

**ZONING ORDINANCE No. 26-99-0
OF THE CITY OF CELINA, OHIO**

An Ordinance to adopt and enact zoning and related provisions, and to repeal Ordinances in conflict therewith. This Ordinance consolidates all zoning and related provisions for the purpose of regulating, restricting and limiting in the interest of the public health, safety, convenience, comfort, prosperity and general welfare of the City of Celina, Ohio, the uses and location of buildings and other structures and the uses of premises, and divide the City into districts. This Ordinance also provides the method of administration and enforcement, and prescribes the penalties for the violation of these provisions.

WHEREAS, the City of Celina desires to update its Zoning Code, and

WHEREAS, the City Planning Commission of Celina, Ohio has recommended the following regulations be adopted at their June 24, 1999 meeting, and

WHEREAS, the City Council of Celina held a public hearing on August 9th, 1999 following the required 30 day notice;

NOW THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CELINA, OHIO:

SECTION ONE

THAT the following is hereby the Zoning Code of the City of Celina along with the attached map.

**CHAPTER 1141
GENERAL PROVISIONS**

- 1141.01 **PURPOSE**
For the purpose of promoting the public health, safety, morals, comfort and general welfare, conserving the values of property, facilitating the provision of water, sewerage, schools and other public requirements and lessening or avoiding congestion on public streets and highways, this Zoning Ordinance is established.
- 1141.02 **TITLE**
Chapter 1141 through 1199 and the Zoning District Map which accompanies this ordinance shall together be known and cited as the Zoning Ordinance.
- 1141.03 **INTERPRETATION AND CONFLICT**
In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements. Wherever this Ordinance imposes a greater restriction than is imposed or required by other provisions of law or by other rules, regulations or ordinances, the provisions of this Ordinance shall govern.
- 1141.04 **COMPLIANCE WITH REGULATIONS**
 - A. No building or structure shall be located, erected, constructed, reconstructed, enlarged or structurally altered except in conformity with the area, height and yard regulations of the district in which such building or structure is located except as hereinafter provided.
 - B. No building, structure or lot shall be used for any purpose other than that which is permitted in the district in which such building, structure or lot is located, except where such usage was in existence and permitted prior to the passage of current zoning regulations.
 - C. No yard or other open space existing adjacent to any building or structure shall be reduced in area or dimension to less than the minimum required by the Zoning Ordinance.
 - D. No lot at the time of the effective date of the Zoning Ordinance shall be reduced or subdivided in any manner below the minimum area and yard provision as required by the Zoning Ordinance.
 - E. Uses not specifically listed or interpreted to be included categorically under the Uses Sections of the District Chapters shall not be permitted except by Amendment to the Ordinance.
- 1141.05 **SEPARABILITY**
Should any section or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of this Ordinance as a whole, or any part thereof, other than the part so declared to be unconstitutional or invalid.

**CHAPTER 1142
DEFINITIONS**

- 1142.01 **DEFINITIONS**
For the purpose of the Zoning Ordinance certain terms and words are defined as follows. Except where specifically defined, all words used in the Zoning Ordinance shall carry their customary meanings.
 - 1. "Agriculture" means farming, dairying, pasturage, horticulture, viticulture, animal and poultry husbandry and limited processing and sale of agricultural products from land under same ownership.

2. "Alley" means a public or private thoroughfare which affords only a secondary means of access to property abutting thereon.
3. "Animal Hospital and Clinic" means a building used for the medical treatment, housing or boarding of domestic animals such as dogs, cats, rabbits, and birds by a veterinarian.
4. "Assisted Living Facility" means a residential care facility, other than a licensed nursing home, that provides personal care for persons with impairments in performance of activities of daily living and has the capacity to meet unscheduled needs for assistance. Typical to this facility is that each residence is private occupancy, furnished by occupant, with food service, laundry and gathering areas shared in the facility.
5. "Automotive Filling Station" means any building or land area used or intended to be used for the retail dispensing or sales of vehicular fuels; and including as an accessory use the sale and installation of lubricants, tires, batteries, and similar accessories.
6. "Automotive Services" means the repair, rebuilding or reconditioning of motor vehicles or parts thereof, including collision service, painting and steam cleaning of vehicles and commercial carwashes.
7. "Automotive Sales" means the display, sale or rental of new or used motor vehicles or trailers in operable condition where no repair work is done.
8. "Basement" means a story having part but not more than one-half of its height above grade and used for storage, garages for use of occupants of the building, or other active use for the rest of the building.
9. "Bed and Breakfast Establishment" means any owner occupied dwelling unit that contains no more than four rooms where lodging, with or without meals, are provided for compensation.
10. "Board" means the Board of Zoning Appeals of Celina, Ohio.
11. "Building" means any structure having a roof supported by columns or walls, used or intended to be used for the shelter or enclosure of persons, animals or property.
12. "Building and Related Trades" means a building or premises used for the storage and retail sale of those materials and services customary to the construction profession of which offices of those professionals associated with the construction profession may be an accessory use.
13. "Building, Front Line of" means the line of that face of the building nearest the front line of the lot. This line does not include uncovered steps or handicapped access ramps.
14. "Building Lot" means any platted lot, a legally described parcel of land, or combination of adjacent platted lots or other described land that is identified on a deed as being owned by the same owner, and is large enough for the construction of a residence. It may also be any combination of adjacent land deeded separately but shown on the county's tax maps as owned by the same owner.
15. "Building, Height of" means the vertical distance from the average grade level along the front building line to the highest point of the building or structure.
16. "Building, Principal" means a building in which is conducted the main or principal use of the lot on which such building is situated.
17. "Cemetery" means land used or intended to be used for the burial of the dead and dedicated for such purposes, including crematories, mausoleums and mortuaries, if operated in connection with, and within the boundaries of, such cemetery.
18. "Clinic" means a place used for the care, diagnosis and treatment of sick, ailing, infirm and injured persons and those who are in need of medical, dental or surgical attention, but who are not provided with room or board nor kept overnight on the premises.
19. "Club" means a nonprofit association of persons who are bona fide members paying regular dues, and are organized for some common purpose, but excluding religious places of worship or a group organized solely or primarily to render a service customarily carried on as a commercial enterprise.
20. "Commercial School" means a facility, operating for profit, providing a curriculum of continuing academic instruction including vocational and technical courses.
21. "Commission" means the Celina Planning Commission.
22. "Commercial Entertainment Facilities" means any activity which is generally related to the entertainment field, such as motion picture theaters, night clubs, and similar entertainment activities and excluding taverns.
23. "Community Development Project" means any development of land for industrial, commercial or residential purposes, or a combination of these uses, provided they are functionally integrated, to attain an improved character of development that conforms to the purpose and intent of the Zoning Ordinance.
24. "Council" means the City Council of Celina, Ohio.
25. "Day Care Facility" means a building or structure where daytime care, protection and supervision are provided on a regular schedule, for a fee, at least twice a week. This definition includes Child Care Facilities which address and pertain to the care of children up to and throughout school ages. Adult Care Facilities address and pertain to the care of adults. This definition does not include residential care such as Assisted Living Facility and Group Home.
26. "Days" means calendar days unless stated otherwise.
27. "Design Review District" means a portion of the territory of the City, within which special requirements and regulations established under the Design Review District provisions of this Ordinance are applied. Design Review Districts are established by Council and identified on the Zoning Map.
28. "Design Review Commission" means a commission established under the Design Review District provisions of this Ordinance.
29. "District" means a portion of the territory of the City, within which certain uniform regulations and requirements or various combinations thereof apply under the provisions of this Ordinance.
30. "Drive-In Commercial Uses" means any retail commercial use serving primarily vehicular trade such as drive-in restaurants, drive-in theaters, drive-in banks and drive thru convenience stores.

