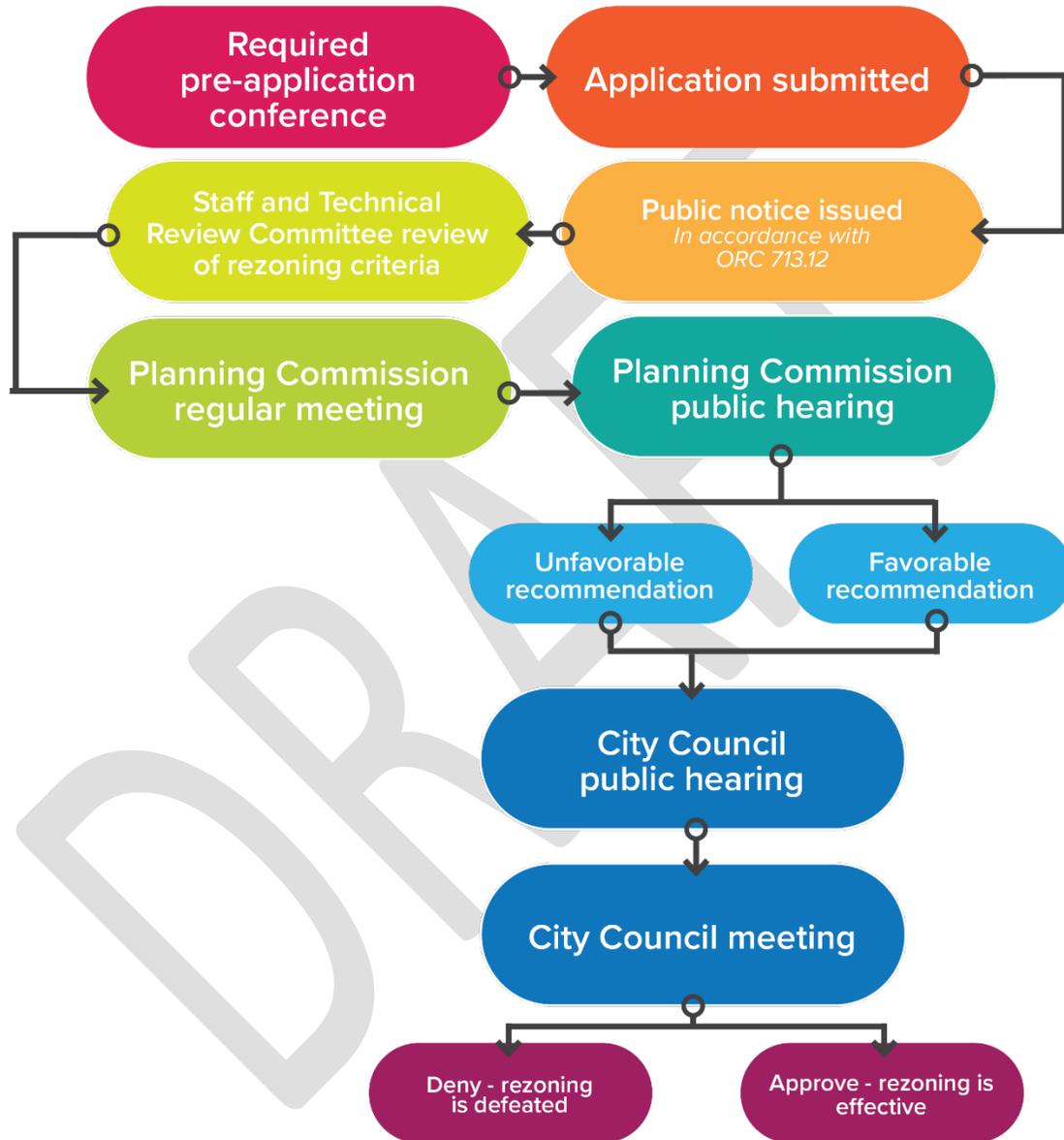
- a. *Initiation of Amendments.* Pursuant to ORC 713.10, zoning amendments may be initiated in one of the following ways:
  - 1) By the adoption of a motion by the Planning Commission submitting the proposed amendment to City Council; or
  - 2) By the filing of an application by the applicant as set forth in Sec. 7-C-8-b, *Application*, within the area proposed or affected by said amendment.
- b. *Application.* An application for amendment shall be transmitted by the applicant to the Administrator and shall contain the following information:
  - 1) Name, address, and phone number of the applicant;
  - 2) 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;
  - 3) Present use and district;
  - 4) Proposed use and district;
  - 5) A map showing property lines, streets, existing and proposed zoning, and such other items as the Administrator may require;
  - 6) A list of all property owners within 200 feet from the parcel(s) proposed to be rezoned and their address as appearing on the Ross County Auditor's current tax list or Ross County Treasurer's mailing list;
  - 7) A statement as to how the proposed amendment will impact adjacent and proximate properties;
  - 8) Any other information may be requested by the Administrator to determine conformance with, and provide for enforcement of this UDC; and
  - 9) The required fee per separate ordinance, as amended.
- c. *Submittal to Administrator; Forward to Planning Commission.* A completed copy of the proposed zoning amendment shall be submitted to the Administrator. Provided that the application is complete and contains all of the necessary information as requested per Sec. 7-C-8-b, *Application*, the submittal shall be forwarded to the Planning Commission.
- d. *Recommendation by Planning Commission.* Within sixty (60) days after the first regular meeting of the Planning Commission where the rezoning is brought forward for discussion and proper public notice and public hearing is provided for consistent with ORC 713.12, the Planning Commission shall recommend to the City Council that the zoning map amendment (rezoning) be approved as requested, approved with modification, or that the amendment be denied. In considering a proposed zoning amendment, the Planning Commission may seek the input and recommendations of outside counsel or consultants procured for that purpose, contingent on funding for such purposes as may be appropriated by City Council.
- e. *Criteria.* In reviewing the proposed zoning amendment and making its recommendation to City Council, the Planning Commission shall consider the following factors:

- 1) Whether the proposed change is consistent with the established land use pattern in the surrounding area;
  - 2) Whether the proposed change would alter the population density pattern and thereby adversely impact public facilities such as schools, utilities, streets;
  - 3) Whether the existing district patterns are logically drawn in relation to existing conditions on the property proposed for change;
  - 4) Whether changed or changing conditions make adoption of the proposed amendment necessary;
  - 5) Whether the proposed change is out of scale with the needs of the neighborhood or City and existing zoning patterns;
  - 6) Whether the proposed change would be likely to have an adverse effect on the existing natural environment; and
  - 7) The relationship of the proposed amendment to the purposes and objectives of the Comprehensive Plan with appropriate consideration as to whether the proposed change will further the purposes and objectives of this and other ordinances, codes and regulations of the City of Chillicothe.
- f. *Action by City Council.*
- 1) *Public Hearing and Public Notice.* Before the proposed zoning amendment 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 of the public hearing in a newspaper of general circulation in the City.
  - 2) *Direct Mail Notification.* If the proposed map amendment intends to rezone or redistrict ten (10) or less parcels of land, as listed on the tax duplicate, written notice of the hearing shall be made by the Clerk of Council, by first-class mail, at least twenty (20) days before the date of the public hearing to the owners of property within, contiguous to, and directly across the street or alley from the property that has been identified for the map amendment.
  - 3) *Display of Relevant Materials.* During the thirty (30) days as set forth in subsection (1) above, the text or copy of the text of the proposed amendment, together with maps, plans, and reports as submitted to the Planning Commission shall be on file, for public examination, in the office of the Administrator.
  - 4) *Action by City Council.* No zoning amendment which is in accordance with the recommendation submitted by the Planning 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 zoning amendment which violates, differs from, or departs from the recommendation submitted by the Planning Commission shall take effect unless passed or approved by not less than three-fourths (3/4) of the membership of the City Council. Failure of City Council to take final action on the proposed amendment within sixty (60) days after the public hearing conducted pursuant to subsection (1) above, shall be deemed a rejection of the amendment.

- g. *Successive Applications.* No application for a zoning change shall be made within twelve (12) months from the date of the scheduled public hearing of a previous application for substantially the same request, which was not approved by City Council, unless the applicant can provide proof that there has been a substantial change of conditions and character of the surrounding area.
- h. *Flowchart.*

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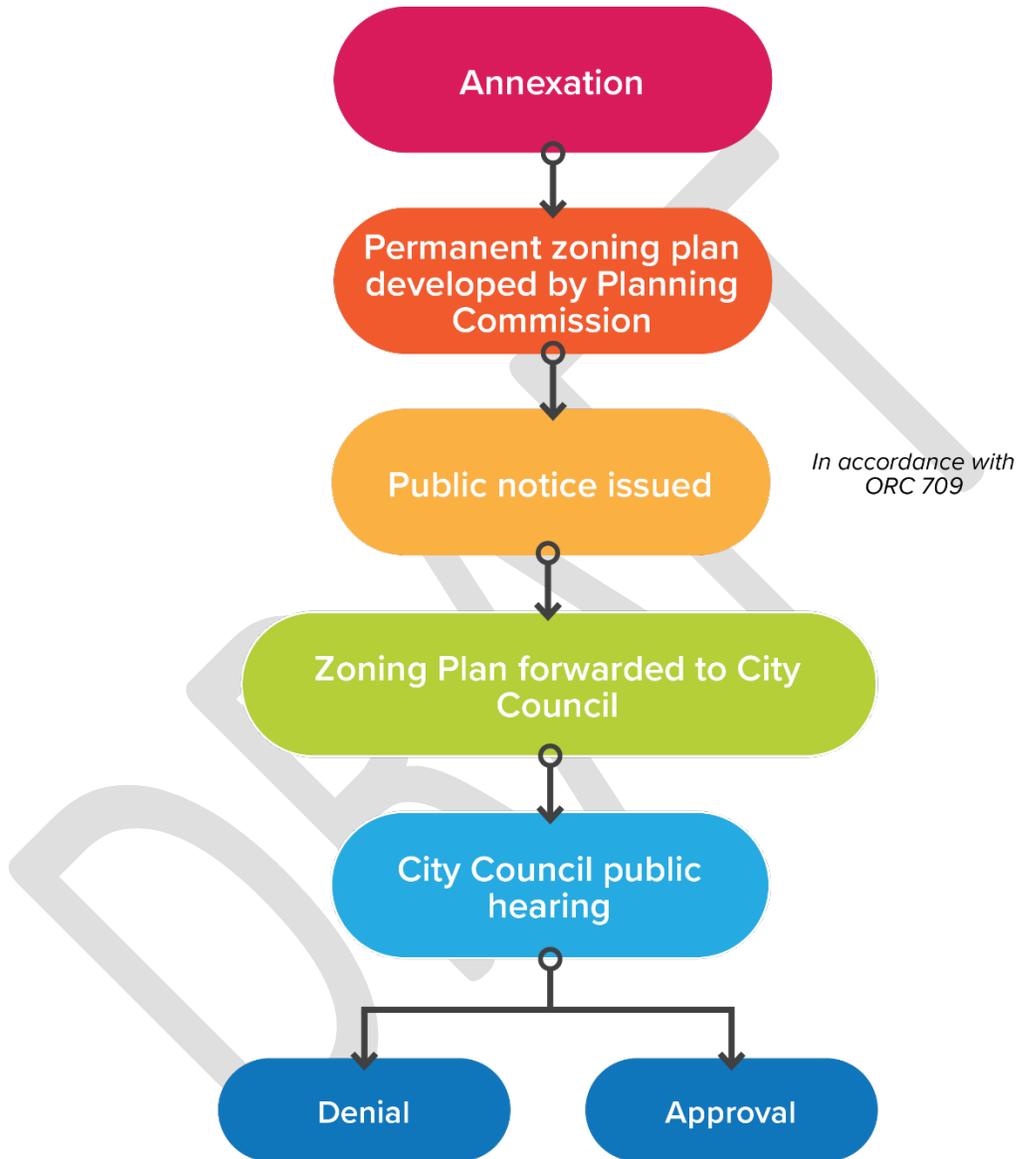
# ZONING MAP AMENDMENT (REZONING) PROCESS



9. **Annexation.**

- a. *Generally.* Territory that is annexed into the City of Chillicothe subsequent to the effective date of this UDC shall initially be zoned as Suburban Residential (SB) unless another zoning district is specifically stated within an annexation agreement with the developer.
- b. *Permanent Zoning.* Within three (3) months from the date of annexation, the Planning Commission shall present a zoning plan for the annexed territory to the City Council, however such plan may be submitted prior to annexation. Such plan shall consider the recommendations of any comprehensive plan for the area. Nothing precludes the Planning Commission from providing a recommendation of SB zoning, however other zoning districts may be more suitable.
- c. *Public Notice and Public Hearing.* The City Council shall hold a public hearing, consistent with the public notification provisions of ORC 713.02 on the proposed zoning plan, as recommended by the Planning Commission. The public notice of the public hearing shall be posted in a newspaper of general circulation within the City not less than thirty (30) days before the date of the hearing.
- d. *Zoning Plan Approval.* Within thirty (30) days after such public hearing, City Council shall approve the Planning Commission recommendation or determine a permanent zoning district as they deem appropriate. 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 the date the annexation is effective.
- e. *Rezoning After Annexation.* 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 Sec. 7-C-8, *Zoning Map: Adoption or Amendment (Rezoning)*.
- f. *Flowchart.*

# ANNEXATION PROCESS

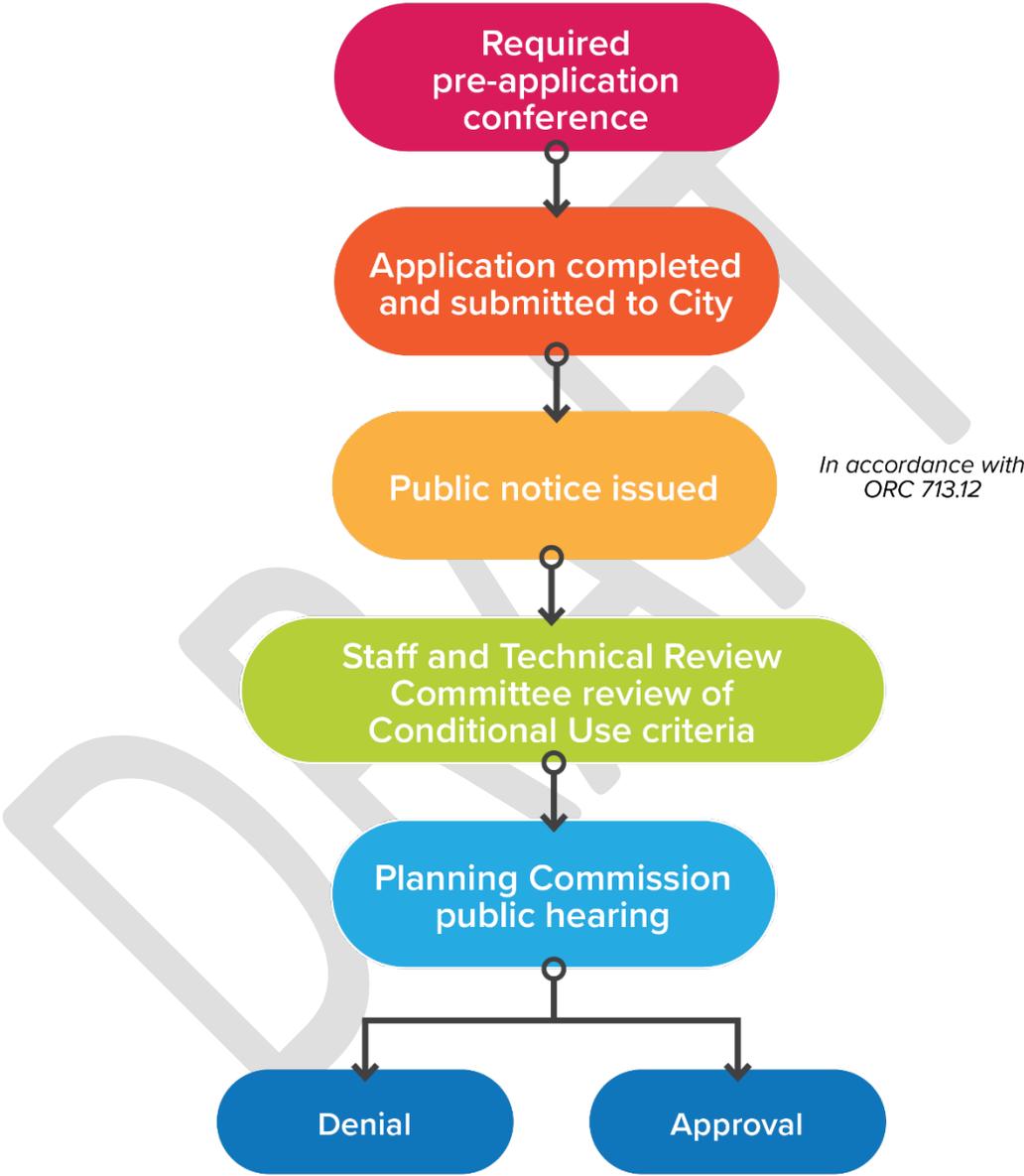


## 10. Conditional Use Process.

- a. *Application for Conditional Use.* Any person owning or having an interest in property may file an application to use such property for a conditional use provided for by this UDC in the zoning district in which the property is situated. An application for a conditional use shall be filed with the Administrator, who shall forward a copy to the Planning Commission. The application shall contain the following information:
  - 1) All information required for a zoning certificate, pursuant to Sec. 7-E-3, *Zoning Certificate Procedures*;
  - 2) 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 Planning Commission may require to determine if the proposed conditional use meets the intent and requirements of this UDC;
  - 3) A narrative statement evaluating the effects on adjoining property, and an explanation of how the proposed use will be made compatible with adjacent and other properties in the district;
  - 4) The names and addresses of all property owners contiguous to, and directly across the street or alley from the property, as appearing on the Ross County Auditor's current tax list; and
  - 5) Such other information regarding the property, proposed use, or surrounding area as may be pertinent to the deliberations of the Planning Commission, as determined by the Administrator.
- b. *Public Notice and Public Hearing.*
  - 1) Written notice of the public hearing shall be mailed by the Planning Commission by first class mail, at least ten (10) days before the date of the public hearing to all owners of property contiguous to, and directly across the street from the property.
  - 2) At least ten (10) days prior to the scheduled public hearing, the applicant for a conditional use shall cause to be placed on the property in a conspicuous place in the front yard, or if there is no front yard, on the front of the building in a conspicuous place, a sign furnished by the City at least 22 inches by 28 inches yellow in color containing substantially the following language: "An application for conditional use of this property has been made to the Planning Commission of the City of Chillicothe. A public hearing on such application will be held at \_\_\_\_ on the \_\_\_\_ day of, \_\_\_\_\_, 20\_\_ at the Chillicothe City Building."
- c. *Additional Requirements.* The Planning Commission has the right to add requirements in addition to the land use standards found within Chapter 3, *Use Standards*, as a prerequisite for approval of a conditional use. Any additional standards will be done so with the intent to allow the land use to operate while also protecting neighboring properties from the impact of the land use for which approval is being sought.
- d. *Action By the Planning Commission.*

- 1) *Application Approved.* If the application is approved with supplementary conditions, the Planning Commission shall direct the Administrator to issue a zoning certificate listing the specific conditions listed by the Commission for approval.
  - 2) *Application Disapproved.* If the application is disapproved, the applicant may seek relief pursuant to the Ohio Revised Code and other provisions of this UDC.
  - 3) *Inaction.* If no action is taken by the Commission within the specified time frame, the application shall be considered as approved.
- e. *Expiration and Revocation of Zoning Certificate Issued Under Conditional Use Provisions.* The approval of the zoning certificate issued in accordance with Sec. 7-C-10-d-1, *Application Approved*, shall become null and void if such use is not fully implemented, as evidenced by issuance of a Certificate of Zoning Compliance pursuant to Sec. 7-E-3, *Zoning Certificate Procedures*, within one (1) year after date of approval; however, the Planning Commission may grant an extension of a zoning certificate for a conditional use for an additional period of six (6) months. The Planning Commission may revoke the zoning certificate if it finds, based upon written evidence by any citizen or official of the City, of violation of this UDC and/or written terms and conditions upon which approval was based.
- f. *Flowchart.*

# CONDITIONAL USE PROCESS



## 11. Planned Unit Development.

- a. *Contents of Application for Preliminary Development Plan.* The preliminary plan must cover the entire contiguous ownership of the applicant unless the applicant specifically states in writing that he 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:
- 1) Name, address, and phone number of applicant.
  - 2) Legal description of property.
  - 3) Description of existing use.
  - 4) Present and proposed zoning district(s).
  - 5) 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.
  - 6) A list of all property owners within 200 feet from the proposed site, and their address as appearing on the Ross County Auditor's current tax list.
  - 7) Proposed schedule for the development of the site.
  - 8) Evidence that the applicant has sufficient control over the land in question to effectuate the proposed development plan.
  - 9) 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:
    - a) 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;
    - b) 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;
    - c) Open space and the intended uses and acreage provided;
    - d) Residential land uses summarized by lot size, dwelling type and density;
    - e) Existing and proposed roads, buildings, utilities, permanent facilities, easements, rights-of-way and abutting property boundaries;
    - f) Physical features and natural conditions of the site including soils, the location of vegetation and existing tree lines;
    - g) Surface drainage and areas subject to flooding; and
    - h) 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.

b. *Review Procedure.*

- 1) Ten (10) copies of the completed application and Preliminary Development Plan shall be submitted to the Administrator at least twenty-four (24) days prior to the Planning Commission's next scheduled meeting.
- 2) Failure to submit a complete application shall result in a refusal of acceptance. Should this occur, the Administrator shall state in writing how the application is deficient and submit it back to the applicant to allow him or her to refile.
- 3) Provided that a complete application is in fact submitted, the Administrator shall transmit the complete application package to the Planning Commission and other parties as deemed appropriate for review and comment.
- 4) The notification requirements for such hearing shall be as set forth in Sec. 7-C-8-f, *Action by City Council.*

c. *Recommendations by Planning Commission.*

- 1) *Criteria.* Before making its recommendation as required in Sec. 7-C-11-g, *Action by the Planning Commission*, the Planning 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; and
  - f) The existing and proposed public services are adequate for the population densities and uses proposed, and in conformance with any capital improvements programmed for the area.
- 2) *Outside Assistance and Input.* In making its recommendation, the Planning Commission may seek the assistance and input of outside consultants and/or experts procured for that purpose. All costs associated with such input shall be paid by the applicant for the PUD zoning.

- d. *Action by City Council.* Upon receipt of the recommendation by the Planning Commission, the City Council shall review and take action on the application, following the procedures specified in Sec. 7-C-8-f, *Action by City Council* of this UDC. Following approval by City Council, the subject property shall be considered as zoned PUD. The approval of this rezoning shall be conditioned on development of the tract being in conformance with the Final Development Plan pursuant to Sec. 7-C-11-e, *Final Development Plan*.
- e. *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 Administrator. 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 and the land shall revert to the zoning district in which it was located prior to the amendment.
- f. *Contents of Application for Approval of Final Development Plan.* An application for approval of the Final Development Plan shall be filed with the Administrator at least twenty-four (24) days prior to the Planning 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 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:
- 1) 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.
  - 2) 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.
  - 3) 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.
  - 4) 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.

- 5) Exact locations of building(s), various functional use areas, circulation and their relationship.
- 6) Architectural renderings and accompanying narrative to discuss in detail the design treatment of all buildings and structures where applicable.
- 7) Plans for landscaping and signage.
- 8) 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.

g. *Action by Planning Commission.*

- 1) 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 owner or developer, the Planning Commission shall approve, deny or approve with conditions, 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 proposed.
- 2) The Commission may grant conditional approval to a Final Development Plan. Such conditional approval requires the applicant to alter the Plan 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 Plan.

h. *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 Commission finds that such extension is necessitated by conditions beyond the control of the applicant.

i. *Platting.* The creation of new parcels under any planned unit development shall be subject to the subdivision requirements of this UDC. 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.

**D. Board of Zoning Appeals (BOZA).**

1. *Membership.*

- a. *Membership.* Pursuant to Chapter 713 of the Ohio Revised Code, the Board of Zoning Appeals (BOZA) shall consist of seven (7) members, one of whom shall be a member of

the Planning Commission. The remaining six (6) members shall be appointed by the Mayor annually, with the approval of City Council, for overlapping terms of four (4) years. Each of the six (6) wards of the City shall be represented by one of the remaining six (6) members who shall be a resident of that ward. Vacancies shall be filled by the Mayor with the approval of City Council and shall be for the unexpired term. Each member shall serve until their successor is appointed.

- b. *Removal of Members.* Members of the BOZA shall be removable for non-performance of duty, misconduct in office, or other cause, by the Mayor.
2. *BOZA Meeting Organization and Rules.*
    - a. *Chairman.* The BOZA shall elect a Chairman. The meetings of the BOZA shall be held at the call of the Chairman.
    - b. *Quorum.* Four (4) members shall constitute a quorum. The concurring vote of four (4) members of the BOZA shall be necessary to reverse an order, requirement, decision or determination of the Administrator.
    - c. *Meetings and Minutes.* The meetings of the BOZA and its records shall be subject to the requirements of the Ohio Open Meetings Act (ORC 121.22). Except as otherwise provided by the Ohio Public Records Act, the BOZA 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 filed in the City offices.
  3. *Duties and Powers.* In exercising its duties, the BOZA may, as long as such action is in conformity with the terms of this UDC reverse or affirm any appealable decision made by the Administrator. For the purpose of this UDC, the Board has the following specific responsibilities:
    - a. Interpret the boundaries of the Official Zoning District Map, in accordance with the provisions of this UDC.
    - b. Hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by the Administrator related to this UDC.
    - c. Authorize such variances from the terms of the zoning provisions of this UDC as will not be contrary to the public interest, where, owing to special conditions of the land, a literal enforcement of this UDC would result in unnecessary hardship.
    - d. Authorize the substitution, extension or exceptions of nonconforming uses, as specified in Chapter 8, *Nonconformities*.
    - e. Determine similarity of uses, pursuant to Sec. 2-B-3-d-1-b, *Referral to the Planning and Zoning Commission*.
    - f. The BOZA shall have the power to subpoena witnesses, administer oaths, and may require the production of documents, under such regulations as it may establish.

- g. The BOZA may call upon the various departments of the City for assistance in the performance of its duties and it shall be the duty of such departments to render assistance to the BOZA as may reasonably be required.
4. *BOZA Authority.* BOZA authority is derived from ORC 713.
5. **Variance and Appeals.**
- a. *Roles of Administrator, Planning Commission, and City Council.*
    - 1) *Administrator Role.* It is the intent of this UDC that all questions of interpretation and enforcement shall be first presented to the Administrator, and that such questions shall be presented to the BOZA only on appeal from the decision of the Administrator.
    - 2) *Planning Commission Role.* No appeal may be taken to the BOZA in connection with any matter over which the Planning Commission has jurisdiction.
    - 3) *City Council Role.* It is further the intent of this UDC that the powers of City Council in connection with this UDC 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 on such matters of appeal or variance.
  - b. *Application.* Any person owning or having an interest in property, after being denied a zoning certificate, may file an application to obtain a variance or appeal from the decision of the Administrator, with the BOZA, on a form as specified for that purpose. The application for a variance or an appeal shall contain the following information:
    - 1) Name, address, and phone number of the applicant.
    - 2) Legal description of property as recorded in the Ross County Recorder's Office.
    - 3) A map or drawing to approximate scale, showing the dimensions of the lot and any existing or proposed building.
    - 4) In cases of variance, if a specific property is involved, the names and addresses of all property owners contiguous to, and directly across the street or alley from the property, as appearing on the Ross County Auditor's current tax list.
    - 5) In cases of appeal, the application shall include a copy of the decision from which the appeal is sought.
    - 6) Each application for a variance or appeal shall refer to the specific provisions of this UDC which apply.
    - 7) A narrative statement explaining the following:
      - a) The use for which variance or appeal is sought;
      - b) 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; and
      - c) The specific reasons why the variance or appeal is justified.

c. *Notice of Public Hearing.*

- 1) Before holding any public hearing for a variance or appeal, 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 Board, 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 and occupants of property contiguous to, and directly across the street or alley from the property being considered. Failure of delivery of such notice shall not invalidate the actions of the Board of Zoning Appeals. In cases of appeal, adjacent and contiguous property owners and occupants need not be notified.
- 2) In addition, at least ten (10) days prior to the scheduled hearing, the applicant for a variance shall cause to be placed on the property in a conspicuous place in the front yard, or if there is no front yard, on the front of the building in a conspicuous place, a sign furnished by the City at least 22 inches by 28 inches yellow in color containing substantially the following language: "An application for variance of this property has been made to the Board of Zoning Appeals of the City of Chillicothe. A public hearing on such application will be held at \_\_\_\_\_ on the \_\_\_ day of, \_\_\_\_\_, 20\_\_ at the Chillicothe City Building."

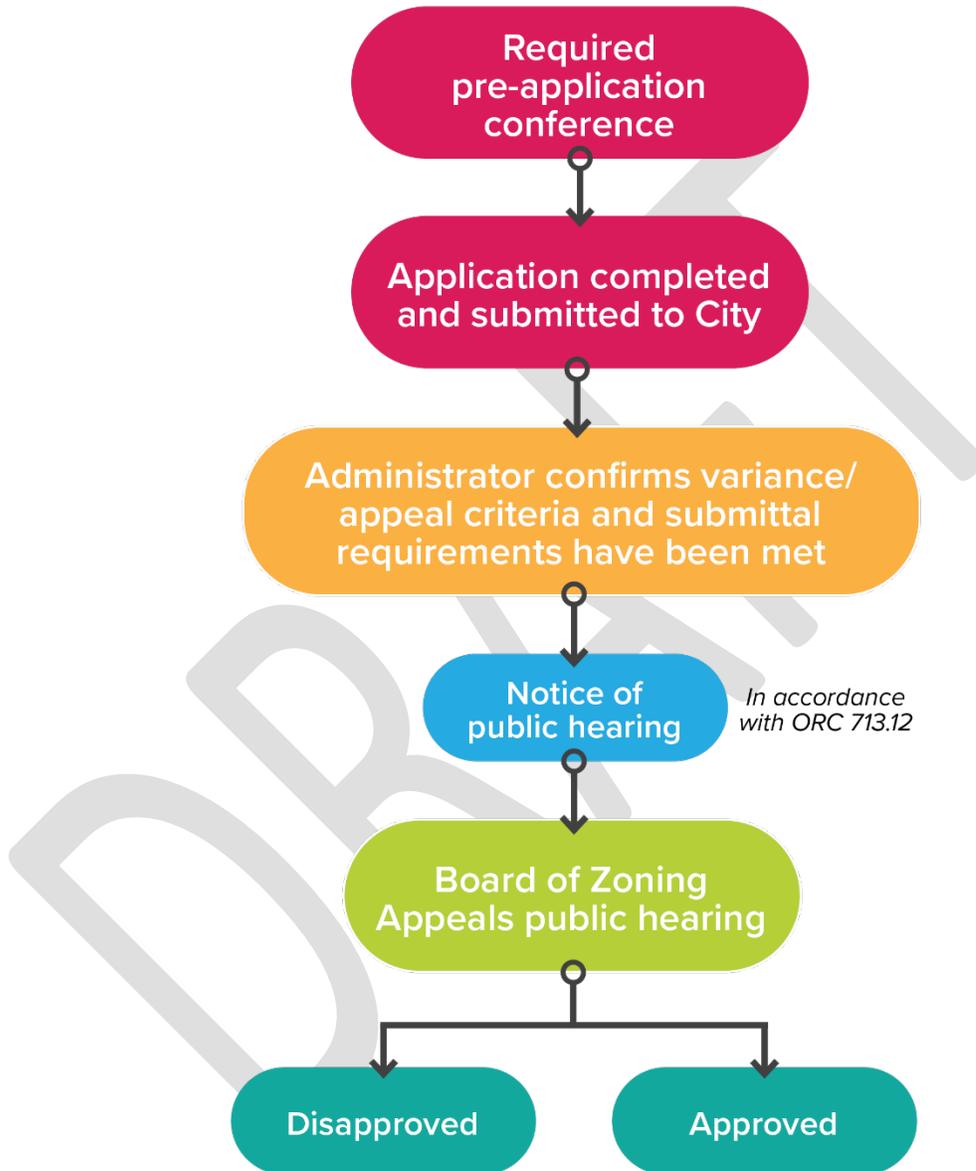
d. *Action by Board of Zoning Appeals.*

- 1) Within sixty (60) days after the public hearing for a variance or appeal, the Board of Zoning Appeals shall either approve, approve with supplementary conditions as specified in Sec. 7-D-5-f, *Granting of an Appeal or Variance*, 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 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.
- 2) If the request for appeal or variance is denied, any party or entity may seek relief pursuant to procedures as cited in the Ohio Revised Code.

- e. *Variance Criteria.* The BOZA shall have the power to authorize, upon appeal in specific cases, such variances from the provisions or requirements of this UDC 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 difficulty and/or unnecessary hardship that would deprive the owner of the reasonable use of the land and buildings involved. No variance from strict application of any provision of this UDC shall be granted by the BOZA unless it finds that the applicant has shown that the following facts and conditions exist:

- 1) That there are unique physical circumstances or conditions, including irregularity, narrowness or shallowness of lot size or shape, or exceptional topographical or other physical conditions generally created by the provisions of the UDC in the neighborhood or district in which the property is located.
  - 2) That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the Zoning Ordinance and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.
  - 3) That such unnecessary hardship has not been created by the applicant.
  - 4) That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public health, safety and/or welfare.
  - 5) That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.
  - 6) That the variance involves no violation of existing laws of the City or the State of Ohio.
  - 7) Under no circumstances shall the BOZA grant a variance that would allow a use not permissible under this UDC in the district involved, or any use expressly or by implication prohibited by the terms of this UDC in said district. No variance shall be authorized unless the Board specifically finds that the conditions of the specific property for which the variance is sought is not so typical or recurrent a nature as to make reasonably practicable the formulation of a general regulation for such condition.
- f. *Granting of Appeal or Variance.* In granting any appeal or variance, the BOZA may prescribe appropriate and reasonable conditions and safeguards in conformity with this UDC.
  - g. *Violations.* No person shall violate any condition or safeguard when the condition or safeguard is made a part of the terms under which the appeal or variance is granted. Any violation of this chapter shall be punishable pursuant to Chapter 9, *Enforcement*.
  - h. *Flowchart.*

# VARIANCE AND APPEAL PROCESS



**E. Administrator.**

**1. Duties and Powers.**

- a. *Office of Administrator Established.* The Administrator, who shall be an employee of the City, shall enforce the provisions of this UDC.
- b. *Relief From Personal Liability.* The Administrator, and any officer or employee who acts in good faith and without malice in the discharge of his duties during enforcement of this UDC is relieved of personal liability subject to the provisions of Chapter 2744 of the Ohio Revised Code.
- c. *Duties of Administrator.* For the purposes of this UDC, the Administrator shall have the following duties:
  - 1) Enforce the provisions of this UDC 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;
  - 2) Coordinate the submittal and processing of applications pursuant to this UDC;
  - 3) Issue zoning certificates when the provisions of this UDC have been met, or refuse to issue same in the event of noncompliance;
  - 4) Collect all designated fees as established for zoning certificates, variances, appeals, conditional uses, and other procedures authorized by this UDC;
  - 5) Make and keep all records as necessary and appropriate to the office including records of issuance and denial of zoning certificates and receipt of complaints of violation of this UDC and action taken on same;
  - 6) Inspect any buildings or lands to determine whether any violations of this UDC have been committed or exist;
  - 7) Advise the Planning Commission of other matters pertaining to the enforcement of this UDC and transmit applications and records pertaining to amendments, conditional uses and other procedures over which the Commission has jurisdiction;
  - 8) Keep the Board of Zoning Appeals advised of all matters pertaining to appeals, variances and transmit all applications and records thereto; and
  - 9) Other duties directly pertaining to the enforcement of this UDC that may be assigned by City Council.