31. "Dwelling" means any building or portion thereof which is designated for or used for residential purposes.
32. "Dwelling, Efficiency Apartment" means a dwelling unit in a multi-family building without a separate distinct room for sleeping.
33. "Dwelling, Multi-Family" means a building used or designed as a residence for three or more families living independently of each other and doing their own cooking therein, including apartment houses, garden apartments and row houses.
34. "Dwelling, Permanently Sited Manufactured Home" means a building manufactured in an off-site facility designated for or occupied exclusively by one family that meets all of the following criteria:
 - a. The structure is affixed to a permanent foundation and is connected to appropriate utilities;
 - b. The structure, excluding any addition, has a minimum width of 22 feet, a minimum length of 22 feet, and a minimum floor area of 900 square feet;
 - c. The structure has a minimum roof pitch of 3:12, conventional residential siding, and a minimum 6 inch eave overhang, including appropriate guttering;
 - d. The structure was manufactured after January 1, 1995;
 - e. The structure has a permanent label or tag certifying that it was constructed in conformance with all applicable federal construction and safety standards.
35. "Dwelling, Single-Family" means a building designated for or occupied exclusively by one family, including Permanently Sited Manufactured Homes as defined herein.
36. "Dwelling, Three Family" means a building designated for or occupied exclusively by three families.
37. "Dwelling, Two-Family" means a building designated for or occupied exclusively by two families.
38. "Educational Institution" means a facility that provides a curriculum of elementary or secondary academic instruction, including kindergarten, elementary schools, junior high schools, high schools and technical and collegiate level courses.
39. "Essential Services" means the erection, construction, alteration or maintenance, by public utilities or municipal or other governmental agencies, of facilities which are necessary for furnishing adequate service by such public utilities or municipal or other governmental agencies or for the public health or safety or general welfare, but not including buildings.
40. "Family" means one or more persons occupying a dwelling and living as a single housekeeping unit and doing their own cooking on the premises as distinguished from a group occupying a hotel, as herein defined.
41. "Financial Institution" means any building, property or activity of which the principal use or purpose is the provision of financial services including but not limited to banks, facilities for automated teller machines (ATMs), credit unions, savings and loan institutions and mortgage companies.
42. "Food Processing" means the preparation or processing of food products excluding restaurants, for wholesale distribution.
43. "Frontage" means all of the property between a street and the front building line. The front boundary line of a lot is the line that abuts on a street, and includes its length.
44. "Funeral Home" means any dwelling or other structure used and occupied by a professional licensed mortician for burial preparation and funeral services.
45. "Grain Elevators and Feed Mill" means a building, structure or premises used for the storage and retail sales of grain and other related agricultural supplies and products.
46. "Group Home" means any licensed residential facility designed to allow not more than eight (8) persons, needing specialized care, counseling, on-going medical treatment or supervision to live in the same building or complex of buildings and engage in some congregative activity in a non-institutional environment.
47. "Home Occupation" means any occupation, profession, activity or use which is accessory to the principal use of the premises and is conducted by a resident occupant which does not alter the interior of the property or affect the residential character of the neighborhood.
48. "Hospital" means an institution providing health services primarily for human in-patient medical or surgical care for the sick or injured and including related facilities such as laboratories, out-patient departments, training facilities, central services facilities, and staff offices that are an integral part of the facilities.
49. "Hotel/Motel" means a building in which lodging or boarding and lodging are provided and offered to the public for compensation and possibly providing as an accessory use additional facilities such as restaurants, meeting rooms and recreational facilities.
50. "Institution" means buildings or land occupied by a nonprofit corporation or a nonprofit establishment for public use.
51. "Interior Lot Line" means any lot line shown by plat or deed of separately described parcels of land making up a building lot and located within its boundaries.
52. "Junk Storage and/or Sales; Salvage Operation" means any lot, land or structure or part thereof used primarily for the collection, storage and sale of waste paper, rags, scrap metal or discarded material, or for the collecting, dismantling, storage and salvaging of machinery or vehicles not in operating condition, or for the sale of parts thereof.
53. "Land Use Plan" means the long-range plan for the desirable use of land as adopted by the Planning Commission; the purpose of such plan being to serve as a guide in future development and zoning of the community.
54. "Loading Space" means a space within the main building or on the same lot therewith providing for the loading or unloading of trucks.
55. "Lock and Store (or Store and Lock) Warehousing" means a building or group of buildings in a controlled access compound that contains equal or varying sizes of compartmentalized and controlled access stalls or lockers for the storage of customer goods or wares.

56. "Lot" means a parcel of land occupied or intended for occupancy by a use permitted in the Zoning Ordinance, including one principal building together with accessory buildings, the open spaces and parking spaces required by the Zoning Ordinance, and having its principal frontage upon a street.
57. "Lot Coverage" means the ratio of enclosed ground floor area of all buildings to the horizontally projected area of the lot, expressed as a percentage.
58. "Lot of Record" means any lot which, individually or as a part of a subdivision, has been recorded in the office of the County Recorder.
59. "Lot, Minimum Area Of" means the area of a lot computed exclusive of any portion of the right of way of any public thoroughfare.
60. "Lot Width" means the width of a lot at the building setback line measured at right angles to its depth. The lot width of lots on curved streets shall be the chord distance between points of intersection of the side lot lines with the curve describing the required depth of front yard.
61. "Lot - Outlot" means a lot associated with larger development plan where the primary parcel defines the development. The development on outlots must conform, in use type, to the primary site development. Outlots may be deeded separately from the primary parcel, but can be considered part of the overall development. In site plan reviews, these lots shall be considered as part of the overall site development. In a shopping center, or in a B-3 zone, it is a lot that is owned and/or developed separately from the shopping center and has its own access drives, parking, and signage.
62. "Manufacturing" means the mechanical, chemical, or biological transformation or assembly of materials, substances, or component parts into new products or components, usually for distribution to wholesale markets, or for interplant transfer to industrial users.
63. "Mineral Extraction, Storage and Processing" means any mining, quarrying or processing of limestone, shale, clay, coal or other minerals.
64. "Mixed Use" means a combination of two or more principally permitted or conditionally permitted uses within a district, as approved by the Planning Commission, in the same building or on the same premises.
65. "Mobile Homes or Trailers" means any vehicle or similar portable structure so designed or constructed as to permit occupancy for dwelling or sleeping purposes.
66. "Mobile Home Parks" means an area manifestly designed for rent or lease of mobile home lots in a safe, sanitary and desirable manner as described in Chapter 1180.
67. "Nursing Home" means a building, group of buildings or licensed facility, public or private, which provides full-time personal care or nursing to the ill, physically infirm or aged persons who are not related by blood or marriage to the operator.
68. "Office" means a building or portion of a building wherein services are performed involving predominately administrative, professional or clerical operations.
69. "Off-Street Parking Space" means any parking space located wholly off any street, alley or sidewalk either in an enclosed building or on an open lot.
70. "Overlay District" means the portion of the territory of the City, within which special requirements and regulations established under the Overlay District provisions of this Ordinance are applied. Overlay Districts are established by Council and identified on the Zoning Map.
71. "Personal Services" means any enterprise conducted for gain which serves primarily personal needs of the general public such as shoe repair, watch repairing, barber shop, beauty parlors, and similar activities.
72. "Petroleum Refining and Storage" means a facility designed to separate and remove impurities from oil or gas and store such fuels for distribution.
73. "Planning Commission" means the Celina Planning Commission.
74. "Public Service Facility" means the erection, construction, alteration, operation or maintenance of buildings and other similar public service structures by a public utility, by a railroad, whether publicly or privately owned, or by a municipal or other governmental agency, including the furnishing of electrical, gas, rail transport, communication, public water and sewage disposal services.
75. "Public uses" means public parks, schools and administrative, cultural and service buildings, not including public land or buildings devoted solely to the storage and maintenance of equipment and material.
76. "Public Recreation" means recreational facilities developed, used and/or maintained by public agencies for use by the public.
77. "Recreational facilities, commercial" means recreational facilities open to the public, established and operated for a profit, such as commercial golf courses, golf driving ranges, swimming pools, ice skating rinks, riding stables, boat docks, fishing piers, boat launching, race tracks, amusement parks, carnivals, food concessions as an accessory use, and similar commercial enterprises.
78. "Recreational facilities, noncommercial" means private and semipublic recreational facilities which are not operated for commercial gain, including private country clubs, riding clubs, golf courses, and other private noncommercial recreation areas and facilities or recreation centers, including private community swimming pools, boat docks, fishing piers, boat launching, and food concessions as an accessory use.
79. "Religious places of worship" means an institution that a congregation of people regularly attend to participate in or hold religious services, meetings and other activities, including buildings in which the religious services of any denominations are held.
80. "Restaurant" means an establishment with table services whose principal business is the selling of unpackaged food and beverages to the customer in a ready to consume state, in individual servings, or in non-disposable containers.