**2. Development Plan Review Process.**

- a. *Generally.* The Administrator shall review and approve, ask for revisions, or disapprove a development plan based on the requirements of this UDC.
- b. *Technical Review.* After receiving a complete application and creating a public file, the Administrator shall forward the development plan to the Technical Review Committee (TRC) for review. At the discretion of the Administrator, the TRC review may be held in person or remotely (virtually, by telephone, or by email). The Administrator shall

compile the TRC's written comments for the applicant and include them in the public file.

- c. *Development Plan Revision.* After the technical review, the applicant shall make the necessary modifications to the plans and resubmit to the Administrator. The Administrator may require additional internal review and/or the resubmittal of additional revised plans before reconsidering the development plan.
- d. *Administrator Development Plan Approval.* If the revised plans have adequately addressed the comments from the TRC, and meet all standards of this UDC, the Administrator shall approve the development plan.
- e. *Administrator Development Plan Disapproval.* If the revised plans have not adequately addressed the comments from the TRC, or do not meet all standards of this UDC, the Administrator shall disapprove the development plan.
- f. *Action by Planning Commission.* The Administrator may, for any reason and at any time before taking any action on a development plan submittal, refer the development plan to the Planning Commission for review and action.
  - 1) *Written Request by Applicant.* The Applicant may submit a written request for a public meeting with the Planning Commission to the Administrator before the Administrator takes action if the applicant disagrees with any TRC comment(s). This request shall be submitted along with the applicant's written explanation of the technical disagreement. Upon receipt of this written request, the Administrator shall set a date for a Planning Commission public meeting.
  - 2) *Public Meeting.* The Planning Commission shall consider the development plan at a public meeting. The applicant shall be in attendance to present their plan and address any questions or concerns of the Planning Commission.
  - 3) *Decision.* The Planning Commission shall consider any contested TRC comments before making a final decision on the development plan. The Planning Commission shall approve, approve with conditions or written commitments, or deny the development plan.
  - 4) *Final Approval Action.* A development plan is not considered final and ready for construction until revised plans have been received and approved by the Administrator per the terms of the Planning Commission's decision, including execution of any required conditions or written commitments.
- g. *Development Plan Expiration.* A development plan approval, whether by the Administrator or the Planning Commission, shall be valid for two (2) years from the date of approval, as long as all applicable permits have been obtained and construction has begun within one (1) year of the date of final approval action. If this does not happen, the development plan approval is automatically voided.
- h. *Development Plan Amendment.* An amendment to a development plan may be approved by the Administrator after internal review by the TRC members. As with the

initial development plan, the Administrator may, for any reason, send the requested amendment to a public meeting of the Planning Commission for review and action.

**3. Zoning Certificate Process.**

- a. *Zoning Certificates.* 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 certificate, issued by the Administrator. The zoning certificate shall certify that the proposed action is in conformance with this UDC.
- b. *Conditions Under Which A Zoning Certificate is Required.* A zoning certificate is required for any of the following:
  - 1) Occupancy and/or use of vacant land;
  - 2) Construction or structural alteration of any building or structure, including accessory buildings; or
  - 3) Change in the use of an existing building or accessory building to a use not listed as a permitted use in the zoning district where the building is located.
- c. *When a Zoning Certificate is Not Required.* In no case shall a zoning certificate be required in the event of a change in ownership or tenancy only, without a change in use or proposed use, provided no repairs, alterations or additions are proposed for the building or structure.
- d. *Application for Zoning Certificate.* Applications for a zoning certificate shall be obtained from the offices of the Administrator. The application shall contain the following information:
  - 1) Name, address, and telephone number of the applicant.
  - 2) Legal description of property, as recorded in Ross County Recorder's office.
  - 3) Existing and proposed uses.
  - 4) Zoning district in which property is located.
  - 5) 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.
  - 6) Height of proposed buildings or alterations.
  - 7) Number and dimensions of existing and proposed off-street parking or loading spaces, applicable.
  - 8) Such other material as may be requested by the Administrator to determine conformance with and provide for the enforcement of this UDC.
  - 9) Number of proposed dwelling units.
  - 10) In every case where the lot is not provided with public water supply and/or disposal of sanitary wastes within jurisdiction of the Utilities Department of the City of Chillicothe, the application shall be accompanied by an approval by the Ross County

Water Company and/or the Ross County Board of Health or other applicable authority of the proposed method of water supply and disposal of sanitary wastes.

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

e. *Approval of Zoning Certificates.*

- 1) Within 30 days after the receipt by the Administrator, the application shall be either approved or denied by the Administrator, unless the provisions of other specific sections of this UDC apply. All zoning certificates shall be conditional upon the commencement of work within three (3) months from date of approval. One (1) copy of the application shall be returned to the applicant by the Administrator, after such copy is marked as either approved or denied as attested by the signature of the Administrator on such copy. In the case of denial, the Administrator shall state on the returned application the specific reasons for denial. One (1) similarly marked copy of the application shall be retained by the Administrator. The Administrator 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 UDC. Such placard shall remain posted until a Zoning Certificate pursuant to Sec. 7-E-3, *Zoning Certificate Process*, has been issued.
- 2) A record of all zoning certificates shall be kept on file in the office of the Administrator and copies shall be furnished upon request to any person(s) upon request, subject to reasonable costs for duplication and/or copying.

f. *Expiration of Zoning Certificates.* If the work described in any zoning certificate has not begun within three (3) months from the date of issuance or has not been completed within two (2) years from the date of issuance, said permit shall expire. Further work as described in the expired permit shall not proceed unless and until a new zoning certificate has been obtained or an extension has been granted by the Planning Commission.

g. *Certificate of Zoning Compliance.*

- 1) *Certificate of Zoning Compliance Required.* No person shall use, occupy, or permit the use or occupancy of any building, premises, 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 Administrator stating that the proposed use of the building or land conforms to the requirements of this UDC. The Certificate of Zoning Compliance may be part of a zoning certificate.
- 2) *Application for Certificate of Zoning Compliance.* Certificates of Zoning Compliance shall be applied for by the applicant giving notice to the Administrator that the

exterior erection or structural alteration of such building shall have been completed in conformance with the provisions of this UDC.

- 3) *Record of Certificate of Zoning Compliance.* The Administrator shall maintain a record of all Certificates of Zoning Compliance and a copy of any individual certificate shall be furnished upon request to any person(s) upon request subject to reasonable costs for duplication and/or copying.

h. *Void Zoning Certificates.*

- 1) A zoning certificate shall be void if any of the following conditions exist:
  - a) The zoning certificate was issued by the Administrator, contrary to the provisions of this UDC;
  - b) The zoning certificate was issued based upon a false statement by the applicant; or
  - c) The zoning certificate has been assigned or transferred.
- 2) When a zoning certificate has been declared void for any of the above reasons by the BOZA written notice of its revocation shall be given by certified mail to the applicant and sent to the address as it appears on the application. Such notices shall also include a statement that all work upon or use of the building, structure, or land shall cease, unless and until a new zoning certificate has been issued.

4. **Special Event Permit Process.** See Sec. 311.02, *Parades, Events, and Assemblages*, of the City's Codified Ordinances.

F. **Technical Review Committee.**

1. *Generally.* A regulatory body to be known as the Technical Review Committee (TRC) is hereby established to:
  - a. Review the requirements of the UDC as those requirements relate to each application that is submitted;
  - b. Formulate staff recommendations in conjunction with the Administrator;
  - c. Rectify review comments between city departments and referral agencies; and
  - d. Provide cohesive and timely review of applications.
2. *Membership.*
  - a. The TRC shall be comprised of the following city staff positions: Administrator, City Engineer, Planning Director, and Safety Service Director and representatives from each referral agency that reviews development projects in conjunction with the city.
  - b. Based on the nature of a specific application, TRC meetings can be limited to those staff and agencies affected by the application or they can be expanded to include additional agencies or staff with review responsibilities.

3. *Powers.* The TRC shall have the role to review and provide technical recommendations concerning any application specified in this UDC. It does not have the power to grant a variance or change zoning classification.
4. *Meetings.* TRC meetings shall be convened by the Administrator, as necessary.

**G. Design Review Board.**

1. *Procedures, Standards, and Design Guidelines.* The procedural requirements and standards of this Sec. 7-G must be met in addition to the established requirements and standards of the underlying zoning district and the City's Design Guidelines.
2. *Concept Reviews.* The DRB may assist owners by conducting nonbinding concept reviews before an application for any certificate of appropriateness, if requested by the owner.
3. *Membership.*
  - a. The DRB is hereby established consisting of seven (7) citizens of Ross County, at least five of which shall reside or own property in the City. Each member shall be appointed by the Mayor and approved by City Council for terms of two (2) years and may be reappointed for consecutive terms.
  - b. At least one (1) member of the DRB shall also be a member of the Planning Commission as designated by Planning Commission, and one (1) member shall be a member of City Council as designated by City Council. At least three (3) members of the Design Review Board shall be residents, business owners, or property owners in the District at the time of the member's appointment.
  - c. In appointing members, the Mayor shall consider a potential member's qualifications which may include demonstrated experience in redevelopment of property within the district, active participation in business organization (such as the Chamber of Commerce, Downtown Merchants Association, or similar) within the District, professional training, experience in the fields of historic preservation, architecture, design, or related disciplines. Any appointments made for members who resign within the middle of their term shall fill the remainder of the term vacated by the original appointee.
4. *Rules of Procedure.* See *Rules of Procedure, Design Review Board, Chillicothe, Ohio.*
5. *Certificate of Appropriateness.*
  - a. *Generally.* No zoning certificate or building permit shall be issued by the Administrator for any construction, alteration, demolition, or removal of any property in the Historic Design Review District unless a Certificate of Appropriateness has been authorized by the DRB.
  - b. *Procedure and Submittal Requirements.* See *Section 1.20, Rules of Procedure, Design Review Board, Chillicothe, Ohio.*
  - c. *Criteria of Evaluation of Application for Certificate of Appropriateness.* In considering the appropriateness of any proposed environmental change, including landscaping or exterior signage, the Design Review Board shall consider the following:

- 1) 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 be limited to, building height, massing and proportion, roof shape and slope, landscape design and plant materials, lighting, vehicular and pedestrian circulation, and signage.
- 2) The distinguishing original qualities or character of a historic building, structure, site and/or its environment shall be preserved and the removal or alteration of any historic material or distinctive architectural environmental features should be avoided when possible.
- 3) 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.
- 4) 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.
- 5) Distinctive stylistic features or examples of skilled craftsmanship which characterize a building, structure or site shall be treated with sensitivity.
- 6) 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 replacement 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.
- 7) The surface cleaning of masonry structures shall be undertaken with methods designed to minimize damage to historic building materials. Blast cleaning with natural aggregate material and other cleaning methods that will damage the historic building materials should be avoided.
- 8) 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.
- 9) 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.

- 10) Reconstruction or rehabilitation within the Historic Design Review District shall, when possible, conform to the distinguishing, original exterior qualities or character of the structure, its site, and its environment.
- 11) 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, color and material of other structures and premises within the individual precinct.
- 12) All new structures and all reconstruction or remodeling of existing structures within the Historic Design Review District shall, when possible, 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 not be approved unless the applicant provides evidence that the use of such materials would be consistent with existing traditional materials and the overall integrity and longevity of the structure.
- 13) All signs within the Historic Design Review district shall conform to the Design Review Board's design guidelines for signs and to the material standards of this Section; be of such size, scale, style color and design that reflect the era during which the structure was built and shall conform to the requirements of this chapter. Sign size and shape shall also correspond 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.
- 14) The proposed action is consistent with design guidelines for the Historic Design Review Board District, as may be subsequently prepared for and adopted by the Design Review Board.

- d. *Maintenance.* Nothing in this Sec. 7-G shall be construed to prevent ordinary maintenance or repair of any property within the Historic Design Review District, provided such work involves no change in material, design, texture, or exterior appearance; nor shall anything in this chapter be construed to prevent any change, including the construction, reconstruction, alteration or demolition of any building, structure, or feature which in the view of the Administrator is required for the public safety because of an unsafe, insecure or dangerous condition.
- e. *Exceptions.* Under exceptional circumstances as the DRB may determine, the DRB may approve environmental changes that consist of decorative lighting, signs or other changes that do not strictly conform to the design guidelines if the environmental change does not interfere with the historical character of the streetscape and/or is in the best interest of the District and City of Chillicothe.

6. *Demolition of Structures.*

- a. *Generally.* Whenever a structure within the Historic Design Review 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.

- b. *Public Hearing.* Consistent with ORC 713.12, the Design Review Board shall schedule a public hearing on the application to occur not more than thirty (30) days from the date the application is filed.
- c. *Public Notice.* Public notice shall be served no later than twenty (20) days in advance of the public hearing.
- d. *Timeframe for Action to Occur.* The Design Review Board shall take action within ninety (90) days of the public hearing.
- e. *Criteria to Issue Certificate of Appropriateness.* The Design Review Board shall grant the demolition and issue a Certificate of Appropriateness when the applicant submits suitable evidence 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 Design Review district within which it is located;
  - 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; or
  - 3) Deterioration has progressed to the point where it is not economically feasible to preserve and reuse the structure consistent with the standards of Sec. 7-G-5-c, *Criteria of Evaluation of Application for Certificate of Appropriateness.*
- f. *Failure to Submit Plans.* The Certificate of Appropriateness for demolition as issued shall contain enforceable deadlines and design commitments for the site. A Certificate of Appropriateness for demolition shall not be issued unless the Design Review Board has been presented with suitable plans for the replacement design for the site after demolition consistent with the intent of the Historic Design Review District along with enforceable deadlines for completion of work.
- g. *Procedure for Listing Property.*
  - 1) *Property Listing Initiated by Owner.* If an owner applies for the listing of the property, the DRB may approve the listing of the property if the DRB finds that the property qualifies as being historic or architecturally significant as defined by federal regulations.
  - 2) *Property Listing Initiated by Design Review Board.*
    - a) The Board shall notify the owner of the property of the proposal to list the property and shall furnish the reasons and supporting data for the Board's proposal.
    - b) The Board shall schedule a public hearing on the proposed listing and cause a written notice to the owner and any other person who has a legal interest in the property of record of the date, time and place of the hearing. The Board shall cause a legal notice to be published in a newspaper of general circulation in the

City of Chillicothe setting forth the nature of the hearing, the property involved, and the date, time and place of the public hearing.

- c) If, after the public hearing conducted in accordance with the Procedure for a Certificate of Appropriateness set forth in Sec. 7-G-5-b, the Board finds that the property is of considerable importance to the community and that the listing will conform to the purpose of this chapter, as set forth in Sec. 2-C-1-a, *Purpose*, the Board shall identify the reasons that the property should be listed and shall promptly transmit its findings and recommendation to the Planning Commission.
- d) Within 30 days of receipt of the findings and recommendation of the DRB, the Planning Commission shall review the same in a public meeting and shall submit to the City Council a recommendation to approve or disapprove the listing along with its findings and the recommendation submitted by the Board.
- e) City Council shall give due consideration to the findings and recommendations of the DRB, as well as such views as may have been expressed by persons participating in the hearing before the Review Board, in addition to the recommendation of the City Planning Commission, in making its determinations with respect to the proposed designation of any areas, signs, places, buildings, structures, works of art and other similar objects as Listed Properties. Council shall hold a public hearing on any such proposed designation. After a public hearing, Council may designate such areas, places, buildings, structures, works of art and other similar objects as a Listed Property.
- f) After the decision by City Council, the Review Board shall notify any owner or any person having a legal or equitable interest in such property of the decision by the City Council.
- h. *Appeals.* Any applicant aggrieved by any decision of the Design Review Board may appeal the decision to the Board of Zoning Appeals within thirty (30) days of the decision of the Design Review Board. Such appeal shall be taken by the filing of a written appeal to the Board of Zoning Appeals with copy to the Design Review Board, setting forth the grounds for the appeal. The Board of Zoning Appeals may reverse, remand, or modify the decision of the Design Review Board and shall state the reasons for such reversal, remand or modification.

## Chapter 8 – Nonconformities

- A. **Purpose.** The purpose of this Chapter is to provide:
1. Regulations for lots, site standards, structures, uses, and zoning districts that will be granted nonconforming status due to the enactment of this UDO or due to the continuance of a nonconformity before this UDO's enactment; and
  2. A means for nonconformities to continue until they are removed, but do not encourage their survival.
- B. **Applicability.**
1. *Effect of UDO Enactment.* Any use or standard that does not meet the standards of this UDO shall be deemed to be a nonconformity.
  2. *Effect of UDO Amendments.* The provisions of this chapter shall apply to any use or standard that may become nonconforming due to any amendment of this UDO passed after the original effective date.
  3. *Effect of Nonconforming Standards.* The specific types of nonconformities identified in Sec. 8.C, *Types of Nonconformities*, below, will have different standards that may apply only to that type of nonconformity, to a combination of nonconformity types, or all nonconformities.
  4. *Compliance Required.* No person may use, occupy, or develop land, buildings, or other structures, or permit the use, occupancy, or development of land, buildings, or other structures except in accordance with all the provisions of this UDO. This includes the subdivision of property which shall be approved by the Planning Commission in accordance with the provisions of this UDO and filed with the Ross County Auditor's Office.
  5. *Illegal Uses.* Illegal uses existing at the time of the effective date that this UDO is enacted shall not become legal due to the enactment of this UDO.
  6. *Burden of Establishing a Nonconformity.* The burden of establishing the legality of a nonconformity that lawfully exists under the provisions of this UDO is upon the property owner of the nonconformity and not upon the City.
- C. **Types of Nonconformities.** The types of nonconformities established in this UDO include but are not limited to legally nonconforming lots; legally nonconforming signs; legally nonconforming site standards; legally nonconforming structures; legally nonconforming uses; and legally nonconforming zoning districts.
- D. **Nonconforming Lots.** In any zoning district where dwellings are permitted, a single detached dwelling may be erected on any lot of record, even though such lot does not comply with the maximum coverage, minimum lot width, or minimum lot area requirements of Table 2-7, *Dimensional Standards*, provided that the maximum height, minimum front yard depth, minimum side yard width, and minimum rear yard depth are met.

**E. Nonconforming Signs.**

1. *Continuance of Existing Signs.* Except as otherwise provided below, nothing in this chapter shall require the removal or discontinuance of an existing sign as of the effective date of this UDC.
2. *Abandonment.* The continuance of an existing sign which does not meet the requirements of this Chapter shall be deemed a nonconforming sign which shall terminate by abandonment when any of the following conditions exist:
  - a. 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 120 consecutive days. Seasonal businesses, who reopen on a yearly basis, are exempt from this requirement.
  - b. 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.
  - c. Upon finding that the sign is abandoned, the right to maintain and use such sign shall terminate immediately.
3. *Relocation or Replacement.* A nonconforming sign shall not be structurally relocated or replaced unless it is brought into compliance with the provisions of this UDC. Should any replacement or relocation occur without being brought into compliance, the sign shall be subject to removal.
4. *Maintenance.* A nonconforming sign shall be maintained or repaired in accordance with the following provisions:
  - a. 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.
  - b. 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 ninety (90) days.

**F. Nonconforming Site Standards.**

1. *Generally.* Nonconforming site standards shall include compliance with all of the standards found within Sec. 4-A, *Parking, Loading, and Stacking*, and Sec. 4-B, *Landscaping, Buffering, and Screening*.
2. *Increases in Nonconformity.* No legal nonconforming site feature shall be altered, removed, or otherwise modified in a manner that increases the amount of nonconformity. Site features may be modified in a manner that maintains or lessens the extent of the nonconformity.
3. *Property Redevelopment.* The removal and replacement of the primary structure on a lot to the extent that either its use must be discontinued for at least one year or a phased removal

and replacement results in a new structure shall require all site features to be brought into compliance with all requirements of this UDO.

4. *Use and/or Structure Expansion.* If the use of, and/or the structure present on a property is expanded the corresponding site features shall be required to be modified to an extent that is proportional to the expansion.
5. *Nonconforming Lot Exception.* Should Sec. 8-D, *Nonconforming Lots*, be applicable, then the requirements of this Sec. 8.F are exempt from compliance.

**G. Nonconforming Structures.**

1. *Continued Use of a Structure.* Where a lawful structure exists at the effective date of this UDO or as amended; and said structure could not now be built under the terms of this UDO, such structure may be continued so long as the structure was built through a lawfully obtained building permit previously obtained through the City; and all other requirements of this UDO are met.
2. *Enlargement of Structure.* A nonconforming structure may not be enlarged. However, any structure or portion thereof may be altered to decrease its nonconformity.
3. *Structure Relocation.* Should any structure be relocated to another location on the same lot for any reason, it shall conform to all of the regulations of this UDO.
4. *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 UDC, 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, unless an extension is requested from and granted by the Planning Commission;
  - b. The damaged or destroyed building or structure was not located in such a manner so as to encroach or intrude on adjacent property;
  - c. Such restoration or rebuilding would not extend or expand the existing use beyond the applicable dimensional standards for the zoning district in which it is located pursuant to Table 2-7, *Dimensional Standards*.
5. *Maintenance and Repair.* Nothing in this UDC 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 exist:
  - 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.

- H. **Nonconforming Uses.** Nonconforming uses may be continued, restored, reconstructed, substituted, extended or enlarged only as authorized by the Board of Zoning Appeals in accordance with the following requirements.
1. *Continuation.* Any use of land existing on the effective date of this UDC may be continued, even though such use does not conform to the provisions herein, so long as such use was legally existing prior to the establishment of this UDC. No nonconforming use shall be moved, extended, enlarged, reconstructed, or structurally altered, except as provided in this UDC.
  2. *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 in use shall be authorized by the Board of Zoning Appeals unless the applicant clearly demonstrates that:
    - a. The existing and proposed nonconforming uses were lawful at the time of enactment of this UDC, and
    - b. Such substitution is generally compatible with adjacent land use and zoning patterns.
  3. *Expansion/Extension.* No nonconforming use shall be enlarged, extended, reconstructed, or structurally altered, except as follows:
    - a. The Board of Zoning Appeals may permit a lawful nonconforming use to be expanded within an existing structure manifestly arranged or developed for such use, provided the applicant clearly demonstrates that such expansion is necessary and incidental to the continuance of such lawful nonconforming use.
    - b. The Board of Zoning Appeals may permit the expansion or extension of a nonconforming use of land, not involving the physical expansion of a building or structure, to an area consisting of one-hundred-twenty five percent (125%) of the area enclosing the nonconforming use at the time of enactment of this UDC, provided such expansion occurs on the same lot as existing on the effective date of this UDC. In such cases, the applicant shall clearly demonstrate that the conditions in this Section have been met, that such expansion is necessary and incidental to the continuance of such lawful nonconforming use and that such expansion does not encroach on any yard or setback required for the district in which the nonconforming use is located.
  4. *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 exist:
    - a. When the use has been voluntarily discontinued for a period of six (6) months.
    - b. When the nonconforming use has been replaced by a conforming use.
  5. *Nonconforming Mobile Homes.* A nonconforming mobile home, as defined in Chapter 1105, located in any district, once removed, shall not be relocated on such lot, or replaced with another mobile home. No enlargement, extension or expansion of a nonconforming mobile home, as defined in Chapter 1105, shall be permitted within the City of Chillicothe.

**I. Mitigation of Nonconforming Uses.**

1. *Procedure.* An owner of a nonconforming use or structure may apply for a conditional use permit through the process as outlined in Sec. 7-C-10, *Conditional Use Process*, which has the effect of making the nonconforming use conforming.
2. *Criteria for Approval.* A nonconforming use shall be approved as a conformity, if, in addition to the criteria for approval of a conditional use the following is demonstrated:
  - a. *Minimal Nonconformity.* The use, as conducted and managed, has been integrated into the neighborhood's function. Evaluation criteria include, but are not limited to:
    - 1) The neighborhood residents regularly patronize or are employed at said use (for nonresidential uses).
    - 2) Management practices eliminate nuisances such as noise, light, waste materials, congested on-street parking, or similar conflicts. A history of complaints is justification for denying a conditional use request unless the conditions of the permit will eliminate the nuisances.
    - 3) The use has been maintained in good condition.
  - b. *Conditional Approval.* Conditions may be imposed relative to the expansion of bufferyards, landscaping, or other site design provisions, or other limitations necessary to ensure that, as a conforming use, the use will not become a nuisance. Such conditions may relate to the lot, buildings, structures, or the operation of the use.
3. *Post-Approval Letter.* Should the application be granted conforming status, the applicant shall be provided with a letter in writing confirming the Planning Commission's decision.

## Chapter 9, Enforcement

### A. Enforcement.

1. *Purpose.* This Chapter:
  - a. Establishes the procedures that the City may use to assure compliance and enforcement of the provisions of this Unified Development Code (UDC);
  - b. Sets out the remedies and penalties that the City may use to correct violations. The provisions of this Chapter are intended to encourage the voluntary correction of violations; and
  - c. Establishes and sets out the procedures to enact and enforce Ohio Revised Code (ORC) Chapter 765, *Noncriminal Land Use Infractions*, per Sec. 9-C, *Civil Citations*, of this UDC.
2. *Applicability.*
  - a. *Compliance Required.* No person may use, occupy, or develop land, buildings, or other structures, or permit the use, occupancy, or development of land, buildings, or other structures except in accordance with all the provisions of this UDC. This includes the subdivision of property, which shall be approved by the Planning Commission in accordance with the provisions of this UDC and filed with the Ross County Recorder.
  - b. *Enforcement Actions Permitted.* If any building is proposed to be or is located, erected, constructed, reconstructed, enlarged, changed, demolished, maintained or used, or any land is used or is proposed to be used in violation of this UDC, the Administrator or any aggrieved person 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.
  - c. *Continuation of Prior Enforcement Actions.* Nothing in this UDC shall prohibit the continuation of previous enforcement actions undertaken by the City according to the regulations in effect before the effective date of this UDC. Enforcement actions initiated before the effective date of this UDC may be continued to completion under the terms of the regulations in effect before the effective date of this UDC.
3. *Inspections and Investigations.*
  - a. *Required.* The Administrator, and other City officials, are authorized and directed to make such inspections and investigations as are necessary to determine compliance and/or enforcement of this UDC.
  - b. *Right of Entry.* The Administrator shall have the power to ask the owner of the property for entry at reasonable times to inspect and investigate conditions relating to the enforcement of this UDC. Should the owner of a property refuse an inspection, the Administrator may obtain a warrant to determine compliance with the UDC.

- c. *Duty of Occupants.* It shall be the duty of every occupant of a property that is commonly owned or has portions of the property that are commonly owned, including but not limited to common open space, to give the Administrator access to any part of such property at reasonable times for inspections as are necessary to effect compliance with this UDC.
  - d. *Relief From Personal Liability.* The Administrator or any officer or employee who acts in good faith and without malice in the discharge of his duties during enforcement of this UDC is relieved of personal liability subject to the provisions of Chapter 2744 of the Ohio Revised Code.
4. *Complaints.*
- a. *Filing.* Whenever a violation of this UDC occurs or is alleged to have occurred, any person may file a complaint with the Administrator via telephone, in person, in writing, or electronically. Complaints may also be filed anonymously through a verbal discussion with the Administrator.
  - b. *Investigation.* The Administrator shall investigate the complaint, take immediate action, and may refer the matter to the Planning Commission, Board of Zoning Appeals (BOZA), or City Attorney for review.
- B. Violations.**
- 1. *Generally.* The Administrator shall enforce the regulations of the UDC and bring to the attention of the City Attorney any violations or lack of compliance.
  - 2. *Failure to Obtain a Required Certificate or Approval.* Failure to obtain a Zoning Certificate or other approval as required by specific sections of this UDC shall be a violation of this UDC.
  - 3. *Construction and Use to be as Provided in Applications, Plans, Permits, and Certificates.* Zoning certificates or other approvals issued on the basis of a plan, plat, and/or application, shall authorize only the use and arrangement set forth in such approved plans and/or applications. Any use, arrangement, or construction not in conformance with a specific approval shall be deemed a violation of this UDC.
- C. Civil Citations.**
- 1. *Establishment of Noncriminal Land Use Infraction Methods.*
    - a. *Generally.* This UDC establishes the civil citation process as permitted by Ohio Revised Code (ORC) Chapter 765, *Noncriminal Land Use Infractions.*
    - b. *Intent.* The intent of enacting this civil process is to first attempt to remediate any violation of this UDC through a civil process and not a criminal process. However, nothing in this UDC prohibits the use of a criminal process:
      - 1) For violations that cannot first be resolved through this civil process; or
      - 2) For violations that create a serious and immediate threat to the public.

- c. *Application.* This civil citation and ticketing procedure shall apply to all violations of this UDC, including but not limited to violations of the historic regulations and the associated Historic Design Guidelines.
      - d. *Administrator's Responsibilities.* The establishment of this civil citation process grants the Administrator the authority to determine violations of this UDC and enforce said violations through the ticketing process as set out in Sec. 9-C-2, *Issuance and Service of Ticket.*
2. *Issuance and Service of Ticket.*
  - a. *Generally.* The Administrator may issue a civil citation through a ticket to a person who commits a civil zoning violation pursuant to the provisions of § 765.02, *Noncriminal Land Use Infractions Ordinance*, § 765.03, *Issuing Ticket for Land Use Infraction*, or as described below.
  - b. *Persons to Receive Ticket.* The ticket shall be issued to the legal owner, the contract vendee, or any person or entity with a possessory interest in the real estate upon which the violation occurs. The property owner may be held liable for any person, tenant, or occupant who violates any of the provisions of this UDC.
  - c. *Method of Service.* The ticket shall be served by personal service, by certified mail, or by placement in a conspicuous place on the property where the violation occurs and shall serve as notice to a person that he or she has committed a civil zoning violation.
3. *Fine.* Any person who violates any of the provisions of this UDC, fails to fully comply with any of the requirements, including but not limited to building, reconstructing, or structurally altering any building or site without approval shall be fined separately for each offense according to Section 501.99 of the Codified Ordinances of the City of Chillicothe, Ohio. Each day a violation(s) and/or noncompliance exists shall constitute a separate offense.
4. *Stop-Work Order.* Whenever it shall come to the attention of the Administrator that work of any kind is being undertaken contrary to the provisions of the UDC, the Administrator shall promptly contact the owner of the premises involved, or to the agent of such owner, or to the person doing the work, explaining why the work being undertaken is contrary to the provisions of this UDC, and what actions need to be taken to comply with this UDC. Actions that may be taken include, but are not limited to, a stop work order.
5. *Appeal.* If a person believes that a ticket received is an incorrect interpretation of the UDC by the Administrator or any other city official, then said person may file an administrative appeal of the decision for a hearing to be set with the Board of Zoning Appeals (BOZA). See Sec. 7-D-5-b, *Application.* A person who elects to file such an appeal shall do so with the Administrator within ten (10) business days after issuance of a citation. Any monetary fines shall be stayed until a decision on the appeal is made. A person who files the appeal within the aforementioned timeframe shall pursue the approval of the appeal in an expeditious fashion.
6. *Petition for Variance, Rezoning, or Other Means.* If applicable, a person who receives a ticket may apply for a variance, conditional use permit, rezoning, or other means provided by this UDC to correct the violation for which they be cited. A person who elects to file such an

application shall do so with the Administrator within ten (10) business days after issuance of a ticket. Any monetary fines shall be stayed until a decision on the application is made. A person who applies within the aforementioned timeframe shall pursue the approval of the application in an expeditious fashion.

- D. **Attorney's Fees.** If the City is required to utilize the services of any attorney not employed in-house by the City to investigate a possible violation or to enforce the provisions of this UDC, and such investigation results in a determination that a violation has occurred then the opposing party shall pay the City's reasonable attorney fees and all court costs related to the investigation of the violation and/or the enforcement of this UDC.

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## Chapter 10, Rules of Interpretation and Definitions

### A. Rules of Interpretation.

1. **Provisions are Minimum Requirements.** In the interpretation and application of the UDC, the provisions of this UDC shall be held to be the minimum requirements for the protection of the health, safety, comfort, convenience, and general welfare of the residents of the City.
2. **Conflicting Provisions.**
  - a. *Greater Restriction Applies.* Where this UDC imposes a greater restriction upon the use of a building, structure, or premises than is imposed or required by such existing provisions of law, the provisions of this UDC shall control. Should there be determined to be a conflict between two provisions within the UDC, then the stricter provision shall apply.
  - b. *Private Agreements.* It is not the intent of this UDC to interfere with, abrogate, or amend any existing easements, covenants, or other private agreements between parties. Where a private agreement imposes a greater restriction than is imposed by this UDC, enforcement of those private restrictions shall be between the parties. The City shall not enforce any private agreement.
  - c. *Text, Tables, and Illustrations.* In the case of any conflict of meaning or implication between
    - 1) The text of this UDC and any illustrations within the UDC, the text shall control.
    - 2) The text of this UDC and a table within the UDC, the text shall control.
    - 3) A table within this UDC and an illustration within the UDC, the table shall control.
3. **Administration.** The Administrator shall have the primary responsibility of administering the UDC within the jurisdiction. However, whenever a provision requires a City employee to do some act or perform some duty, it is to be construed to authorize the employee the ability to delegate a subordinate to perform the required act or duty, unless the terms of the provision specify otherwise.
4. **Rounding of Numerical Requirements.** Unless otherwise specified in this UDC, when a mathematical requirement is used to determine a quantitative standard, any fraction shall be rounded up to the next highest number.
5. **Other Requirements.** Nothing in this UDC shall eliminate the need for obtaining any other approval or entitlement required by other provisions of the City, the state, or any federal agency.