81. "Restaurant, fast food" means an establishment whose principal business is the sale of prepared or rapidly prepared food, in disposable containers and without table service, directly to the customer in a ready-to-consume state.
82. "Retail Business" means any business selling goods, wares, or merchandise directly to the ultimate consumer for direct consumption and not for resale.
83. "Retail neighborhood business" means small retail commercial establishments catering primarily to nearby residential areas providing convenience goods and services, including but not limited to, small grocery stores, pharmacies, barber shops, beauty salons and coin-op Laundromats.
84. "Scientific research facility" means a building or buildings in which scientific research, investigation, testing or experimentation is conducted, but not including the manufacturing or sales of products, except as incidental to the main purpose of the laboratory.
85. "Semi-public buildings" means churches, Sunday schools, private and parochial schools, hospitals and other institutions of a charitable, educational or religious nature.
86. "Shopping center" means a grouping of retail and service uses on a single site that is developed, owned and managed as a unit with off-street parking and loading as an integral part of that unit.
87. "Story" means that portion of a building other than a basement included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, then the space between the floor and the ceiling next above it. A basement shall be counted as a story if it is used for living quarters, or if one-half of its volume is above the average level of the adjacent ground.
88. "Street Line, Right-of-Way Line" means a dividing line between a lot, tract or parcel of land and contiguous street.
89. "Structure" means anything constructed or erected, the use of which requires permanent location on the ground, or attached to something having a permanent location on the ground.
90. "Structural Alterations" means any change which would tend to prolong the life of a supporting member of a structure such as bearing walls, columns, beams or girders.
91. "Tavern" means an establishment serving alcoholic beverages in which the principal business is the sale of such beverages at retail for consumption on the premises and where food may be available for consumption on the premises.
92. "Transport Trucking Terminal" means any business, structures or premises which primarily receives or distributes goods by tractor trailer or other similar vehicle.
93. "Use" means the purpose for which land, a building or structure is arranged, designed, or intended, or for which either land, a building or structure is, or may be, occupied or maintained.
94. "Use, Accessory" means a use, building or structure subordinate to the principal use of a building or to the principal use of land, which is located on the same lot as the principal use, and which is serving a purpose customarily incidental to the use of the principal building or land use.
95. "Use, conditional" means a use which is permitted in a district only if a zoning certificate therefore is expressly authorized by the Planning Commission.
96. "Use, Non-Conforming" means any building, structure, or premises legally existing or used at the time of adoption of this Ordinance, or any amendment thereto, and which does not conform with the use regulations of the district in which located. Any such building, structure, or premises conforming in respect to use but not in respect to height, area, yards, or distance requirements from more restricted districts or uses, shall not be considered a non-conforming use.
97. "Use, Principally Permitted" means a use which is permitted outright in a district for which a zoning certificate shall be issued by the Zoning Inspector provided that the applicant meets the applicable requirements of the Ordinance.
98. "Variance" means a relaxation of requirements where such variation will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of actions of the applicant, a literal enforcement of the Zoning Ordinance would prohibit the reasonable use of the land.
99. "Warehousing" means a building or facility that stores commodities in large quantities for distribution to retail, wholesale or manufacturing businesses.
100. "Wholesale Business" means an establishment that is engaged in the selling of merchandise to retail establishments rather than to consumers.
101. "Yard" means an open space at grade between a building and the adjoining lot lines unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided herein. In measuring a yard for the purpose of determining the width of a side yard, the depth of a front yard or the depth of a rear yard, the minimum horizontal distance between the lot line and the main building shall be used.
102. "Yard, Front" means a yard between the front building line and the right-of-way line of the fronting street. In case of a lot that fronts more than one street, the yard abutting the street named in the property address shall be considered the front yard.
103. "Yard, Rear" means a yard extending across the full width of a lot and being the minimum horizontal distance between the rear lot line and the rear of the main building or any projection thereof, other than the projections of uncovered steps or unenclosed porches. In the case of a lot that fronts more than one street, the yard opposite the front yard shall be considered the rear yard.
104. "Yard, Side" means a yard between the main building and the side line of the lot and extending from the required front yard to the required rear yard and being the minimum horizontal distance between the side lot and the side of the main building or any projections thereto.

- 105. "Zoning Certificate" means the document issued by the Zoning Inspector authorizing the use of the land or building consistent with the terms of this Ordinance and for the purpose of carrying out and enforcing its provisions.
- 106. "Zoning Map" means the Zoning District Map or Maps of the City, together with all amendments subsequently adopted.
- 107. "Zoning Inspector" means the Safety Service Director of the City or his designee.
- 108. "Zoning Permit" shall be synonymous with Zoning Certificate, and these two terms shall be considered one and the same where listed within this Ordinance.

**CHAPTER 1143
ADMINISTRATION**

1143.01 PURPOSE

This Ordinance sets both the powers and duties of the Zoning Inspector, the Planning Commission, the Board of Zoning Appeals, and The Design Review Commission with respect to the administration of the provisions of this Ordinance.

1143.02 RESPONSIBILITIES OF THE ZONING INSPECTOR

The Zoning Inspector shall have the following responsibilities and powers:

- A. Enforce the provisions of this Ordinance and interpret the meaning and application of its provisions.
- B. Receive, review and make determinations on applications for zoning permits.
- C. Issue zoning certificates and other certificates and permits as provided by this Ordinance, and keep a record of same with notations of special conditions involved.
- D. Review and process plans pursuant to the provisions of this Ordinance.
- E. Make determinations as to whether violations of this Ordinance exist, determine the nature and extent thereof, and notify the owner in writing, specifying the exact nature of the violation and the manner in which it shall be corrected by the owner, pursuant to the procedures in this Ordinance.
- F. Conduct inspections of buildings and uses of land to determine compliance or non-compliance with this Ordinance.
- G. Maintain permanent and current records required by this Ordinance, including, but not limited to, the Official Zoning Map, Zoning Certificates, inspection documents and records of all variances, amendments and conditional uses. These records shall be made available for use of the City Council, Planning Commission, the Board of Zoning Appeals and to the public.
- H. Revoke a certificate or approval issued contrary to this Ordinance or based on a false statement or misrepresentation in the application.
- I. The Zoning Inspector shall be responsible for the collection and deposit of all fees for credit to the General Revenue Fund of the City.

1143.03 RESPONSIBILITIES OF THE PLANNING COMMISSION

The Planning Commission shall have the following responsibilities and powers as they relate to this Ordinance:

- A. Initiate by recommendation to City Council, Official Zoning Map changes, or changes in the text of the Ordinance where such changes will promote the best interest of the public in general.
- B. Review all proposed amendments to the text of this Ordinance and the Official Zoning Map and make recommendations to the City Council.
- C. Review all conditional uses as identified in the respective zoning districts according to provisions and criteria stated in this Ordinance.
- D. Carry on a continuous review of the effectiveness and appropriateness of this Ordinance and recommend such changes or amendments as it feels would be appropriate.
- E. Review and act on site plans pursuant to the provisions and criteria stated in this Ordinance.
- F. Review and act upon requests for substitution or enlargement of nonconforming uses as set forth in Chapter 1150.

The Planning Commission shall also have the responsibilities as set forth in Chapter 145 of the Codified Ordinances of the City.

1143.04 RESPONSIBILITIES OF THE BOARD OF ZONING APPEALS

The Board of Zoning Appeals shall have the following responsibilities and duties:

- A. Hear and decide appeals where it is alleged there is an error in any order, requirement, decision, interpretation or determination made by the Zoning Inspector.
- B. Authorize such variances from the terms of this Ordinance as will not be contrary to the public interest, where, owing to the special conditions, a literal enforcement of this Ordinance will prohibit reasonable use of the property and so that the spirit of this Ordinance shall be observed and substantial justice done. Procedures for variances shall conform to Section 1153.04, Variances.
- C. Hear and rule on appeals taken on the basis of a decision rendered by the Planning Commission or Design Review Commission.

The Board of Zoning Appeals may call on the several city departments for assistance in the performance of its duties, and it shall be the duty of such departments to render such assistance to the Board of Zoning Appeals as may reasonably be required.

1143.05 RESPONSIBILITIES OF THE DESIGN REVIEW COMMISSION

The Design Review Commission shall have the following responsibilities and duties.

- A. Review and approve, or deny, all applications for Certificates of Design Approval. All applications are to be acted upon by the Commission within the time period established in 1148.04 of this Ordinance.
- B. Work to increase the public awareness of the significance of the District.
- C. Encourage property owners within the District to initiate changes, which will enhance the significance of the District.
- D. Receive, send, and account for any funds, which it may legally receive from any source, for the purpose of carrying out the provisions of this Ordinance.
- E. Contract, as needed and as allowed by funding availability, technical experts to fulfill the provisions of this Ordinance.
- F. Keep minutes and records of all meetings and proceedings, including records of voting, attendance, resolutions, findings, determinations, and decisions, with all pertinent material being a matter of public record.
- G. Perform any other functions necessary to carry out the duties required by this Ordinance, or by further resolution of Council.

**CHAPTER 1144
ENFORCEMENT**

1144.01 ZONING INSPECTOR

It shall be the duty of the Zoning Inspector to administer and enforce the Zoning Ordinance. It shall also be the duty of all officials and employees of the Municipality to assist the Zoning Inspector by reporting to him new construction, reconstruction or land uses or apparent violations.

Appeals from the decision of the Zoning Inspector may be made to the Board of Zoning Appeals, as provided in Section 1153.

1144.02 ZONING CERTIFICATES

The following shall relate to Zoning Certificates:

- A. It shall be unlawful for an owner to use or to initiate construction or permit the use of any structure, building or land, or part thereof, hereafter created, erected, changed, converted or enlarged, wholly or partly, until a Zoning Certificate has been issued by the Zoning Inspector. It shall be the duty of the Zoning Inspector to issue a certificate, provided he is satisfied that the structure, building or premises and the proposed use thereof conform to all the requirements of the Zoning Ordinance. No permit for excavation, construction or reconstruction shall be issued by the Zoning Inspector unless the plans, specifications and the intended use conform to the provisions of the Zoning Ordinance. All Zoning Certificates shall expire one year after their issuance unless construction has reached fifty percent (50%) of completion.
- B. Upon written request from the owner, or tenant, the Zoning Inspector shall issue a Zoning Certificate for any building or premises existing at the time of enactment of the Zoning Ordinance certifying, after inspection, the extent and kind of use made of the building or premises and whether such use conforms to the provisions of the Zoning Ordinance. No charge shall be made for issuing a Zoning Certificate in accordance with this subsection.
- C. The Zoning Inspector must refer to the requirements of O.R.C. Section 5511.01 before any zoning action is approved near a proposed new state highway or a state highway for which changes are proposed. Any land within 300 feet of such highway, or within 500 feet of any proposed state highway intersection work, is affected. Notice is to be sent to the Director of the Ohio Department of Transportation.

1144.03 CONDITIONS UNDER WHICH CERTIFICATES ARE REQUIRED

A Zoning Certificate shall be required for any of the following, except as herein provided:

- A. Construction, or structural alteration increasing the square footage of any building, including accessory buildings.
- B. Change in use of an existing building or accessory building to a use of a different classification.
- C. Occupancy and use of vacant land.
- D. Change in the use of land to a use of a different classification.
- E. Any change in the use of a nonconforming use.
- F. A Zoning Certificate may be required for all lawful nonconforming uses of land or buildings created by adoption of the Zoning Ordinance or any amendments thereto.

1144.04 APPLICATION AND ISSUANCE OF ZONING CERTIFICATES

The following shall apply to the issuance of Zoning Certificates:

- A. A complete written application shall be made for a Zoning Certificate for the construction of a new building or the alteration of an existing building. Such Certificate shall be issued within ten (10) business days after a written request for the same has been made to the Zoning Inspector or his agent, provided the construction or alteration is in conformity with the provisions of the Zoning Ordinance.
- B. Written application for a Zoning Certificate for the use of vacant land, or for a change in the use of land or of a building, or for a change in a nonconforming use, as herein provided, shall be made to the Zoning Inspector. If the proposed use is in conformity with the provisions of the Zoning Ordinance, the certificate shall be issued within ten business days after the application for same has been made.
- C. Every application for a Zoning Certificate shall be accompanied by a plot plan, and such other plans as may be necessary to show the location and type of buildings to be erected or alterations to be made. Where construction or physical improvement of the land is involved, the lot and location of the buildings to be

erected thereon shall be staked out on the ground before construction is started, and all dimensions shown on filed plans shall be based on an actual survey.

1. Each plan shall show:
 - a. The street providing access to the lot and the exact location of the lot in relation to the nearest cross street.
 - b. The name of the subdivision, if any, and the lot numbers of the subject property and abutting properties.
 - c. The actual dimensions of the lot, the yard and other open space dimensions thereof, and the location and size of any existing structure thereon.
 - d. The location and size of the proposed structures, and/or the proposed enlargement of the existing structure.
 - e. Any other information which, in the judgment of the Zoning Inspector, may be necessary to provide for the enforcement of the Zoning Ordinance.
2. The plan shall include statements declaring that no part of the land involved in the application has been previously used to provide required yard space or lot area for another structure.
3. Where complete and accurate information is not readily available from existing records, the Zoning Inspector may require the applicant to furnish a survey of the lot by a registered surveyor.
4. Each application shall bear a statement acknowledging that all construction will be done in compliance with the Construction Standards of the City of Celina and any applicable building codes.
5. Each property owner, or authorized agent, shall be required to attest to the correctness of the statements and data furnished with the application.
6. A file of such applications and plans shall be kept in the office of the Zoning Inspector.

- D. The Zoning Inspector shall not issue a Zoning Certificate for any application requiring any of the following:
1. A Conditional Use Approval as established in Chapter 1145;
 2. Site plan review as required in Chapter 1146;
 3. An Overlay District Site Development Plan as required under Chapter 1147;
 4. A Certificate of Approval as required under Chapter 1148, Design Review District.
 5. A permit for the enlargement or substitution of a nonconforming use, as required in Chapter 1150.
- Unless the application has been returned to the Zoning Inspector from the primary review bodies with instructions to issue.

In cases where more than one of the additional approvals listed above are required for a project, the order of submissions shall be:

- a) Design Review District Certificate of approval
 - b) All Planning Commission action (Conditional Uses, Overlay District Site Development Plan Review, Site Plan Review and Nonconforming Uses)
 - c) Board of Zoning Appeals (Variances and Appeals).
- E. Fees: The City Council shall by Ordinance, establish a schedule of fees for zoning permits, amendments, appeals, variances, conditional use approvals, plan approvals, and other procedures and services pertaining to the administration and enforcement of this Ordinance, after considering the recommendations of the Zoning Inspector with respect to actual administrative costs, both direct and indirect. The schedule of fees shall be posted in the office of the Zoning Inspector, and may be altered or amended only by the City Council. Until all such appropriate fees, charges, and expenses have been paid in full, no action shall be taken on any application, appeal, or administrative procedure.

1144.05 NONCOMPLIANCE

Situations of noncompliance with the provisions of this Ordinance shall be remedied as outlined in Chapter 1199, "Violations, Remedies and Fees".

CHAPTER 1145 CONDITIONAL USES

1145.01 CONDITIONAL USES

The Planning Commission may authorize, upon application, conditional uses as delineated in this Chapter. Such conditional use requests shall conform to the procedures and requirements of this Chapter.

1145.02 APPLICATION FOR CONDITIONAL USE APPROVAL

An Application for Conditional Use Approval shall be filed with the Zoning Inspector by at least one owner, owner's agent or lessee of properties for which such conditional use is proposed. The application shall be signed by the owner or applicant attesting to the accuracy of all information supplied in the application. At a minimum, the application shall contain the following information:

- A. Name, address and telephone number of the owner of record and applicant;
- B. A boundary survey of the said property;
- C. Description of existing use;
- D. Present zoning district;
- E. Description of proposed conditional use;
- F. A plan of the proposed site for the conditional use showing the location of all buildings, parking and loading areas, traffic access and traffic circulation, open spaces, landscaping, refuse and service areas, utilities, signs, yards and other such information as the Zoning Inspector may require to determine if the proposed conditional use meets the intent and requirements of this Ordinance;

- G. A statement and supporting documentation describing how the applicant believes the request conforms to the standards for conditional uses listed in Section 1145.03; and
- H. An application filing fee as established by Council;
- I. The Zoning Inspector may waive certain submission requirements where it is determined that it is not applicable.

1145.03 GENERAL STANDARDS FOR CONDITIONAL USES

In addition to specific requirements for conditionally permitted uses that may be specified in the district use regulations, the Planning Commission shall review the particular facts and circumstances of each proposed use in terms of the following standards and shall find adequate evidence showing that such use at the proposed location:

- A. Shall be in accordance with the general objectives of this Ordinance;
- B. Shall be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity;
- C. Shall not be hazardous or disturbing to neighboring uses;
- D. Shall be served adequately by essential public facilities and services;
- E. Shall not be detrimental to the economic welfare of the community;
- F. Shall not involve uses, activities, processes, material, equipment and/or 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.
- G. When reviewing public service facilities, the adequacy and availability of existing services shall be considered.

The Planning Commission shall have the authority to modify the requirements of a conditional use.

1145.04 SUPPLEMENTARY CONDITIONS AND SAFEGUARDS

In granting any conditional use, the Planning Commission may prescribe appropriate conditions and safeguards in conformity with this Ordinance. Violations of such conditions and safeguards when made a part of the terms under which the conditional use is granted shall be deemed a violation of this Ordinance.

1145.05 NOTICE TO PARTIES OF INTEREST

Written notice shall be mailed by the Planning Commission by first class mail at least seven days before the date of the hearing to the members of Planning Commission and all property owners within 150 feet in any direction of the property upon which an application for a conditional use approval has been filed. The notice shall contain the location of the property, nature of the proposed conditional use, and the time and place of the meeting. The failure to mail or deliver notification as provided in this paragraph shall not invalidate any action of the Planning Commission.

1145.06 ACTION BY THE PLANNING COMMISSION

Within thirty (30) days after their original consideration of a conditional use application, the Planning Commission shall either approve, approve with supplementary conditions as specified in Section 1145.04, or disapprove the application as presented. If the application is approved or approved with supplementary conditions, the Planning Commission shall direct the Zoning Inspector to issue a zoning permit listing the specific conditions specified by the Planning Commission for approval.

1145.07 APPEALS

Appeals from the Planning Commission for conditional uses shall be made to the Board of Zoning Appeals pursuant to Section 1153.

1145.08 EXPIRATION OF CONDITIONAL USE APPROVAL

A conditional use approval shall be deemed to authorize only one particular conditional use and such approval shall automatically expire if, for any reason, the conditional use has ceased by discontinuance or abandonment for a period of more than one year.