6. **Statutory Changes.** If any Ohio Revised Code (ORC) provision cited in this UDC has been amended, this UDC shall be deemed amended in reference to that new or revised provision of law.
7. **Severability.** If any provision or provisions of this UDC, or the application thereof to any zoning provision, lot, building, structure, or tract of land, are declared by a court of competent jurisdiction to be invalid or ineffective, in whole or in part, or to be inapplicable to any person or situation, the effect of such decision shall be limited to the provision or provisions which are expressly stated in the decision to be invalid or ineffective, and shall apply only to said zoning provision, lot, building, structure, or tract of land immediately involved said controversy. All other provisions of this UDC shall continue to be fully effective.
8. **Defined Terms.**
  - a. *UDC Terms.* Specific words and terms relative to this UDC are as defined in Sections 11-B, *Land Use Definitions* and 11-C, *General Definitions*.
  - b. *Code of Ordinance Terms.* Words not defined in this UDC but defined in any other parts of the City's Code of Ordinances shall be deemed to have the meaning provided in the City's Code of Ordinances.
  - c. *Other Terms.* Words not defined in this UDC or in any other part of the City's Code of Ordinances shall have the most appropriate meaning provided in a dictionary of common usage.
9. **Additional Rules of Interpretation.**
  - a. The use of the terms "including," "such as," or similar language are intended to provide examples, not to be exhaustive lists of all possibilities.
  - b. The term "and" indicates that all items being referred to are connected, inclusive, and applicable. The term "or" indicates that one or more of the items being referred to shall apply.
  - c. Unless the context clearly indicates to the contrary, words used in the present tense include the future tense and vice-versa.
  - d. Words used in the plural number include the singular and vice-versa.
  - e. The term "building" includes a "structure"; a "building" or "structure" includes any part of the building. A structure is, however, not necessarily a building.
  - f. The words "shall", "must", and "will" are always mandatory.
  - g. The words "should" and "may" are discretionary.
  - h. Terms such as "he", "she", "him" and "her" shall be interpreted as "he/she" and "him/her" and otherwise considered gender neutral.

## B. Land Use Definitions.

Land Use	Definition	Includes Former Code Term(s)
<b>Residential Uses</b>		
<b>Residential – Primary Use</b>		
Single Detached Dwelling	A detached dwelling unit with kitchen and sleeping facilities, designed for single occupancy and located on a single lot. This term includes a residential facility that provides accommodations and personal care services for one (1) to five (5) unrelated persons, in accordance with ORC Sec. 5119.341(A) and all applicable Ohio licensing requirements.	<ul style="list-style-type: none"> <li>Single-family detached dwelling</li> </ul>
Manufactured Home	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 homes must meet the standards and definition of ORC 4501.1.	<ul style="list-style-type: none"> <li>Manufactured Home</li> </ul>
Manufactured Home Park	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.	<ul style="list-style-type: none"> <li>Manufactured home communities</li> </ul>
Duplex	A residential building designed and used for two separate dwelling units, having the appearance of a single unit detached dwelling unit. Each unit has direct access to the outside and shall accommodate occupants living independently of each other.	<ul style="list-style-type: none"> <li>Two-family dwellings</li> </ul>
Triplex	A detached residential structure containing three individual dwelling units, each with direct access to the exterior and a common wall.	N/A
Townhouse	A single dwelling unit constructed in a group of three or more attached units in which each unit extends from the foundation to the roof and with open space on at least two sides. Townhouses, or townhomes, are dwelling units that share a common wall at the lot line and that are on separate lots.	N/A
Multi-Dwelling Residential	A building designed or used as a residence and containing separate cooking facilities, for four or more occupants living independently. This term includes a residential facility that provides accommodations and personal care services for six (6) to sixteen (16) unrelated persons, in accordance with ORC Sec. 5119.341(B) and all applicable Ohio licensing requirements.	<ul style="list-style-type: none"> <li>Multiple family structures</li> </ul>
<b>Residential Accessory Use</b>		
Accessory Dwelling Unit, Attached	A dwelling unit that is structurally attached to a principal building that has separate front and/or rear access and separate kitchen facilities does not include an upper-story residential and is not larger than one-third the size of the principal dwelling unit.	N/A

Land Use	Definition	Includes Former Code Term(s)
Accessory Dwelling Unit, Detached	A secondary dwelling unit on the same parcel of property that does not have a wall, roof, or another structural component in common with the primary structure on the property. This also includes, but is not limited to, guest houses. This term does not include dwelling units within the definition of loft residential.	N/A
Accessory Structure	Any purpose for which a building, structure, or tract of land may be designed, arranged, intended, maintained, or occupied which: <ol style="list-style-type: none"> <li>Is customarily incidental and subordinate in area, extent, or purpose to the principal building, structure, or use which it serves, and,</li> <li>Is located on the same zoning lot as the principal building, structure, or use, with the exception of accessory off-street parking facilities, such as shared parking areas.</li> </ol>	<ul style="list-style-type: none"> <li>Garages</li> <li>Carports</li> <li>Tool or garden sheds</li> <li>Playhouses</li> <li>Swimming pools</li> <li>Tennis court</li> </ul>
Loft Residential	A dwelling unit or units within a building located on the second or higher floors where the first floor and principal use of the building is for commercial purposes and not included within this definition. The number of units on the second and subsequent floors are not limited by this UDC but may be limited by the City's Building Code in terms of room size and dwelling size.	N/A
<b>Commercial Uses of the Home</b>		
Child Care Home	A child care facility that is operated by a party who resides at the dwelling unit and that complies with ORC 5104 as a type A or type B family day-care home.	N/A
Home Occupation	An occupation, profession, or other activity carried out for commercial gain by a resident of a residential district where there is no outside indication that a business exists on the property.	<ul style="list-style-type: none"> <li>Home Occupation</li> <li>Home Professions</li> </ul>
Short-Term Rental	A residential building or structure that accommodates lodgers for compensation for a period of less than 30 consecutive days.	<ul style="list-style-type: none"> <li>Bed and Breakfast</li> </ul>
<b>Nonresidential Uses</b>		
<b>Automobile and Related Service Uses</b>		
Automobile Parking Lot (Primary Use)	Any area other than a street, driveway, or alley primarily used for the storage of motor vehicles, with or without a fee.	<ul style="list-style-type: none"> <li>Off-street parking areas</li> </ul>
Automobile Repair, Major	An establishment primarily engaged in the repair or maintenance of motor vehicles, trailers, and similar large mechanical equipment, including paint, body and fender, and major engine and engine part overhaul.	<ul style="list-style-type: none"> <li>Motor vehicle major service establishments</li> </ul>
Automobile Repair, Minor	Incidental minor repairs, including replacement of parts and motor service to passenger cars and trucks not exceeding one and one-half (1½) tons rated capacity, but not including any operation named under "automobile repair, major". Oil change and muffler repair shops are included in this definition.	<ul style="list-style-type: none"> <li>Automobile service establishments</li> <li>Motor vehicle service establishments</li> </ul>
Automobile / Vehicle Sales and Rental	The use of any building, land area, or both for the display and sale and/or rental of new or used automobiles, which may include light trucks or vans, trailers or recreational vehicles, and where any vehicle preparation or repair work is conducted solely as an accessory use. All vehicles on-premises must be maintained and operational.	<ul style="list-style-type: none"> <li>Motor vehicle sales</li> </ul>

Land Use	Definition	Includes Former Code Term(s)
Car Wash	Any area or business using self-service, in-bay automatic, or conveyor equipment for cleaning and washing motor vehicles, whether as a part of another business operation (e.g., as an accessory use to an automobile fueling or charging station, automobile sales, rental, and service), or as a stand-alone operation, of any type, on a commercial basis.	<ul style="list-style-type: none"> <li>Self-service carwashes</li> </ul>
Refueling Station	Any building, land area, premises, or portion thereof, where petroleum-based fuels or other petroleum products are sold, and light maintenance activities such as engine tune-ups, lubrication, minor repairs, and carburetor cleaning may be conducted, and convenience goods or services may be offered.	<ul style="list-style-type: none"> <li>Businesses selling gasoline or similar fuels</li> <li>Motor vehicle fuel stations</li> </ul>
Truck & Bus Parking Lot (Primary Use)	A site providing specialized parking facilities for large trucks and buses, including overnight parking.	<ul style="list-style-type: none"> <li>Semi-truck servicing establishments</li> </ul>
<b>Civic, Institutional, and Health Care Uses</b>		
Assisted Living/Nursing Home	Convalescent and extended care facilities and adult day care facilities, (i.e., an establishment which specializes in providing necessary care, shelter and nursing services and services to those unable to be fully responsible for themselves).	<ul style="list-style-type: none"> <li>Convalescent homes</li> <li>Extended care facilities</li> <li>Nursing homes</li> <li>Retirement centers</li> <li>Senior housing</li> </ul>
Cemetery	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 pets.	<ul style="list-style-type: none"> <li>Cemetery</li> <li>Mausoleum</li> </ul>
Child Care Center	A facility that temporarily assumes responsibility for persons aged thirteen and younger other than those related to the resident of the premises. Such responsibility shall consist of administering to the needs of those persons aged thirteen and younger during any part of a twenty-four hour day for a period of two (2) consecutive days. The child care center must comply with ORC 5104.	<ul style="list-style-type: none"> <li>Day-care</li> <li>Nursery school</li> </ul>
Community Garden	A private or public area of land that is used for the noncommercial cultivation of fruits, herbs, flowers, vegetables, or ornamental plants by more than one person or family.	N/A
Correctional Institution	A place of confinement for persons who have broken the law, are awaiting trial, or have been convicted of criminal offenses.	<ul style="list-style-type: none"> <li>Correctional facilities</li> <li>Prisons</li> </ul>
Governmental Service (Police, Fire, Emergency Medical Services)	A local government facility for conduct of public safety and emergency services, including fire and police protection services and emergency medical and ambulance services.	<ul style="list-style-type: none"> <li>Government</li> </ul>
Hospital / Rehabilitative Care	A building or structure containing beds for at least four (4) patients and allowing for overnight or continuous care, diagnosis, and treatment of human ailments.	<ul style="list-style-type: none"> <li>Medical and medical-related activities</li> <li>General and specialized hospitals</li> </ul>
Library	A publicly operated facility housing a collection of books, magazines, or other material for use by the general public.	<ul style="list-style-type: none"> <li>Library</li> </ul>
Medical and Dental Office / Clinic	A use where medical, dental, psychiatric, psychological, chiropractic, and/or other outpatient services are performed.	<ul style="list-style-type: none"> <li>Medical and medical-related activities</li> <li>Human medical and/or dental clinics</li> </ul>

Land Use	Definition	Includes Former Code Term(s)
Museum / Gallery	An institution devoted to the procurement, care, study, and display of objects of lasting interest or value.	<ul style="list-style-type: none"> <li>• Fine art gallery</li> <li>• Museum</li> </ul>
Parks and Recreational Facilities	A site with indoor and/or outdoor facilities and/or structures that house community recreation activities owned, operated, or leased for operation by a public, quasi-public, or private entity.	<ul style="list-style-type: none"> <li>• Common areas</li> <li>• Community/recreational facilities</li> <li>• Golf Courses</li> <li>• Private Park</li> <li>• Public parks</li> <li>• Playground</li> <li>• Open Space</li> </ul>
Place of Public Assembly, Indoor	A building where people assemble for civic, educational, religious, or cultural purposes. This use includes event facilities, meeting halls, fraternal organizations, places of worship, and private clubs.	<ul style="list-style-type: none"> <li>• Churches</li> <li>• Country Club</li> <li>• Funeral homes/funeral services</li> <li>• Places of public assembly</li> <li>• Community buildings</li> </ul>
Schools	Any use devoted to learning (excluding driving schools), regardless of whether it is public, private, commercial or noncommercial, or for children or adults. Playground equipment, athletic fields, athletic stadiums, cafeterias, gymnasiums, parking (including bus parking), and libraries are considered valid accessory use of this land use definition.	<ul style="list-style-type: none"> <li>• Public or private elementary or middle schools</li> <li>• Educational and business-related institutions</li> <li>• College</li> <li>• Technical or trade school</li> </ul>
<b>Commercial Uses</b>		
Adult Use Cannabis Operator	See City Ordinance 01-25	
Bank, Credit Union, and Financial Services	Commercial banks, savings and loan associations, credit unions, brokerage offices, and other similar financial institutions, including check cashing establishments and payday loan businesses.	<ul style="list-style-type: none"> <li>• Brokers and dealers in securities</li> <li>• Commercial banks</li> <li>• Savings Institution</li> <li>• Banks</li> <li>• Savings and loans</li> <li>• Credit agencies</li> </ul>
Building Materials and Hardware Store	The retail sale, rental, or lease of durable consumer goods, or in the retail sale, rental, or lease of such goods in combination with repair and maintenance services and the sale of replacement parts and accessories. Stores that include in part the sale of raw materials such as lumber and/or brick are included within this definition and land use category.	<ul style="list-style-type: none"> <li>• Proprietary hardware stores</li> <li>• Lumber and home improvement sales</li> <li>• Garden centers</li> </ul>
Commercial Recreation and Amusement Services	Uses that provide commercial amusement indoors or outdoors. Indoor amusement includes but is not limited to bowling alleys and pool rooms; indoor sports arenas; movie theaters and live theaters; indoor skating rinks (ice or roller); and video arcades. Outdoor commercial amusement uses includes but is not limited to outdoor arenas or stadiums (such as amphitheaters, drive-in theaters, sports stadiums, concert facilities, rodeos, and racing facilities); amusement parks or theme parks; country clubs; fairgrounds; golf courses; miniature golf establishments; golf driving ranges; water slides; and batting cages.	<ul style="list-style-type: none"> <li>• Community and public swimming pools</li> <li>• Skating rinks</li> <li>• Bowling alleys</li> <li>• Fitness centers</li> </ul>

Land Use	Definition	Includes Former Code Term(s)
Grocery	An establishment engaged in retail and/or wholesale sale of food or other common household items to members of the public.	<ul style="list-style-type: none"> <li>• Food and food products</li> <li>• Grocery, meat, fish, fruit or vegetable markets</li> </ul>
Heavy Equipment Sales and Rental	Industrial products which may be sold or rented to industrial or commercial users or the repair and/or servicing of industrial or commercial machinery, equipment, or products.	<ul style="list-style-type: none"> <li>• Industrial product sales or service, consisting of firms engaged in the sale, rent, or lease of products intended for industrial or commercial users or the repair and/or servicing of industrial or commercial machinery, equipment, or products.</li> </ul>
Hotel	A building in which lodging is provided or offered to the public for compensation and which is open to transient guests	<ul style="list-style-type: none"> <li>• Hotels</li> <li>• Motels</li> </ul>
Kennel	Any lot or premises on which four (4) or more dogs and/or other domesticated animals, at least four months of age are kept.	<ul style="list-style-type: none"> <li>• Boarding of animals</li> </ul>
Office, General	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. Offices carry on no retail trade with the public and maintain no stock of goods for sale to customers.	<ul style="list-style-type: none"> <li>• Administrative, business, or professional offices</li> <li>• Professional, legal, engineering, and architectural services</li> <li>• Accounting, auditing, and other bookkeeping services</li> <li>• Insurance agents and brokers</li> <li>• Real estate sales and associated services</li> <li>• Fee or contract business establishments/consulting services</li> <li>• Protective services</li> <li>• Office equipment rental</li> <li>• Commercial research and development</li> <li>• Office buildings</li> </ul>
Personal Services	Any enterprise, conducted for gain, which primarily offers services to the general public.	<ul style="list-style-type: none"> <li>• Personal services</li> <li>• Barber and beauty shops</li> <li>• Commercial photography</li> <li>• Self-service laundries</li> <li>• Dry-cleaning establishments</li> <li>• Post Office (private mail service – UPS, FedEx, etc.)</li> <li>• Driving schools</li> </ul>
Restaurant	A business establishment where food and beverages are prepared and presented for human consumption on or off the premises.	<ul style="list-style-type: none"> <li>• Restaurant</li> <li>• Carry-out food and beverage establishments</li> <li>• Tavern</li> </ul>

Land Use	Definition	Includes Former Code Term(s)
Retail Sales	Stores primarily engaged in selling merchandise for personal or household consumption and in rendering services incidental to the sale of goods.	<ul style="list-style-type: none"> <li>• Retail sales</li> <li>• Proprietary drug stores</li> <li>• Florists</li> <li>• Gift shops</li> <li>• Antique or second-hand stores</li> <li>• Books and newspaper stores</li> <li>• Sporting goods</li> <li>• Jewelry</li> <li>• Optical goods</li> <li>• Duplication services</li> <li>• General merchandise</li> <li>• Limited price variety stores</li> <li>• Shopping center</li> </ul>
Self-storage, Mini-warehouse	A structure containing separate, individual, and private storage spaces of varying sizes that are rented for varying periods of time and whose tenants have access to such space for the purpose of storing and removing personal property.	<ul style="list-style-type: none"> <li>• Self-service storage facilities</li> <li>• Property storage facilities</li> </ul>
Sexually Oriented Businesses	An adult arcade, adult bookstore, adult cabaret, adult entertainment establishment, adult motion picture theater, adult novelty store, adult theater, adult video store, sexual device shop, sexual encounter center, and sexual encounter establishment as defined by Section 535.02 of the City's Codified Ordinances.	<ul style="list-style-type: none"> <li>• Adult entertainment facilities</li> </ul>
Veterinary Clinic and/or Service	Any establishment maintained and operated by a licensed veterinarian for the diagnosis and treatment of disease and injury of household pets. This term does not include kennels.	<ul style="list-style-type: none"> <li>• Veterinary offices</li> <li>• Animal hospitals</li> </ul>
<b>Industrial and Manufacturing Uses</b>		
Contractor's Shop	An area used to store and maintain construction equipment and other materials customarily used in the trade carried on by the construction contractor. This definition excludes temporary contractor storage associated with the site of an ongoing construction project. This includes a contractor's yard, carting, express, hauling, or storage yards.	<ul style="list-style-type: none"> <li>• Industrial product sales or service</li> <li>• Contractor equipment and storage yards</li> </ul>
Junkyard / Salvage Yard	A place or a business that owns junk and/or salvage, and is operated to store, buy, or sell said junk and/or salvage.	<ul style="list-style-type: none"> <li>• Storage and salvage yards</li> <li>• Recycling facilities</li> </ul>
Manufacturing, Heavy (includes handling of explosive and/or foul materials)	Establishments involved in the processing and manufacturing of products, predominately from raw materials, with noticeable noise, odor, vibration, or air pollution effects; or a use engaged in the storage of or processes involving potentially or actually hazardous, explosive, flammable, radioactive, or other commonly recognized hazardous materials.	N/A