**CHAPTER 1146
SITE PLAN GUIDELINES STANDARDS**

1146.01 APPLICABILITY

In order to administer the provisions of this Zoning Ordinance and to evaluate site plans in the interest of the public health, safety and general welfare, this Chapter shall apply to new property development and any collective substantial expansion of existing structures, except for individual single family dwellings and two family dwellings (duplexes) and parking lots of five (5) spaces or smaller. Substantial expansion of existing structures shall be defined based on the criteria established below:

| | |
|-------------------------------|-------------------------------|
| When Existing Structure is... | A Substantial Expansion is... |
|-------------------------------|-------------------------------|

| | |
|---------------------------|----------------|
| 0 - 1,000 Sq. Ft. | 50% or Greater |
| 1,001 - 10,000 Sq. Ft. | 40% or Greater |
| 10,001 - 25,000 Sq. Ft. | 30% or Greater |
| 25,001 - 50,000 Sq. Ft. | 20% or Greater |
| 50,001 Sq. Ft. and larger | 10% or Greater |

Furthermore, no building shall be erected or structurally altered on any lot or parcel in cases where a site plan review is required, except in accordance with the regulations of this section and an approved site plan. No Zoning Certificate shall be issued prior to the approval of a site plan.

1146.02 CONTENTS OF SITE PLAN

Before a permit is issued for construction, one copy of the site plan at a scale no smaller than 1 inch to 100 feet shall be filed with the Zoning Inspector setting forth, identifying and locating the following:

- A. The total area in the development.
- B. The existing zoning of the subject property and all adjacent properties.
- C. All public and private right-of-way and easement lines located on or adjacent to the property.
- D. Existing topography with a maximum of five (5) foot contour intervals.
- E. The proposed finished grade of the development shown by contours not larger than one (1) foot.
- F. The locations of all existing and proposed buildings in the described parcels, the uses to be contained therein and the total number of buildings including dimensions, heights, gross floor area and number of stories.
- G. Location and dimension of all curb cuts, driving lanes, off-street parking and loading areas including the number of spaces, angles of stalls, grades, surfacing materials, drainage plans, and illumination of facilities.
- H. All sidewalks and other open areas.
- I. Location of all walls, fences, and buffer yards.
- J. Location, size, height, colors, typeset, materials, lighting, and orientation of all signs.
- K. Location of all existing streets, highways and alleys.
- L. All existing and proposed water and sanitary sewer lines indicating pipe sizes, types and grades.
- M. The schedule of phasing of the project.

Such other information as required by the Planning Commission to determine the conformance with this Ordinance.

1146.03 SITE PLAN REVIEW GUIDELINES

The following principles shall guide the exercise of site planning review by the Planning Commission:

- A. The natural topographic and landscape features of the site shall be incorporated into the plan and the development.
- B. Buildings and open spaces shall be in proportion and in scale with existing structures and spaces in the area within three hundred (300) feet of the development site.
- C. A site that has an appearance of being congested, over built or cluttered can evolve into a blighting influence and therefore such shall not be congested, over built or cluttered.
- D. Open spaces shall be linked together.
- E. Natural separation shall be preserved or created on the site by careful planning of the streets and clustering of buildings using natural features and open spaces for separation. Existing vegetation removal shall be kept to a minimum.
- F. Screening of intensive uses shall be provided by utilizing landscaping, fences or walls to enclose internal areas.
- G. Buildings shall be sited in an orderly, non-random fashion. Long, unbroken building facades shall be avoided.
- H. Short loop streets, cul-de-sacs and residential streets shall be used for access to low density residential land uses in order to provide a safer living environment and a stronger sense of neighborhood identity.
- I. Pedestrian circulation in nonresidential areas shall be arranged so that off-street parking areas are located within a convenient walking distance of the use being served. Handicapped parking shall be located as near as possible to the entrance of the structure. Pedestrian and vehicular circulation shall be separated as much as possible through crosswalks designated by pavement markings, signage, or grade separation.
- J. Path and sidewalk street crossings shall be located where there is a good sight distance along the road, preferably away from sharp bends or sudden changes in grade.
- K. Parking lots and garages shall be located in such a way as to provide safe, convenient ingress and egress. Whenever possible there shall be a sharing of curb cuts by more than one facility. Parking areas shall be screened and landscaped and traffic islands shall be provided to protect circulating vehicles and to break up the monotony of continuously paved areas.
- L. Drive through establishments, such as restaurants and banks, shall be located to allow enough automobile waiting space for peak hour operation without interference with other parking lot circulations, or overflow onto streets.

1146.04 ACTION BY PLANNING COMMISSION FOR SITE PLAN REVIEW

Upon submission of the complete application for site plan review to the Zoning Inspector, the application shall be transmitted to the Planning Commission for review pursuant to Section 1146.03, "Site Plan Review Guidelines". Notice of all public meetings shall be given as required by State law, and the Planning Commission may hold a public hearing on any site plan review application.

The Planning Commission shall act upon all site plans within thirty-five (35) days after the receipt of the complete application from the Zoning Inspector. The Planning Commission may approve, disapprove or approve with modifications the site plan as submitted. Within the said thirty-five (35) day period, a majority of the members of

the Planning Commission present at a meeting thereof may vote to extend the review period up to an additional sixty (60) days.

- 1146.05 **APPEALS**
Appeals of determinations by the Planning Commission regarding site plans shall be made to the Board of Zoning Appeals.

**CHAPTER 1147
OVERLAY DISTRICTS**

- 1147.01 **PURPOSE**
An Overlay District is intended to provide for and promote orderly growth in certain areas in the City designated as having distinctive, scenic, or unique characteristics and importance. Within these Districts, localized actions are implemented for the protection, preservation and enhancement of these unique and natural assets to the community.

- 1147.02 **APPLICABILITY**
- A. An Overlay District is established by City Council, superimposed in specific areas over the existing Zoning Map, where:
1. Zoning districts indicate incompatibility of use; and
 2. Any plans adopted by the City for that area are furthered by the use of this type of district.
- In establishing these Districts, Council shall outline the various ways in which the general regulations of this Ordinance are to be supplemented and/or modified within the described district.
- B. All regulations in the Code for the underlying district shall apply until a site development plan is approved.
- C. Upon approval of a site development plan, development and use of the property shall be in accordance with the plan.

- 1147.03 **PERMITTED BUILDINGS, USES AND OTHER REGULATIONS**
- A. **Principally Permitted Buildings and Uses**
Those buildings and uses principally permitted in the underlying district shall be permitted in accordance with all applicable regulations of that underlying district, and subject to the additional specific restrictions on development and use the Overlay District imposes.
- B. **Accessory Buildings and Uses**
Accessory buildings and uses shall be permitted if approved by the Planning Commission as being consistent with the purposes and provisions of this Chapter.
- C. **Access Management**
As parcels within the Overlay Districts are purchased, consolidated and redeveloped, access management must be implemented to control the number of curb cuts to improve vehicular and pedestrian circulation and safety.
1. All new nonresidential development within an Overlay District shall require a Traffic Impact Study to determine any thoroughfare improvements which may be required from the impact of the new development.
 2. Where deemed necessary by the City Engineering Department, from the review of the Traffic Impact Study, a frontage road may be required for certain developments/redevelopments.
 3. When two or more parcels are developed or redeveloped under the same owner or as part of the same development, all curb cuts shall be consolidated into one ingress/egress as indicated on the site plan and as approved by the City Engineering Department.
- D. **Building and Use Requirements**
The main and accessory buildings shall meet the regulations of any district in which such buildings and uses would be permitted. If the main and accessory buildings are not permitted in the underlying district, they shall conform to the regulations of the nearest district to the site within which they are allowed. Additionally they shall meet the following:
1. All the requirements established by the Planning Commission and Council pursuant to the purposes and provisions of this Chapter;
 2. The conditions and demands of any adopted plan affecting the district; and
 3. The details of the site development plan.
- E. **Landscaping and Streetscaping**
Plans shall include landscaping and buffering as part of the plan review process.

- 1147.04 **STANDARDS FOR REVIEW AND APPROVAL**
- A. The use of property in the Overlay District, in accordance with a site plan (pursuant to the requirements of Chapter 1146 of this Ordinance), shall be permitted only if the proposed site development plan, by its nature, or by reason of the controls imposed by the Planning Commission and Council:
1. Is not an adverse influence on any abutting or surrounding properties;
 2. Provides for an orderly transition and promotes compatibility between districts;
 3. Is in full compliance with the purposes of this Zoning Ordinance and this Chapter;
 4. Furthers and conforms to the goals of the Celina Land Use Plan as adopted by the City; and
 5. Is designed to maximize the public interest and private benefit in a balanced manner.
- It is the responsibility of the developer to demonstrate compliance with each of the above stated standards.

- B. The following factors or characteristics, along with other requirements imposed by the Planning Commission for such use, consistent with the provisions of this Chapter shall be considered in assessing a proposed site development plan:
 - 1. Permitted types of use(s);
 - 2. Intensity of use in terms of:
 - a. Density, floor area or impervious surface ratio (I.S.R.);
 - b. Traffic impacts; or
 - c. Other environmental impacts such as noise, light, pollution, etc.;
 - 3. Functional and aesthetic compatibility with existing or proposed development;
 - a. Landscaping and buffering of the site; and
 - b. Compliance with the development goals of an adopted plan for the City or that area of the City.
- C. To secure the application of all relevant standards to the development of the Overlay District, the Planning Commission shall recommend:
 - 1. Front, side and rear yard requirements, density requirements, height and bulk of building requirements and intensity of use;
 - 2. The use of materials or designs in the erection of structures which shall minimize the adverse impact of the uses proposed by the development plan on neighboring properties;
 - 3. Permits or variances for docks, business signs, outdoor storage, parking spaces, loading docks and driveways;
 - 4. The screening or setting aside areas of land to serve as a buffer of the proposed use in the Overlay District from adjacent properties by walls, fences, landscaping or open spaces; and
 - 5. Such additional conditions and limitations on use, building dimensions, open spaces and the like as may be deemed necessary to carry out the intent of this Chapter and this Zoning Ordinance.
- D. All the powers exercised pursuant to 1147.01 through 1147.05 shall serve the objectives to create orderly transitions between districts, to minimize adverse impacts of one district upon the other, and to promote the development of property in the Overlay District.

1147.05 SUBMISSION AND REVIEW OF SITE DEVELOPMENT PLANS

- A. **Site Development Plans Required**
Site Development Plans shall be required for all new development within the Overlay Districts and for substantial redevelopment where 35% or more of the site is altered or reconstructed.
- B. **Site Development Plan Review Fees**
Fees and deposits shall be paid according to the provisions of Chapter 1199, Violations, Remedies, and Fees. The appropriate deposit shall be made at the time of submission of plans.
- C. **Submission of Site Development Plans**
Site plans shall be submitted to the Planning Commission by the applicant at least two (2) weeks prior to its meeting. Plans incomplete or filed late may not be accepted for review by the Commission at its meeting.
- D. **Site Development Plan Reviews**
Upon receipt of the development plans, copies shall be distributed to the following for their review: the Zoning Inspector, the Law Director, the Engineering Department, and any planner or consultant the Commission feels is necessary for technical input.
The respective individuals or agents should report back to the Commission with their notations and recommendations within the two (2) weeks. The Planning Commission may hold the plan for thirty (30) days after receipt of the plan, to receive any of the above reports. This period may be extended by written notice to the applicant by the Commission.
- E. **Site Development Plan Evaluation by Planning Commission**
After the site development plan has been filed with the Commission, it shall be evaluated in accordance with the standards set forth in this Chapter and the requirements of the Overlay District. If the plan corresponds to the requirements set forth in this Chapter and those of the Overlay District, the Commission shall incorporate it as part of the zoning permit and endorse the permit for approval.
- F. **Plan Changes Following Approval**
Once approved, no changes are to be made to an approved plan without the plan approval being forfeited unless the following procedure is followed:
The holder of any approved plan may request an amendment to their plans, and such request shall be submitted to the Planning Commission. The Commission may approve minor departures to the plan through written notice to the applicant. If the Commission believes the amendment represents a departure from the intent of, or a major departure from the substance of the site development plan, then such amendment shall be subject to the same conditions and procedures of approval as the original application. For the purposes of this Section, a "major departure from the substance of a site development plan" shall include, but not be limited to, the addition of a use not included in the approved site development plan.
- G. **Board of Zoning Appeals Review**
If the site development plan is not approved, the applicant shall have the right to appeal the decision to the Board of Zoning Appeals in the same manner as rejection of any zoning permit application.
- H. **Following Final Approval**
Following the final approval of a site development plan, the Zoning Inspector shall be notified, and once all fee payments are satisfied a permit or permits shall be issued based on the plan and amendments.

CHAPTER 1148

DESIGN REVIEW

1148.01

PURPOSE

Due to the unique, natural, architectural, and historical characteristics exhibited within the City of Celina and the desire to provide a sense of cohesiveness in certain areas, a Design Review District may be established to aid in this pursuit. The Design Review District will permit the City to provide additional standards and regulations, through review of development and redevelopment projects within these districts, to accomplish the aforementioned purposes.

1148.02

ESTABLISHMENT OF DISTRICT BOUNDARIES AND DESIGN REVIEW COMMISSION

The establishment of district boundaries and the Design Review Commission shall be as follows:

- A. Council may establish districts as part of the official zoning map where design review is required as per Chapter 1148. The procedures established under Chapter 1157 shall be followed for the establishment of these districts.
- B. A Design Review Commission shall be established for each Design Review District. It shall consist of five (5) members, all residents of the Municipality appointed by the Mayor and subject to approval of Council. The terms shall be for four (4) years with two of the initial members being appointed to two (2) year terms. Members may be reappointed. One member shall be a property owner or resident of the design review area. All members shall have, to the highest extent possible, a recognized knowledge of, or known interest in, historic preservation, architectural, or design disciplines. At least one member shall have a professional background in architectural, engineering, contracting, or other similar construction/design profession. The Commission shall adopt its own rules of procedure consistent with this Ordinance.
- C. The duties of the Design Review Commission are to:
 1. Review and approve or deny all applications for Certificates of Design Approval. All applications are to be acted upon by the Commission within the time period established in Section 1148.04 of this Chapter.
 2. Work to increase the public awareness of the significance of the district.
 3. Encourage property owners within the district to initiate changes which will enhance the significance of the district.
 4. Receive, send and account for any funds which it may legally receive from any source for the purpose of carrying out the provisions of this Ordinance.
 5. Contract, as needed and as allowed for by funding availability, technical experts to fulfill the provisions of this Ordinance.
 6. Keep minutes and records of all meetings and proceedings, including records of voting, attendance resolutions, findings, determinations, and decisions, with all pertinent material being a matter of public record.
 7. Perform any other functions necessary to carry out the duties required by this Ordinance, or by further resolution of Council.

1148.03

CERTIFICATE OF DESIGN REQUIRED

No new construction or exterior alteration shall be made to any property within the Design Review District until a Certificate of Design Approval has been issued by the Design Review Board. No Zoning Certificate shall be issued for any site improvement, signs, construction, reconstruction, alteration or demolition of any structure now or hereafter in a Design Review District, unless a Certificate of Design Approval has been issued.

1148.04

PROCEDURE FOR CERTIFICATE OF DESIGN APPROVAL

- A. The application for a Certificate of Design Approval shall be made on such forms as prescribed by the Zoning Inspector not less than eleven (11) days prior to the meeting of the Design Review Commission and shall include the following data:
 1. Two (2) complete sets of drawings and supplemental specifications, indicating the building or structure exactly as it is proposed to be built. Additional sets may be requested. Such documents shall be accurately drawn to scale and dimensioned.
 2. A site plan, drawn to scale, showing the plot configuration and its perimeter dimensions, all structures on the site with locating dimensions, the location of all structures adjacent to the site within fifty (50) feet of the property line, and all vehicular drives, roads, related parking areas, main walks, walls, fences and major existing landscaping including trees of 6" caliper as measured 18" from top of ground in area affected by construction. In addition, a vicinity map, a north arrow, the first floor level and existing and finished grade elevations at each corner of new construction and at each corner of the site shall be indicated.
 3. Four elevation drawings including front, rear and two side elevations together with additional view or cross sections, if necessary, to indicate completely the exterior appearance of the structures. All elevations shall be drawn to the same scale, which shall be not less than one-quarter inch per foot. Each elevation shall show the accurate location of windows, doors, shutters, chimneys, porches and other architectural features, all materials and finishes, and an accurate finish grade line.
 4. Additional details to show unusual construction.
 5. Material and color samples of all major finish materials, which shall be presented at the Design Review Commission's meeting.
 6. Drawings or photographs of existing structures that are to remain on the site where new structures are to be constructed. Where additions are to be constructed to existing structures, elevation drawings or photographs showing the location of the addition shall be included.

- B. The Design Review Commission shall determine whether the proposed change will be appropriate to the preservation of the environmental, architectural or historic character of the Design Review District pursuant to the general and specific criteria. In determining the appropriateness of the change, the Design Review Commission may conduct public hearings on the project or solicit input from City staff or consultants to the City. The criteria contained in Section 1148.05 and the Design Review District Guidebook shall be used by the Design Review Commission to guide their decision.
- C. The City shall not issue a Zoning Certificate or Demolition permit until the Certificate of Design Approval has been approved by the Design Review Commission.
- D. The Design Review Commission shall consider all applications that have been properly submitted to it and approve, approve with conditions, or disapprove the application within forty-five (45) days of such item's first appearance on its agenda unless a time extension is mutually agreed to by the applicant and the Design Review Commission.
- E. Approvals by the Design Review Commission shall be valid for one year from the date of final action. The Zoning Certificate must be obtained and construction must begin prior to the expiration of one year from the date of final action. An approval may be extended once for one year. Applications for extension must be made in writing to the Design Review Commission prior to the expiration date of initial approval.
- F. The Design Review Commission, may at its discretion, designate an authorized representative to approve or disapprove applications for Certificates of Appropriateness for minor site improvements, construction, reconstruction, exterior alterations, or demolition of structures.