Land Use	Definition	Includes Former Code Term(s)
Manufacturing, Light (includes product assembly and processing)	Establishments engaged in the manufacture or processing of finished products from previously prepared materials, including processing, fabrication, assembly, treatment, and packaging of such products, and incidental storage, sales, and distribution. These establishments are characterized by having no major external environmental effects across property lines and include no unscreened or unenclosed outdoor storage.	<ul style="list-style-type: none"> <li>• Indoor processing, assembly, and/or packaging of products or materials</li> <li>• Manufacturing compounding, processing, assembling, packaging, or treatment of goods, materials, and products</li> </ul>
Medical and Diagnostic Laboratories	A facility that is used for the express purpose of the design, fabrication, and repair of dental and optical goods, and / or a laboratory where tests are performed on biological specimens in order to obtain information about the health of a patient.	N/A
Warehousing and Storage, Indoor	A business establishment primarily engaged in the storage of merchandise, goods, and materials, not including “self storage mini-warehouse.”	<ul style="list-style-type: none"> <li>• Wholesale establishments</li> <li>• Warehousing</li> </ul>
<b>Transportation, Utility, and Communication Uses</b>		
Airport and Heliport	Any area of land or water designed and set aside for the landing and take-off of aircraft	N/A
Cargo Terminal	A building or area in which freight brought by truck is assembled and/or stored for routing in intra-state and interstate shipment by truck or in which semi-trailers, including tractor and /or trailer units, and other trucks are parked or stored.	<ul style="list-style-type: none"> <li>• Distribution</li> <li>• Truck and transfer terminals</li> </ul>
Landfill	A solid waste disposal facility consisting of an area of land used for the disposal of any solid waste resulting from the operation of residential, commercial, industrial, governmental, or institutional establishments that would normally be collected, processed, and disposed of through a public or private solid waste management service.	N/A
Public Transportation Terminal	A facility that receives and discharges passengers at which facilities and equipment required for the transit provider’s operation are provided.	N/A
Solar Energy System, Commercial	A panel(s) or other solar energy system designed to absorb the sun's rays as a source of energy for generating electricity or heating or for incidental sale to a utility when that equipment is accessory to a principally permitted use of the property.	N/A
Wind Energy System, Commercial	A land use for generating electric power by the use of wind utilizing wind turbine generators, including the turbine, blades, and tower as well as related electrical equipment at one (1) or multiple tower locations and that is designed and built to provide said electric power to an electric utility grid rather than an electric power consumer on-site.	N/A

Land Use	Definition	Includes Former Code Term(s)
Wireless Telecommunication Facility	<p>Any cables, wires, lines, waveguides, antennas, and any other equipment or facilities associated with the transmission or reception of communications as authorized by the FCC which a person seeks to locate or has installed upon a tower or Antenna Support Structure.</p> <p>However, the term Wireless Telecommunications Facilities shall not include:</p> <ul style="list-style-type: none"> <li>• Any satellite earth station antenna two meters in diameter or less which is located in an area zoned industrial or commercial.</li> <li>• Any satellite earth station antenna one meter or less in diameter, regardless of zoning category.</li> </ul>	<ul style="list-style-type: none"> <li>• Cellular telephone towers</li> <li>• Commercial radio and television antennas and towers</li> </ul>
<b>Nonresidential Accessory Uses</b>		
Drive-In or Drive-Through Facility	Traffic lanes, drive-up windows, and/or other physical accrements located on a business site, which enables a business to provide goods or services to customers without such customers leaving his/her motor vehicle.	<ul style="list-style-type: none"> <li>• Drive-through facilities</li> </ul>
Essential Services	The erection, construction, alteration, or maintenance, by public utilities or municipal or other governmental agencies, of improved public streets and/or underground or overhead gas, electrical, steam, or water transmission or distribution systems; collection, communication, video service providers, supply, or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, 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, provided that no such use is not already provided for within an existing land use definition within this UDC.	<ul style="list-style-type: none"> <li>• Essential Services</li> </ul>
Maintenance Facilities	Buildings or structures that provide equipment for the ongoing management and upkeep of a facility and its physical assets to ensure they operate efficiently, safely, and effectively.	<ul style="list-style-type: none"> <li>• Cemetery maintenance structures</li> <li>• Maintenance facilities</li> <li>• Infrastructure equipment</li> </ul>
Outdoor Display and Sales	The storage of any products, materials, vehicles, or equipment outside the confines of an enclosed building for the purpose of offering for sale.	<ul style="list-style-type: none"> <li>• Outside storage and display of merchandise</li> </ul>
Outside/Sidewalk Dining	An area adjacent to a restaurant that is located outdoors and is designated for service and/or consumption of food.	<ul style="list-style-type: none"> <li>• Outside dining areas</li> </ul>
Solar Energy System, Accessory	A method for generating electric power from solar that is accessory to a legal principal use and intended to primarily serve the needs of the electric power consumer at that site.	N/A
Vending Kiosk	A self-service, interactive device that is located on the outer side of a principal building (or as a stand-alone unit outside and independent of the principal building), which is accessible to the general public for the purposes of dispensing product or information.	N/A
Wind Energy System, Accessory	The use of land for generating electric power from wind that is accessory to a legal principal use and intended to primarily serve the needs of the electric power consumer at that site.	N/A

Land Use	Definition	Includes Former Code Term(s)
<b>Temporary Uses</b>		
Special Event	A temporary, short-term use of property, signage, or promotional devices occurring outside of a permanent building and not otherwise included as a permitted or accessory use.	N/A
Temporary Structures	Structures that are established for a fixed period of time with the intent to discontinue such use upon the expiration of such time.	<ul style="list-style-type: none"> <li>• Temporary Structures</li> </ul>

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C. **General Definitions.**

**ABUTTING.** A lot or parcel of land that shares all or part of a common lot line or boundary with another lot or parcel of land.

**ACCESSORY USE.** 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.

**ADJACENT.** A lot or parcel of land that shares all or part of a common lot line or boundary with another lot or parcel of land or that is directly across a public street or right-of-way.

**ADMINISTRATOR.** The employee of the City who is charged with enforcing the provisions of this Unified Development Code (UDC) and/or his or her designated agent.

**ALLEY.** A public right-of-way ten (10) to twenty (20) feet wide which provides only secondary means of access to abutting property or lot.

**ALTERATION.** 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 color or type of building materials, except windows which may be replaced with newer materials available, so long as the street view of the window size and design is unchanged.

**ANTENNA.** Any panel, whip, dish, or other apparatus designed for communications through the sending and/or receiving of electromagnetic waves, excluding any support structure other than brackets.

**ANTENNA SUPPORT STRUCTURE.** Any building or other structures other than a tower that can be used for location of wireless telecommunications facilities.

**APPEAL.** A request for a review of the interpretation of any provision of this UDC.

**APPLICANT.** Any person that applies for a permit or approval pursuant to this UDC and that has the legal authority to apply for said permit. This is typically either the owner or agent of the owner.

**APPLICATION.** The process by which an applicant submits a request and indicates a desire to be granted a permit under the provisions of this UDC. An application includes all written documentation, verbal statements and representations, in whatever form or forum, made by an applicant to the City of Chillicothe concerning such a request.

**APPURTENANCE.** An accessory structure legally belonging to another, larger, more valuable entity.

**ARCHITECTURAL CHARACTER.** 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.

**AREA OF SPECIAL FLOOD HAZARD.** The land in the flood plain within a community subject to a one (1) percent or greater chance of flooding in any given year.

**AS-BUILT PLANS.** A drawing that represents a true location of what is being measured or what has already been built in the field, such as water and sewer lines.

**ASSURANCE OF COMPLETION.** A contract secured by a performance bond or other guarantee or security satisfactory to the City Council, guaranteeing completion of public improvements which are required by this UDC.

**AVERAGE DAILY TRAFFIC.** 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. Also known as "ADT."

**AWNING.** See "Canopy"

**BASEMENT.** 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.

**BERM.** A continuous raised earthen mound with a flattened top and sloped sides capable of supporting live landscaping materials.

**BIKE TRAIL.** Segregated facilities such as roads, tracks, paths, or other marked lanes designated for use by bicyclist and pedestrians where motorized vehicles are prohibited.

**BLOCK.** The properties abutting one side of a street and lying between two (2) consecutive intersecting streets.

**BLOCK FACE.** A single side of a dedicated street running from street to street including parcels and public right-of-way.

**BOARD.** The Board of Zoning Appeals for the City of Chillicothe.

**BOND.** Cash deposit, surety bond, collateral, or other instrument of credit satisfactory to the City of Chillicothe for performance of the obligations of this UDC.

**BOULEVARD.** A landscaped median which separates traffic moving in opposite directions. Boulevards may vary from one another in both length and width.

**BUFFER.** A designated transition area around water resources or wetlands that is left in a natural, usually vegetated, state so as to protect the water resources or wetlands from runoff pollution. Construction activities in this area are restricted or prohibited.

**BUFFERYARD.** A designated area of land between two abutting zoning districts which is landscaped in such a way as to minimize the visual and auditory impact of a higher intensity use from a neighboring, less intensive use.

**BUILDING.** 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.

**BUILDING AREA.** The gross area of a lot or parcel of land occupied by all of the ground floor of a building or structure which is under roof.

**BUILDING LIMITS.** An area designed on the final record plat which defines the limits within which a building may be placed that is in accordance with the applicable setback standards.

**BUILDING PAD.** A building site prepared by artificial means, including but not limited to grading, excavation, or filling, of any combination thereof.

**BUILDING FRONTAGE.** The total width of all sides of an enclosed building which faces a public right-of-way, measured by lines perpendicular to, or on the radius of, the public right-of-way. When the building is located on a parcel not abutting a public right-of-way, building frontage shall be determined with reference to abutting private drives which are intended for use by patrons of the business.

**BUILDING HEIGHT.** The vertical distance from the grade (elevation of the sidewalk if the front of the building abuts upon the sidewalk or the average level of the finished surface of the ground adjacent to the structure) to the highest point of the coping of a flat roof, to the deck line of a mansard roof, or to the mean height level between eaves and ridge for gable, hip and gambrel roofs.

**BUSINESS DAY.** A day of the week excluding Saturday, Sunday, or a legal holiday as observed by the City.

**CALENDAR DAY.** Any day of the week including Saturday, Sunday, or a legal holiday.

**CANOPY.** Any structure, movable or stationary, attached to and deriving its support from structural members or posts or other means independent of a connected structure for the purpose of shielding a platform, stoop, doorway, window or sidewalk from the elements, or a roof-like structure of a permanent nature which projects from the wall of a structure and overhangs the public way. Includes awnings and marquees.

**CERTIFICATE OF APPROPRIATENESS.** A certificate authorizing any required approval for the construction, alteration, demolition or removal of a structure in the Historic Design Review District.

**CERTIFICATE OF ZONING COMPLIANCE.** A certificate issued by the Zoning Inspector, pursuant to Chapter 7, *Zoning Administration*, of this UDC, confirming that the zoning requirements of this Ordinance have been met.

**CHANNEL.** A natural or artificial watercourse of perceptible extent, with definite bed and banks to confine and conduct continuously or periodically flowing water. Channel flow is that water which is flowing within the limits of the defined channel.

**CHIMNEY.** A vertical shaft of reinforced concrete, masonry, or other approved material enclosing one or more flues, for the purpose of removing products of combustion from solid, liquid, or gaseous fuel.

**CITATION.** A legally binding official notice to an impacted person that a violation of the UDC has occurred on their property.

**CITY.** The City of Chillicothe, Ohio.

**CITY COUNCIL.** The Council of the City of Chillicothe, Ohio.

**CITY ENGINEER.** The Engineer of the City of Chillicothe, Ohio or duly authorized representative.

**CITY STANDARD PLANS AND SPECIFICATIONS.** The most recent edition of the engineering drawings and standards as approved by the City Council and City Engineer for the City of Chillicothe, along with such written amendments and modifications to same as may be periodically made.

**CODIFIED ORDINANCES.** The Codified Ordinances of Chillicothe, Ohio, as amended from time to time.

**COMMERCIAL MESSAGE.** A sign, wording, logo, or other representation that, directly or indirectly, names, advertises or calls attention to a business, product, service or other commercial activity.

**COMMISSION.** The Planning Commission of the City of Chillicothe.

**CO-LOCATION WIRELESS TELECOMMUNICATIONS.** The use of a wireless telecommunication facility by more than one wireless telecommunications provider.

**COMMON OPEN SPACE.** A parcel of land or an area of water or combination of both land and water, within a site designated as a planned development and designated and intended for the use and enjoyment of the residents of the planned development. Common open space does not include streets, alleys, off-street parking or loading areas, public open space, or other facilities dedicated by the developer for public use. Common open space shall be substantially free of structures but may contain such improvements as are approved as a part of the general development plan and are appropriate for the recreation of residents of the planned residential development.

**COMMUNICATION FACILITY.** A facility consisting of the equipment and structures involved in receiving telecommunications or radio signals from a mobile radio communications source and transmitting those signals to a central switching computer which connects the mobile unit with a land-based telephone line.

**COMPREHENSIVE PLAN.** a comprehensive plan as may be prepared by and for the City of Chillicothe, as adopted by City Council.

**CONCEPT PLAN.** A sketch or drawing prepared by the Owner/ Developer prior to the preliminary plat, which shows the general outline and layout of a proposed subdivision.

**CONCEPT REVIEW.** That process of allowing a person to meet with the Design Review Board to receive nonbinding feedback on a proposed alteration prior to submitting a formal application for a certificate of appropriateness.

**CONDITIONAL USE.** An uncommon or infrequent use which may be authorized in specific zoning districts subject to compliance with certain standards and/or conditions, and the granting of a conditional use permit as specified in this UDC.

**COUNTY.** County of Ross, State of Ohio.

**COUNTY ENGINEER.** The Engineer of Ross County, State of Ohio.

**COVENANT.** A written agreement, promise, or pledge.

**CRITICAL STORM.** A storm which is calculated by means of the percentage increase in volume of runoff by a proposed activity or development area. The critical storm is used to calculate the maximum allowable stormwater discharge rate from a site.

**CROSSWALK.** Any portion of a street or road, whether at an intersection or elsewhere, which is identified for pedestrian crossing by lines, pavement or other markings on the surface.

**CUL-DE-SAC.** 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.

**CUL-DE-SAC LOT.** A lot containing frontage on the bulb of a local street of relatively short length with one (1) end open to traffic and the other end terminating in a vehicular turnaround which may or may not feature a landscaped island.

**CULVERT.** A closed conduit for the passage of surface drainage under a street, driveway or other embankment.

**CUT.** An excavation. The difference between a point on the original grade and a designated point of lower elevation on the final grade.

**CUTOFF.** The point at which all light rays emitted by a lamp, light source, or luminaire are completely eliminated (cutoff) at specific angle above the ground.

**CUTOFF-TYPE LUMINAIRE.** A luminaire with elements such as shields, reflectors, or refractor panels that direct and cut off the light at a cutoff angle that is less than ninety (90) degrees.

**DESIGN REVIEW BOARD.** The Design Review Board of the City of Chillicothe.

**DETENTION FACILITY.** A detention or alternative structure designed to temporarily store stormwater runoff and gradually release the stored water at a controlled rate.

**DEVELOPER.** See subdivider.

**DEVELOPMENT.** Any change to improved or unimproved real estate, including but not limited to structures, mining, dredging, filling, grading, paving excavation, or storage of equipment or materials.

**DEVELOPMENT AREA.** Any tract, lot, or parcel of land or combination of tracts which are in one ownership or are contiguous and in diverse ownership where earth-disturbing and improvement activity is to be performed.

**DEVELOPMENT PLAN.** A detailed engineered drawing of a commercial, industrial, institutional, or residential development project, showing proposed buildings and structures with typical elevation, existing site conditions, and proposed improvements with sufficient detail for agency review, approval, and subsequent construction.

**DEVELOPMENT STANDARDS.** Standards controlling the size of structures and the relationships of structures and uses to each other and to open areas and lot lines. "Development Standards" include regulations controlling maximum height, minimum lot area, minimum lot frontage, minimum size of yards and setbacks, maximum lot coverage, and maximum floor area ratio.

**DIGITAL DISPLAY SIGN.** A sign which uses digital technology to produce a bright clear image which automatically changes on a programmed interval.

**DIMENSIONS.** Geometric measurements in length and width which denote a physical area (i.e., a lot or street right-of-way).

**DIRECT RECHARGE AREA.** That portion of a drainage basin in which water infiltrating vertically from the surface will intercept the water table.

**DITCH.** An open channel either excavated or natural for the purpose of drainage or irrigation.

**DRIVEWAY.** a private area or vehicle accommodation lane providing access from a street to a detached single-unit dwelling on the same lot or to one (1) or more multi-unit residential dwellings, commercial or industrial buildings.

**DWELLING.** 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.

**DWELLING UNIT.** That space within a building comprising living, dining and sleeping rooms and storage closets, as well as legally required space and equipment for cooking, bathing and toilet facilities, all used by only one family and its household employees.