1148.05 GENERAL CRITERIA FOR EVALUATION OF APPLICATION FOR CERTIFICATES OF DESIGN APPROVAL

In determining whether the plan qualifies for a Certificate of Design Approval, the Design Review Commission shall consider those factors listed below which are relevant to the work. In applying the factors listed below, the Design Review Commission shall be guided by the Design Review District Guidelines, as adopted or amended by City Council. The Design Review Commission shall issue a Certificate of Design Approval if the proposed plan is in compliance with these Design Review District Guidelines. The plan shall be approved subject to conditions as necessary to assure the work is in compliance with the Design Review District Guidelines.

- A. Consistency and compatibility with any plans for the Design Review District which have been adopted by City Council.
- B. Compatibility with the building and structural patterns in the surrounding Design Review District.
- C. The quality of design and site planning being promoted by the proposed improvements.
- D. The avoidance of visual clutter created by unnecessarily large amounts and sizes of signage, and the encouragement of signage that reflects the scale and materials of a development's structure.
- E. Any adverse effect on the access to the property by fire, police, or other public services; access to light and air from, and for, adjoining properties; traffic conditions; or the development, usefulness, or value of neighboring land and buildings.
- F. The elimination or avoidance of blight.

1148.06 DEMOLITION

- A. In cases where an applicant applies for a Certificate of Design Approval to demolish a structure within the Design Review District, the Design Review Commission shall grant the demolition and issue a Certificate of Design Approval to demolish when at least one of the following conditions prevail:
 1. The structure contains no features of architectural and historic significance which add to the character of the Design Review District.
 2. There is no reasonable economic use for the structure as it exists or as it might be restored, and that there is no feasible and prudent alternative to demolition.
 3. Deterioration has progressed to the point where it is not economically feasible to restore the structure.
- B. If the Design Review Commission disapproves an application for Certificate of Design Approval involving a demolition or removal of an historically and architecturally significant structure within the District, the Design Review Commission shall have the power to impose a waiting period not to exceed six months. During such period, the applicant shall make every reasonable effort to find a demolition alternative for the structure. During the waiting period the owner of such structure shall maintain and preserve the structure to prevent further deterioration. If the Design Review Commission and the applicant do not agree on a means of preserving the structure within the specified waiting period, and if evidence is produced documenting the existence of at least one of the conditions set forth above in subsection (A), the Certificate of Design Approval to demolish shall be issued as a matter of law upon expiration of the waiting period.

1148.07 MAINTENANCE

Nothing in this Chapter shall be construed to prevent the ordinary maintenance or repair of any property within Design Review District, provided such work involves no change in material, design, texture, color or exterior appearance; nor shall anything in this Chapter be construed to prevent any repair of structural deficiency which is required for the public safety because of an unsafe, insecure or dangerous condition.

1148.08 APPEALS

Any applicant aggrieved by any decision of the Design Review Commission may appeal the decision to the Board of Zoning Appeals. Such appeal shall be taken in accordance with the procedures set forth in Chapter 1153. The Board of Zoning Appeals shall affirm the decision of the Design Review Commission unless it finds that the decision

is contrary to law. In the event that the Board of Zoning Appeals does not affirm the decision of the Design Review Commission, it may reverse, remand or modify such decision of the Design Review Commission and shall state the reasons therefore in the minutes of its meeting and shall forward a copy of such minutes to the Design Review Commission.

**CHAPTER 1150
NONCONFORMING USES**

- 1150.01 CONTINUATION OF EXISTING NONCONFORMING USES**
Except as hereinafter specified, the lawful use of a building or premises existing at the time of the effective date of this Ordinance which is 26-99-0 which would render the use nonconforming, may be continued although such use, building, or structure does not conform with the provisions of this Chapter for the district in which it is located. It is not the intension herein to classify as nonconforming, a use or building allowed in a district as a conditional use under the regulations of the Zoning Ordinance.
- 1150.02 ENLARGEMENT OR SUBSTITUTION OF NONCONFORMING USES**
No existing building or premises devoted to a use not permitted by this Chapter in the district in which such building or premises is located, except when required to do so by law or order, shall be enlarged, extended, reconstructed, substituted, or structurally altered to increase its nonconformity unless the use thereof is changed to a use permitted in the district in which such building or premises is located, and except as follows:
- A. Enlargement or Substitution: When authorized by the Planning Commission, in accordance with Section 1150.02 thru 1150.05, a nonconforming use, that has not been discontinued as specified in Section 1150.06, may be enlarged and/or replaced by another nonconforming use.
 - B. Enlargement: When authorized by the Planning Commission, nonconforming buildings may be enlarged as long as the building meets all minimal yard requirements in the district in which it is located. Additionally, all such extensions shall not exceed 100% of the floor area of the structure existing at the time it became nonconforming. All such extensions on structures nonconforming because of use shall be made within five (5) years of becoming nonconforming. Extensions may be made on a lot adjoining, provided that such lot was under the same ownership as the lot in question on the date such building became nonconforming.
- 1150.03 REPLACING DAMAGED NONCONFORMING USES**
A nonconforming use, which has been damaged to the extent of sixty percent(60%) or more of the County Auditors value as listed in the Mercer County Auditor's records at the time of damage, shall not be restored except in conformity with the regulations of the district in which it is located. When damaged less than sixty percent (60%) of its County Auditors value, a nonconforming use may be repaired or reconstructed within the dimensions prior to the damage, and used as before the time of damage. Such repairs or reconstruction are to be complete within one year of the date of such damage.
- 1150.04 NONCONFORMING TRAILERS AND MOBILE HOMES**
Non-conforming trailers or mobile homes located on a lot in any district other than in an approved Mobile Home Park in an "R-3" District, once removed shall not be relocated on such lot.
- 1150.05 REPAIRS AND ALTERATIONS**
Such repairs, alterations and maintenance work as required to keep said nonconforming use in sound condition may be made to a nonconforming building or structure.
- 1150.06 DISCONTINUANCE OF USE**
No building, structure or premises where a nonconforming use has discontinued, for a period of 12 continuous months or more, shall again be put to a nonconforming use. Discontinued shall mean that the structure has remained vacant, unoccupied, unused or has ceased the daily activities or operations which had occurred.
- 1150.07 ZONING CERTIFICATES FOR NONCONFORMING USES**
A Zoning Certificate shall be required for all lawful nonconforming uses of land and buildings created by adoption of the Zoning Ordinance in accordance with the provisions of Section 1144.02 B.
- 1150.08 APPLICATION FOR A PERMIT FOR ENLARGEMENT OR SUBSTITUTION OF A NONCONFORMING USE**
An application shall be filed with the Zoning Inspector by at least one owner, owner's agent or lessee of properties for which such enlargement or substitution is proposed. The application shall be signed by the applicant. At a minimum, the application shall contain the following information, provided however, that the Zoning Inspector may waive certain submission requirements where it is determined that it is not applicable:
- A. Name, address and telephone number of the owner of record and applicant.
 - B. A boundary survey of said property.
 - C. Description of existing use.
 - D. Present zoning district.
 - E. Description of proposed enlargement or substitution.

- F. A plan of the site showing the location of all existing buildings, parking and loading areas, traffic access and traffic circulation, open spaces, landscaping, refuse and service areas, utilities, signs, yards and any enlargement thereof proposed.
- G. A complete written description of the new use in the case of a proposed substitution, and for an enlargement the reasons for enlarging rather than relocation in an appropriate zone.
- H. A statement and supporting documentation describing how the applicant believes the request conforms to the standards listed in Section 1150.09; and
- I. Any other such information as the Zoning Inspector may require.
- J. An application filing fee as established by Council.

1150.09 GENERAL STANDARDS FOR ENLARGEMENT OR SUBSTITUTION OF A NONCONFORMING USE

The Planning Commission shall review the particular facts and circumstances of each proposed use or expansion in terms of the following standards, and shall find adequate evidence showing that such use or expansion at the proposed location:

- A. Is better suited for the site than would be a permitted or conditional use.
- B. Shall not create a significant financial or structural hindrance to eventual conversion to a permitted or conditional use.
- C. Shall not be hazardous or disturbing to neighboring uses.
- D. Shall be served adequately by essential public facilities and services.
- E. Shall not be detrimental to the economic welfare of the community.
- F. Shall not involve uses, activities, processes, material, equipment and/or 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.