**EARTH DISTURBING ACTIVITY.** Any grading, excavation, filling, or other alteration of the earth's surface where natural or manmade ground cover is installed.

**EASEMENT.** A grant by a property owner to an individual, group of individuals, organizations, or any other legal entity, to cross property lines to accommodate vehicle sight distances, street maintenance, the placement of stormwater drainage, watercourses, sewer, water, natural gas, electric, telephone, cable television, or other specified purpose.

**ENVIRONMENTAL CHANGE.** The construction, alteration, demolition or removal of any property subject to the provisions Sec. 7-G, *Design Review Board*, of this UDC.

**ESCROW AGREEMENT.** A written agreement, which is a form of performance guarantee, that defines the basic obligations of money (or other valuables) to be deposited in escrow, and how the escrow is to be released.

**FAILURE OF DELIVERY.** When 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 this UDC.

**FCC.** The Federal Communications Commission and any legally appointed, designated or elected agent or successor.

**FENCE.** 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.

**FENCE, DECORATIVE.** Any structure that meets the definition of fence per this UDC and that is not suited for the confinement of animals or property and the opacity of the fence is less than twenty-five percent (25%).

**FILL.** Any act by which earth, sand, gravel, rock, or any other material is placed, pushed, dumped, pulled, transported or moved to a new location above the natural surface of the ground or on top of the stripped surface and shall include the resulting grade conditions. The difference in elevation between a point on the original ground and a designated point of higher elevation on the final grade.

**FINAL RECORD PLAT.** A plat of a subdivision which, when approved by the City and filed with the County Recorder, creates legal lots which may be sold by the developer without further City approval, and dedicates streets, easements and other lands to the public use. Also known as a Record Plan typically a map or plan drawn to scale of one or more parcels, tracts, or subdivisions of land, showing, but not limited to, boundaries, corners, markers, monuments, easements and other rights.

**FLOOR AREA.** 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.

**FOOTCANDLE.** A unit of illumination produced on a surface, all points of which are one (1) foot from a uniform point source of one (1) candle.

**FRONTAGE or LOT FRONTAGE.** A portion of the lot that directly abuts the street and has direct access from the lot to the street. Lot frontage shall be measured along the front property line.

**GARAGE, PRIVATE.** A building, or portion of a building, designed or used primarily for the storage of motor-driven vehicles, boats and other equipment, tools and material owned and/or used by the occupants of the principal use of the property.

**HARD SURFACE.** Any impervious area that does not allow natural infiltration which includes concrete, asphalt, black top or other such surfaces as determined by the City Engineer. Compacted gravel is not considered a hard surface.

**HISTORIC DISTRICT.** A geographically definable area possessing a significant concentration, linkage, or continuity of sites, buildings, structures, and/or objects united by past events or aesthetically by plan or physical development.

**HISTORIC STRUCTURE.** Any structure that is:

Listed individually in the National Register of Historic Places (a listing maintained by the US Department of Interior) or preliminarily determined by the US Secretary of the Interior as meeting the requirements for individual listings on the National Register; or

Certified or preliminarily determined by the US Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; or

Individually listed on the State of Ohio's inventory of historic places maintained by the Ohio Historic Preservation Office; or

Individually listed on the inventory of historic places maintained by the City, which is certified by the Ohio Historic Preservation Office.

**IMPROVEMENTS.** The provision of street pavement, curbs, gutters, sidewalks, sanitary sewer, drainage facilities, water services, street lights, flood control, utility lines, landscaping, and such other facilities as may be required for subdivision and development of land under the requirements specified in this UDC.

**INDUSTRIAL ZONING DISTRICT(S).** Any of the following zoning districts identified in this UDC: LI and GI.

**LANDSCAPING.** The improvement of a lot, parcel, or tract of land with grass and shrubs and/or trees. Landscaping may include pedestrian walks, flowerbeds, ornamental objects such as fountains, statuary, and other similar natural and artificial objects designed and arranged to produce an aesthetically pleasing effect.

**LAND USE PLAN.** The long-range plan for the desirable use of land in the City as officially adopted and amended from time to time by City Council, the purpose of such plan being to serve as a guide in the zoning of the land to meet changing community needs, in the appropriate subdividing and development of underdeveloped land, and in the acquisition of rights-of-way or sites for such public facilities as streets, parks, schools, and other public buildings. Also known as the Comprehensive Plan.

**LETTER OF CREDIT.** A letter from a bank guaranteeing that payment will be received on time and for the correct amount as form of a performance guarantee. In the event that the letter of credit is unable to cover payment, the bank will be required to cover the full or remaining amount.

**LISTED PROPERTY.** Any property not within a design review district that is identified and protected under Chapter 7- G of this UDC as if it were in a district.

**LOADING SPACE.** A space within the main building or on the same lot therewith, providing for the standing, loading or unloading of trucks and connected with a street or alley by a surfaced driveway which affords satisfactory ingress and egress for trucks.

**LOT.** A Lot is a parcel of land that is sufficient in size to meet minimum zoning requirements for use, coverage and area, as well as to provide such yards and other open spaces as are herein required and as required by zoning. All lots shall have frontage on an improved street and may consist of a single lot of record; a portion of a lot of record; or a combination of complete lots of record, or portions of lots of record.

**LOT AREA.** The total computed land area contained within the lot lines, exclusive of any portion of a public right-of-way or a private access easement that is usually expressed in square feet or in acres and fractions thereof.

**LOT, CORNER.** A lot abutting upon two (2) or more streets at their intersection, or upon two (2) parts of the same street, such streets or parts of the same street forming an interior angle of less than one hundred thirty-five (135) degrees.

**LOT COVERAGE.** That percentage of a lot which, when viewed directly from above, would be covered by a structure or structures, or any part thereof, excluding projecting roof eaves but including impervious surfaces.

**LOT DEPTH.** The average distance measured from the front lot line to the rear lot line.

**LOT FRONTAGE.** That portion of a lot running along the boundary of any public or private thoroughfare. Where the lot is located on a curve in the road, the Lot Frontage may be measured along the extent of the curved building line, provided that the side property lines run radial to the curve.

**LOT, INTERIOR.** A lot other than a corner lot with frontage on only one street.

**LOT LINES.** Lot boundary lines.

**LOT LINE, FRONT.** A street right-of-way line forming the boundary of a lot. On a corner lot, both street rights-of-way shall be considered front lot lines.

**LOT LINE, REAR.** The 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.

**LOT LINE, SIDE.** A lot line that is neither a front lot line nor a rear lot line.

**LOT OF RECORD.** A lot which is part of a subdivision approved by the City of Chillicothe and recorded in the office of the County Recorder, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

**LOT, THROUGH.** A lot other than a corner lot with frontage on more than one street.

**LOT WIDTH.** The distance on a horizontal plane between the side lot lines measured at right angles to the lot depth at the required front building line.

**LOT, ZONING.** A parcel of land not separated by street or alley that is designated by its owner or developer at the time of applying for a zoning certificate, as a tract all of which is to be used, developed, or built upon as a unit under single ownership.

**LOWEST FLOOR.** The lowest floor of the lowest enclosed area (including basement) of a structure. This definition excludes an "enclosure below the lowest floor" which is an unfinished or flood resistant enclosure usable solely for parking of vehicles, building access or storage, in an area other than a basement area, provided that such enclosure is built in accordance with the applicable design requirements specified in these regulations for enclosures below the lowest floor.

**LUMINAIRE.** A complete lighting unit consisting of a light source and all necessary mechanical, electrical, and decorative parts.

**MAINTENANCE GUARANTEE.** An agreement by a developer with the City, for a dollar amount determined by the City's Authorized Agent, which is based upon construction cost. The Maintenance Guarantee is an assurance against any deficiencies which might develop over a predetermined period of time in the physical improvements which have been constructed within a subdivision.

**MAJOR SUBDIVISION.** A division, or lot split, of a parcel or lot of land into more than five (5) buildable lots or more that requires a final record plat be approved by the Planning Commission as specified in O.R.C. 711.131.

**MINOR SUBDIVISION.** A division, of a parcel or lot of land into five (5) buildable lots or less than does not therefore require a final record plat to be approved by the Planning Commission as specified in O.R.C. 711.131. A minor subdivision does not require the opening, widening, or extension of any street, it may not be submitted to the City's Authorized Agent for approval without a preliminary plan, provided, however, that a cumulative total of no more than five (5) lots shall be permitted on one (1) parcel of land without a replat.

**MONOPOLE.** A support structure constructed to a single, self-supporting hollow metal tube securely anchored to a foundation.

**MONUMENT.** A permanent concrete or metal marker used to establish boundary lines of the subdivision and points of change in street alignments. Monuments shall comply with O.A.C. 4733-37.

**NONCONFORMING BUILDING OR STRUCTURE.** A lawfully existing building or other structure containing a lawful residential, business, commercial, institutional or industrial use which does not comply with the applicable lot size requirements, building bulk limitations or off-street parking requirements.

**NONCONFORMING LOT.** A lot existing at the time of enactment of this UDC or any subsequent amendments which does not conform to the lot area and frontage requirements of the district in which it is located.

**NONCONFORMING USE.** 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 UDC.

**NONCONFORMITY.** An existing use, building, or structure which fails to comply in some respect with the use or bulk regulations applicable to new uses, buildings, or structures in the district in which it is located.

**NONRESIDENTIAL.** Any property that has as its primary use a property that is not residential including, but not limited to, commercial, industrial, institutional, or mixed-use.

**NONRESIDENTIAL ZONING DISTRICT.** One or more of the following base zoning districts: Civic and Institutional (CI), Downtown Enterprise (DE), Mixed Use (MU), General Commercial (GC), Light Industrial (LI), or General Industrial (GI).

**NON-STORMWATER DISCHARGES.** Sources of discharged water that are substantial contributors of pollutants of an MS4 permit holder, such as: water line flushing; landscape irrigation; diverted stream flows; rising ground waters; uncontaminated groundwater infiltration (infiltration is defined as water other than wastewater that enters the sewer system, including sewer service connections and foundation drains, from the ground through such means as defective pipes, pipe joints, connections, or manholes. Infiltration does not include and is distinguished from inflow); uncontaminated pumped groundwater; discharges from potable water sources; foundation drains; air conditioning condensate; irrigation water; water from crawlspace pumps; footing drains; lawn water; individual residential car washing; flows from riparian habitats and wetlands; dechlorinated swimming pool discharges; street wash water; and discharges or flows from fire-fighting activities. These non-storm water discharge sources are authorized unless the Ohio EPA has determined and notified the development in writing otherwise.

**NON-STRUCTURAL CONTROLS.** Stormwater runoff control and treatment techniques that use natural measures to control runoff and/or reduce pollution levels, and do not require extensive construction efforts and/or do promote runoff control and/or pollutant reduction by eliminating the runoff and/or pollutant source. Examples

include minimizing impervious area, buffer strips along streams, and preserving natural vegetation.

**OCCUPANCY.** The act of using a property.

**OCCUPANCY PERMIT.** A permit issued in accordance with the UDC to the occupant of a commercial or industrial building.

**OPEN SPACE.** 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.

**OUTDOOR STORAGE.** The storage of goods and materials outside of any building or structure, but not including storage of a temporary or emergency nature.

**OUTDOOR STORAGE AREA.** An outdoor area on a property, with the exception of single and two-family residential lots, where refuse is collected and stored.

**OWNER/DEVELOPER.** An individual, group of individuals, organization or any other legal entity having sufficient proprietary interest in land sought to be subdivided under requirements specified in this UDC. The owner of record, according to records maintained by the Ross County Auditor, and the term shall include the plural as well as the singular.

**PARCEL.** Any legally described piece of land created by a partition, subdivision, deed or other instrument recorded with the appropriate entity or agency. Parcel is synonymous with Lot.

**PARK.** An area of land containing pasture, woods, lakes, and/or open space which is used for public or private recreational purposes.

**PARK BOARD.** The Board of Park Commissioners for the City of Chillicothe.

**PARKING AREA or PARKING LOT.** Any area other than street, driveway, or alley, used or intended to be used for the storage of motor vehicles, with or without a fee.

**PARKING SPACE, OFF-STREET.** 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 this UDC.

**PATIO.** A covered or uncovered paved area or deck that adjoins a residential structure, the height of which is less than eight (8) inches above the average level of the adjoining ground.

**PEAK RATE OF RUNOFF.** The maximum rate of runoff for any 24-hour storm of a given frequency.

**PENNANT.** A string of shaped, brightly colored pieces of fabric, vinyl, plastic or other material, with or without a message or logo, intended to attract attention.

**PERMANENT FOUNDATION.** 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.

**PERMITTED USE.** Any use specifically allowed in a zoning district and subject to the restrictions applicable to that zoning district.

**PERSERVE or PRESERVATION.** 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 of appearance of the structure.

**PERSON.** Any natural person, firm, partnership, association, corporation, or other legal entity, private or public, whether for profit or not-for-profit.

**PLAN.** A drawing showing the proportion and relation of parts of improvements to each other and their surroundings.

**PLAN, CONSTRUCTION.** A plan which gives information required to construct improvements including plan views, sections, profiles, details, quantities, reference specifications and standard drawings.

**PLAN, GRADING.** 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.

**PLANNED DEVELOPMENT.** An area of minimum contiguous size, as specified by ordinance, to be planned, developed, operated, and maintained according to plan as a single entity and containing one (1) or more structures with appurtenant common areas.

**PLANNING COMMISSION.** The Planning Commission of Chillicothe, Ohio.

**PLAT or FINAL PLAT.** 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.

**PORCH.** A covered or uncovered floor, deck or platform at the entrance to a building, the height of which is eight (8) inches or more above the average level of the adjoining ground.

**POTABLE WATER.** Water that is satisfactory for drinking, culinary, and domestic purposes, meeting current drinking water standards.

**PRE-DEVELOPMENT CONDITIONS.** Site conditions as they existed prior to manmade alterations and/or activities.

**PRELIMINARY PLAN.** A tentative proposal for the subdivision of land that may include information relative to roads, lighting, landscaping, natural features, access, soil erosion, and stormwater management submitted in map form to the Planning Commission for a decision set forth in this UDC.

**PRINCIPAL BUILDING.** A building in which is conducted the main or principal use of the lot on which said building is located; ordinarily the largest building on the lot.

**PRINCIPAL USE.** The main use to which the premises are devoted and the main purpose for which the premises exists; ordinarily the use conducted on the first story of the principal building above the basement.

**PUBLIC ACCESS EASEMENT.** A conveyance of an interest in land granting certain rights of access to the public and certain rights of control to the City but retaining private ownership of the servient estate and a private duty to maintain the property in support of the access conveyed.

**RECHARGE LAGOON.** A body of water designed and maintained by man to add water to the groundwater at a rate greater than that occurring naturally.

**RECORD PLAN.** In the case of development under conventional zoning, any drawing or set of drawings that meets the requirements of the Subdivision Regulations for record plans. In the case of development under PUD zoning, any drawing or set of drawings which meets the requirements of the Subdivision Regulations and the Planned Unit Development approval process of this UDC.

**RECREATIONAL TRAIL.** A path for recreational uses for pedestrians, cyclists and other recreational uses. Motorized vehicles are prohibited.

**RECREATIONAL VEHICLE.** Any vehicle or equipment designed for or primarily used as a travel trailer, fifth-wheel trailer, camper, motor home, truck camper, tent trailer, boat, boat trailer, snowmobile or snowmobile trailer, motorcycle trailer, or any other trailer incidental to recreational uses.

**REGISTERED ARCHITECT.** A person registered to engage in the practice of architecture under the provisions of sections ORC 4703.01 to 4703.19.

**REGISTERED PROFESSIONAL ENGINEER.** A person registered as a professional engineer under ORC 4733.

**REPLAT.** A new recording of a previously recorded subdivision in which the purpose is to modify some portion of the originally final record plat.

**RESIDENTIAL FACILITY.** A publicly or privately operated home or facility that falls into one of the following categories: 1) Residential Facility – Class One; 2) Residential Facility – Class Two; or 3) Residential Facility – Class Three.

**RESIDENTIAL FACILITY – CLASS ONE.** A publicly or privately operated home or facility that provides accommodations, supervision, personal care services, and mental health services for one or more unrelated adults with mental illness or one or more unrelated children or adolescents with severe emotional disturbances.

**RESIDENTIAL FACILITY – CLASS TWO.** A publicly or privately operated home or facility that provides accommodations, supervision, and personal care services to any of the following: 1) One or two unrelated persons with mental illness; 2) One or two unrelated adults who are receiving residential state supplement payments; or 3) Three to sixteen unrelated adults.

**RESIDENTIAL FACILITY – CLASS THREE.** A publicly or privately operated home or facility that provides room and board for five or more unrelated adults with mental illness.

**RESIDENTIAL ZONING DISTRICT.** One or more of the following base residential zoning districts identified in this UDC: SB, SU, MH, MD, and RO.

**RETENTION STRUCTURE.** A permanent structure that provides for the long-term storage of runoff of water. Retention Structures retains a permanent pool of water.

**RIGHT-OF-WAY.** 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, provided the term "right-of-way" shall not include utility easements.

**ROUNDBOUT.** A means of traffic control encouraging continuous slow-moving traffic flow as opposed to stopping traffic through the use of signs or signalization.

**SANITARY SEWERS.** An approved sewage disposal system which provides a collection network and disposal system and central sewage treatment facility for a single development, community or region.

**SCREENING.** Solid walls, solid fences, and/or dense living hedges for the purpose of concealing from view the area behind such structures or evergreen vegetation.

**SEDIMENT BASIN.** A barrier, dam or other facility built to reduce the velocity of water in order to settle and retain sediment.

**SETBACK.** The minimum linear distance between a sign, building, or structure and the right-of-way line of a public street or the side or rear lot line of an adjacent parcel. Pavement that does not constitute a sign, building, or structure is not included within a setback.

**SIDEWALK.** A paved path, intended for pedestrian use, lying outside the curb lines or edge of pavement of a roadway.

**SIGN.** A name, identification, description, including non-commercial content, display, illustration, usually including alphabetic or numeric characters, which is affixed to or painted upon or represented directly or indirectly upon a building, structure, or piece of land or affixed to the inside or outside of a door or window so as to be seen from the outside of a building and which directs attention to an object, product, place, activity, person, institution, organization or business.

**SIGN AREA.** The entire area within a single continuous perimeter enclosing the extreme limits of writing, representation, emblem or any figure of similar character together with any frame or other material or color forming an integral part of the display or used to differentiate such sign from the background against which it is placed; excluding the necessary supports or uprights on which such sign is placed. The area of a sign having more than one (1) display surface shall be computed as the total area of the exposed exterior display surface area.

**SIGN, A-FRAME.** A sign constructed of wood or other durable material which can be folded or collapsed for ease of transport.

**SIGN, ATTENTION SEEKING.** Any flag, streamer, spinner, pennant, costumed character, light, balloon, continuous string of pennants, flags, or fringe, or similar device or ornamentation used primarily for the purpose of attracting attention for promotion or advertising a business or commercial activity which is visible by the general public from any public right-of-way or public area.

**SIGN, AWNING.** A sign that is mounted, painted, or otherwise applied on or attached to an awning or other fabric, plastic, or structural protective cover over a door, entrance, or window of a building.

**SIGN, BANNER.** A sign of lightweight fabric or similar non-ridged material that is mounted with no enclosing framework.

**SIGN, BILLBOARD.** An off-premises sign that is more than two-hundred (200) square feet in area.

**SIGN, BUILDING.** A sign that is attached to, mounted on, or painted on a building. This includes awning signs, canopy signs, marquee signs, projecting signs, roof sign, and wall signs.

**SIGN, CANOPY.** A sign that is mounted, painted, or otherwise applied on or attached to a freestanding canopy or structural protective cover over an outdoor service area.

**SIGN, CHANGEABLE COPY SIGN.** A sign or portion thereof, designed to accommodate frequent message changes composed of characters, letters, or illustrations and that can be changed or rearranged, either manually, without altering the face or surface of such sign.

**SIGN, CONSTRUCTION.** A sign indicating the title and basic information regarding a project and indicating the names of architects, engineers, contractors and similar persons or firms involved in the design, construction and/or financing of the structure or project.

**SIGN, DIGITAL DISPLAY SIGN.** A sign which uses digital technology to produce a bright clear image which automatically changes on a programmed interval.

**SIGN, DIRECTIONAL.** 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.

**SIGN, DRIVE-THROUGH.** A sign designed to instruct customers or users in automobiles regarding specific products or services offered on the site or in the building, or regarding methods of payment accepted, or for receiving orders for products or services.

**SIGN FACE.** The surface of the sign upon, against or through which the message of the sign is exhibited.

**SIGN, FLASHING.** An illuminated sign on which the lights either blink on and off randomly or in sequence or have intermittent variation in intensity or color.

**SIGN, GROUND.** A sign suspended or supported by one or more uprights or braces anchored in the ground with no more than thirty (30) inches clearance from the bottom of the sign to the ground below.

**SIGN HEIGHT.** The vertical distance from the uppermost point used in measuring the area of the sign to the ground immediately below such point or to the level of the upper surface of the nearest curb or a street or alley (other than a structurally elevated roadway) whichever measurement permits the greatest elevation of the sign.

**SIGN, ILLEGAL.** A sign that is without a valid zoning permit, is not a nonconforming sign, and is not expressly permitted and/or exempt from the provisions of this UDC.

**SIGN, ILLUMINATED.** A sign that is lighted by one (1) or more of the following artificial light sources:

- a. *External.* A separate light source from the sign face or cabinet directed so as to shine on the sign face or exposed lights or neon tubes on the sign face.
- b. *Internal.* A light source concealed within the sign structure.

**SIGN, MONUMENT.** Any sign mounted on the ground, but not elevated above the ground by any device that holds the sign off the ground and not attached to any building, including reader panels.

**SIGN, MOVING.** Any sign which in part or in total rotates, revolves, or otherwise is in motion.

**SIGN, MURAL.** A large picture or graphic generally free of a written message that is painted or attached directly to an exterior building surface

**SIGN, NEON.** A sign formed from neon lamps containing neon gas.

**SIGN, NONCONFORMING.** A sign lawfully existing prior to the enactment of the sign provisions of this UDC or any appropriate amendment thereto, but which could not be erected in accordance with such provisions or amendment.

**SIGN, OBSOLETE.** A sign that no longer advertises or identifies a bona fide business or product sold.

**SIGN, OFF-PREMISE.** 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.

**SIGN, ON-PREMISE.** A sign which directs attention to a business, commodity, service, or entertainment conducted, sold, or offered upon the premises where such sign is located.

**SIGN, PERMANENT.** A sign intended to be erected or used, or in fact which is used for time period in excess of thirty (30) days.

**SIGN, POLE.** A sign independently supported by the ground or mounted on a supporting structure that is placed on or anchored in the ground and is independent from any building.

**SIGN, PORTABLE.** A sign that is movable, is not permanently attached to either the ground, a building, or a permanent structure, and is designed or constructed in such a manner that it can be moved or relocated without involving any structural or support changes. A portable sign includes any sign supported by a chassis that is designed to be easily moveable; any sign designed to be transported by means of wheels or skids. This definition excludes any lightweight "A-frame" base or any sign made out of other moveable items including, but not limited to, balloons, banners, flags, and umbrellas.

**SIGN, PROJECTING.** A sign attached to or supported by a building or structure in such a manner that it extends more than twelve (12) inches.

**SIGN, ROOF.** Any sign erected upon, displayed upon or supported by the roof of a building or structure.

**SIGN STRUCTURE.** A structure specifically intended for supporting or containing a sign.

**SIGN, SUBDIVISION IDENTIFICATION.** A sign which, by means of symbol or name, identifies a subdivision.

**SIGN, TEMPORARY.** A sign which is placed for a time period of thirty (30) days or less during any consecutive twelve (12) month period, intended to announce temporary events, and is not attached to a building, to a structure, or into the ground in a permanent manner, such sign usually being constructed of poster board, cardboard, masonite, plywood or plastic material and mounted to wood, metal, wire or rope frames or supports.

**SIGN, VEHICLE.** Any sign attached to or painted on a vehicle parked and legible from the public right-of-way, unless said vehicle is used for transporting people or materials in the normal day-to-day operations of the business.

**SIGN, WALL.** A sign that is affixed to, painted on, or attached to the wall of the building or other structure and which extends not more than twelve (12) inches from the face of such wall.

**SIGN, WARNING.** Any sign indicating the danger of a situation that is potentially dangerous.

**SIGN, WINDOW.** A sign that is affixed, painted on, or attached to the inside glass of a window or displaced within twelve (12) inches of the inside surface of a window designed and intended to allow those inside or outside the structure to view into or out of the building through the window.

**SIGN, YARD.** A temporary sign placed in the front yard of a residential lot that is intended to be easily removable and is generally mounted on a stake or frame.

**SITE DEVELOPMENT PLAN.** The written document, or set of plans, that meets the requirements of this Section that provides information on the location of the area proposed for development, the site in relation to its general surroundings, and existing characteristics of the site, including limits of activities.

**SOLAR ENERGY SYSTEM.** A panel(s) or other solar energy system designed to absorb the sun's rays as a source of energy for generating electricity or heating or for incidental sale to a utility when that equipment is accessory to a principally permitted use of the property.

**START OF CONSTRUCTION.** The date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of a building.

**STEEP SLOPE.** A slope over 15% or greater grade, which is characterized by increased run-off, erosion and sediment hazards.

**STOP-WORK ORDER.** An order issued which requires that all work on the site must cease except work associated with bring the site into compliance with the approved SWP3 or Site Development Plan.

**STORMWATER MANAGEMENT.** Runoff water safely conveyed or temporarily stored and released at an allowable rate to minimize erosion and flooding.

**STORMWATER MANAGEMENT PLAN (SMP).** The written document that meets the requirements of these subdivision regulations and that sets forth the plans and practices to be used to minimize stormwater runoff from a site and to safely convey or temporarily store and release post-development stormwater runoff at an allowable rate to minimize flooding and erosion.

**STORMWATER POLLUTION PREVENTION PLAN (SWP3).** The document required by the Ohio EPA for compliance with its NPDES Construction Activity General Permit #OHC00000 or current permit. A SWP3 is required as part of the City's Stormwater Management Plan described above and in this UDC.

**STORM FREQUENCY.** The average period of time (in years) within which a storm of a given duration and intensity can be expected to be equaled or exceeded.

**STORY.** That portion of a building, other than a cellar or basement (except one used for business or residence) included between the surface of any floor and the surface of

the floor next above it or, if there is no floor above it, then the space between the floor and the ceiling next above it.

**STORY, HALF.** A partial story under a gable, hip or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than four (4) feet above the floor of such story, except that any partial story used for residence purposes, other than for a janitor or caretaker or his family, or by a family occupying the floor immediately below it, shall be deemed a full story.

**STREET.** any vehicular way which is:

- a. An existing federal, state, county or municipal roadway, or
- b. Is shown on a subdivision plat approved pursuant to law, or
- c. Is approved by other official action by the City of Chillicothe, and includes:
  1. "Arterial Street" means a street connecting Chillicothe with outside activity centers and/or serving as the primary route through and within the City. Arterial streets carry the largest volume of traffic, typically more than 5,000 vehicles per day ADT, on a continuous route. Service to the adjacent land is subordinate to the provision of travel service on arterial streets.
  2. "Collector Street (Major)" means a street or thoroughfare which carries vehicular traffic from local streets to arterial streets, and is designed to accommodate 2,000 - 5,000 vehicles per day ADT.
  3. "Collector Street (Minor)" means a street or 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.
  4. "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 speeds generally below 35 miles per hour.
  5. "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 occupied by industrial uses.
  6. "Marginal Access Street", "Service Road" or "Access Road" means a street that is adjacent to and runs parallel to an arterial or major collector street and provides access to abutting properties so that the flow of through traffic on the arterial or collector street is not impeded by direct driveway access to such property.
  7. "Private Street" means a privately-owned street providing access to abutting properties.

8. "Public Street" means an improved street providing public access to abutting property, as dedicated to and accepted by the City, upon a plat which has been duly approved, filed and recorded in the Ross County Recorder's Office.

**STRUCTURE.** 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 UDC, "structure" shall include fences, mobile or manufactured structures, temporary structures for uses incidental to construction work, and playground equipment manufactured or constructed as a single unit. A structure may be the standards necessary to be considered a building, however many structures such as those listed above do not qualify to be considered a building.

**STRUCTURAL ALTERATION.** Any change other than incidental repairs, which would prolong the life of supporting members of a building or other structure such as reinforcement or replacement of bearing walls or bearing partitions, columns, beams or girders.

**STRUCTURAL CONTROLS.** Any manmade facility, structure, or device that is constructed to provide temporary storage and/or treatment of stormwater runoff. Examples include retention and detention basins, rock check dams, swales, and constructed wetlands.

**STRUCTURE.** Anything constructed, the use of which requires permanent location on the ground, or attachment to something having a permanent location on the ground. Without limitation on the foregoing, a structure shall include building, fences, walls, billboards, platforms, towers and signs.

**SUBDIVIDER.** The legal or equitable owner or owners, collectively, of all the land proposed to be included in a subdivision, including the holder of an option or contract to purchase, or other person having an enforceable proprietary interest in such land. By written notice, the developer may appoint one or more agents to work with the City.

**SUBDIVISION.** Any of the definitions as listed in Sec. 711.001.B of the Ohio Revised Code (ORC).

**SUBSTANTIAL DAMAGE.** Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred. Substantial damage also means flood related damage sustained by a structure on two (2) separate occasions during any ten-year period for which the cost of repairs at the time of each such flood event, on average, equals or exceeds twenty-five percent of the market value of the structure before the damage occurred.

**SUBSTANTIAL IMPROVEMENT.** Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty percent (50%)

of the market value of the structure before the "start of construction" of the improvement. When the combined total of all previous improvements or repairs made during the life of the structure equals or exceeds fifty percent (50%) of a structure's market value, those improvements are collectively considered a substantial improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. Substantial improvement does not, however, include:

- a. Any improvement to a structure which is considered "new construction;" or
- b. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified prior to the application for a development permit by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
- c. Any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure."

**SURROUNDING NEIGHBORHOOD.** All the principal residential buildings within 250 feet, measured in all directions from the subject property lines.

**SURVEYOR.** Any person registered to practice as a professional surveyor in the State of Ohio as specified in O.R.C. 4733.

**SWALE.** A low lying stretch of vegetated land which gathers and carries surface water.

**TEMPORARY USE.** A use for a limited duration with the intent to discontinue such use upon the expiration of the time period, and usually not involving any construction or alteration of any structure.

**TEMPORARY VEGETATION.** Short term vegetative cover such as oats, rye, or wheat, used to stabilize the soil surface until final grading and installation of permanent vegetation.

**THOROUGHFARE.** See "Street."

**THOROUGHFARE PLAN.** A plan, which may be part of a comprehensive plan, now or hereafter adopted by the Planning Commission, which sets forth the location, alignment and/or classification of existing and proposed streets and/or roadways.

**TOWER.** For the purposes of the wireless telecommunication facility regulations within this UDC, a tower is defined as a self-supporting lattice, guyed, or monopole structure constructed from grade that supports wireless telecommunications facilities. The term tower shall not include amateur radio operator's equipment, as licensed by the FCC.

**UNDERGROUND STORAGE TANK.** Any one or combination of tanks, including underground pipes connected thereto, which is used to contain an accumulation of regulated substances and the volume of which (including the volume of underground pipes connected thereto) is ten (10) percent or more beneath the surface of the ground. Flow-through process tanks and septic tanks approved by the

Health Department or State Environmental Protection Agency, as applicable, are excluded from the definition of underground storage tanks.

**UNDEVELOPED PROPERTY.** A parcel upon which no building has been erected.

**USE.** Any purpose for which a building, structure or a tract of land may be designed, arranged, intended, maintained, or occupied; also, any activity, occupation, business or operation carried on, or intended to be carried on, in a building, structure or on a tract of land.

**VARIANCE.** A grant of relief from the requirements of this UDC which permits construction in a manner that would otherwise be prohibited by this UDC, which may be granted only by the Board of Zoning Appeals.

**VICINTY MAP.** A small map that is located on the subdivision final record plat, which sets forth by dimensions or other means the relationship of the proposed subdivision to nearby developments or landmarks and community facilities within the City in order to better locate and orient the area in question.

**VIEWSHED.** The area surrounding a Wireless Telecommunications Facility or Antenna Support Structure, within which the Facility or Structure is visible from street level.

**VIOLATION.** The failure of a structure or other development to be fully compliant with these regulations.

**WALKWAY.** A public or private way intended for pedestrian, bicycle or other non-motorized vehicular use only, whether along the side of a road or connecting properties. See the definition for Sidewalk in these regulations.

**WATERCOURSE.** Any natural or artificial waterway (including, but not limited to, streams, rivers, creeks, ditches, channels, canals, conduits, culverts, drains, waterways, gullies, ravines, or washes) in which waters flow in a definite direction or course either continuously or intermittently and including any adjacent area which is subject to inundation by reason of overflow of flood water.

**WATERSHED.** The total drainage area contributing runoff to a single point.

**WETLANDS.** Surface areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. For further definition see the 1987 or most recent Corp of Engineers Wetland Delineation Manual.

**WHOLESALE SALES.** The sale of goods, merchandise, and commodities for resale by the purchaser.

**WIRELESS TELECOMMUNICATION FACILITY.** Any cables, wires, lines, wave guides, antennas and any other equipment or facilities associated with the transmission or reception of communications as authorized by the FCC which a person seeks to locate or have installed upon a tower or antenna support structure. However, the term wireless telecommunications facilities shall not include:

- a. Any satellite earth station antenna six (6) feet in diameter or less which is located in an area zoned industrial or commercial.
- b. Any satellite earth station antenna eighteen (18) inches or less in diameter, regardless of zoning category.
- c. Antennas used by amateur radio operators.

**YARD.** Open space on a lot that is unoccupied and unobstructed from ground to sky except by trees or shrubbery or as otherwise provided herein.

**YARD, FRONT.** A yard extending along the full length of a front lot line in to a line drawn parallel to such front lot line at a depth equal to the required front yard as stated in this UDC.

**YARD, REAR.** A yard extending along the full length of the rear lot line in to a line drawn parallel to such rear lot line at a depth equal to the required rear yard as stated in this UDC.

**YARD, SIDE.** A yard extending along the full length of a side lot line in to a line drawn parallel to such side lot line at a depth equal to the required minimum side yard, or back to the setback line on a corner lot, if such a line exists. The side yard excludes any area encompassed within the front yard or rear yard. Dimensions of minimum side yards specified in the district regulations of this UDC refer to the required width of each side yard rather than to the total width of both side yards, unless otherwise specified.

**ZONING CERTIFICATE.** See Certificate of Zoning Compliance

**ZONING CODE.** This Unified Development Code, or UDC, limiting the height, area and use of buildings, structures and/or areas.

**ZONING MAP.** The Official Zoning District Map of the City as described Sec. 2-A-4, *Official Zoning Map*, of this UDC, or portion thereof, together with all amendments thereto subsequently adopted.