The Planning Commission shall have the authority to place additional requirements and/or conditions.

1150.10 SUPPLEMENTARY CONDITIONS AND SAFEGUARDS

In granting any enlargement or substitution of a nonconforming use, the Planning Commission shall prescribe appropriate conditions and safeguards in conformity with this Ordinance. Violations of such conditions and safeguards when made a part of the terms under which the conditional use is granted shall be deemed a violation of this Ordinance.

1150.11 PUBLIC HEARING BY THE PLANNING COMMISSION

A public hearing on any enlargement or substitution of a nonconforming use request shall be held by the Planning Commission within forty-five (45) days of the acceptance of the application by the Zoning Inspector as complete.

1150.12 NOTICE OF PUBLIC HEARING IN NEWSPAPER

Before holding the public hearing required in Section 1150.11, notice of such hearing shall be given by publication in a newspaper of general circulation in the City at least seven (7) days prior to the hearing. The notice shall set forth the time and place of the public hearing and the nature of the proposed use.

1150.13 NOTICE TO PARTIES OF INTEREST

Before holding the public hearing required in Section 1150.11, written notice of such hearing shall be mailed by the Planning Commission by first class mail at least seven (7) days before the date of the hearing to the Planning Commission, and all property owners within 150 feet in any direction of the property upon which an application for an enlargement or substitution of a nonconforming use permit has been filed. The failure to mail or deliver notification as provided in this paragraph shall not invalidate any action of the Planning Commission. The notice shall contain the same information as required of notices published in newspapers as specified in Section 1150.12.

1150.14 ACTION BY THE PLANNING COMMISSION

Within thirty (30) days after the public hearing required in Section 1150.11, the Planning Commission shall either approve, approve with supplementary conditions as specified in Section 1150.10, or disapprove the application as presented. If the application is approved or approved with supplementary conditions, the Planning Commission shall direct the Zoning Inspector to issue a permit listing the specific conditions specified by the Planning Commission for approval.

1150.15 APPEALS

Appeals of the decisions the Planning Commission shall be made to the Board of Zoning Appeals pursuant to Chapter 1153.

1150.16 EXPIRATION OF A PERMIT FOR THE SUBSTITUTION OF A NONCONFORMING USE

A permit for the substitution of a nonconforming use shall be deemed to authorize only one particular use, and such permit shall automatically expire if, for any reason, the use has ceased by discontinuance or abandonment for a period of more than six (6) months.

**CHAPTER 1153
BOARD OF ZONING APPEALS**

1153.01

ESTABLISHMENT AND PROCEDURE

The establishment and procedures of the Board of Zoning Appeals shall be as follows:

A. APPOINTMENT

A Board of Zoning Appeals is hereby established, which shall consist of five members. The five members shall be appointed by the Mayor and approved by Council and shall serve for overlapping terms of four years; provided, however, that those first appointed shall serve for terms as follows: one for one year, one for two years, one for three years, and two for four years. Subsequent appointments shall be for a full term of four years. Vacancies shall be filled by appointment for the unexpired term of the member affected. No one shall be appointed to the Board of Zoning Appeals who holds any elective or appointive office or position with the City. All Board members shall be residents of the City of Celina.

B. PROCEEDINGS

1. The Board of Zoning Appeals shall adopt rules necessary to the conduct of its affairs and in keeping with the provisions of the Zoning Ordinance. Meetings shall be held at the call of the Chairman and at such other times as the Board may determine. Three members shall constitute a quorum; however, at least three affirmative votes shall be required on any official action.
2. In any matter brought before the Board of Zoning Appeals that affects, directly or indirectly, the personal affairs of a member of the Board, or any business or profession with which he may be associated, such member shall absent himself from the meeting as long as such matter is before the Board.

C. MINUTES AND RECORDS

The Board of Zoning Appeals 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 actions, all of which shall be a public record.

D. APPEALS, HEARINGS

All meetings of the Board of Zoning Appeals shall be open to the public. Appeals to the Board concerning interpretation or administration of the Zoning Ordinance may be taken by any person aggrieved, or by any officer or bureau of the governing body of the City affected by any decision of the Zoning Inspector. Such appeals shall be taken within thirty days, by filing with the Board of Zoning Appeals a notice of appeal specifying the grounds thereof. The Zoning Inspector shall forthwith transmit to the Board all papers consisting of the record upon which the action appealed from was taken. A fee as established by City Council shall be paid to the Zoning Inspector at the time notice of appeal is filed.

E. NOTICE OF MEETING

The Board of Zoning Appeals shall fix a reasonable time for the hearing of all appeals and give notice of such hearing in a newspaper of general circulation at least seven days in advance. The same written notice shall be sent to owners of property within 150 feet of all properties in question as shown on the County Auditor's tax list, and to the parties of interest. At the hearing, any party may appear in person or by agent or attorney.

F. DEPARTMENT ASSISTANCE

The Board of Zoning Appeals 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 such assistance to the Board as may reasonably be required.

1153.02

POWERS AND DUTIES OF THE BOARD OF ZONING APPEALS

The Board of Zoning Appeals shall have the following powers and duties:

- A. Hear and decide appeals where it is alleged there is an error in any order, requirement, decision, interpretation or determination made by the Zoning Inspector.
- B. Authorize such variances from the terms of this Ordinance as will not be contrary to the public interest, where, owing to the special conditions, a literal enforcement of this Ordinance will result in unnecessary hardship, and so that the spirit of this Ordinance shall be observed and substantial justice done. Procedures for variances shall conform to Section 1153.04, Variances.
- C. Permit the temporary use of a structure or premises in any district for a purpose or use that does not conform to the regulations prescribed elsewhere in the Zoning Ordinance for the district in which it is located, provided however that the use is of a temporary nature and does not involve the erection of a substantial structure. A Zoning Certificate for such use shall be granted in the form of a temporary and revocable permit, but not for a period of more than twelve (12) months and subject to such conditions as will safeguard the public health, safety, convenience and general welfare.
- D. Appeals taken on the basis of a decision rendered by the Planning Commission as specified in Section 1145.09, "Conditional Uses", and Section 1146.05, "Site Plan Review".
- E. Appeals taken on the basis of a decision rendered by the City Council as specified in Section 1147.05H, "Overlay Districts".
- F. Appeals taken on the basis of a decision rendered by the Design Review Commission as specified in Section 1148.08.

1153.03

DECISIONS OF THE BOARD

- A. The Board of Zoning Appeals shall decide all applications and appeals within thirty days after the final hearing thereon.
- B. A copy of the Board's decision, certified by the Chairman and Secretary, shall be transmitted to all parties in interest. Such decision shall be binding upon the Zoning Inspector and observed by him; and he shall

incorporate such terms and conditions in the permit to the applicant whenever a permit is authorized by the Board.

- C. The Board may reverse, affirm or modify any order, requirement, decision or determination heard on appeal. Every appeal granted or denied must be accompanied by a written finding of fact based on testimony and evidence and specifying the reason for such decision on the appeal.
- D. There shall be no further appeals to a City body to the decisions of the Board of Zoning Appeals. Any party adversely affected by a decision of the Board may appeal to the Court of Common Pleas of Mercer County on the grounds that the decision was unreasonable or unlawful.

1153.04

VARIANCES

The Board of Zoning Appeals shall have the power to hear and decide appeals and authorize such variances from the provisions or requirements of the Zoning Ordinance as will not be contrary to the public interest. In authorizing a variance, the Board may attach conditions and require such guarantee or bond as it may deem necessary to assure compliance with the objectives of the Zoning Ordinance. On appeal the Board may grant a variance in the application of the provisions of the Zoning Ordinance only if all of the following findings are made:

- A. That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical, or other physical conditions present on the subject property;
- B. That because of such physical circumstances or conditions, the property cannot be reasonably be developed in strict conformity with the provisions of the Zoning Ordinance, and that the authorization of a variance is therefore necessary to enable the reasonable use of the property;
- C. That the circumstances and conditions have not been created by the appellant;
- D. That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare;
- E. That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.

1153.05

APPLICATION FOR VARIANCE

A variance from the terms of this Ordinance shall not be granted by the Board of Zoning Appeals unless and until a written application for a variance is submitted to the Zoning Inspector. The application shall be signed by the owner or applicant attesting to the truth and exactness of all information supplied on the application. At a minimum, the application shall contain the following information:

- A. Name, address and telephone number of applicant;
- B. A survey by a person licensed in the State of Ohio to perform land surveys (If deemed appropriate, this requirement may be waived by the Zoning Inspector);
- C. Description of the nature of the variance requested;
- D. A statement demonstrating that the requested variance conforms to the standards set forth in Section 1153.04(A-E); and
- E. A fee as established by Council.

1153.06

SUPPLEMENTARY CONDITIONS AND SAFEGUARDS

In granting any appeal or variance the Board of Zoning Appeals may prescribe appropriate conditions and safeguards in conformity with this Ordinance. Violation of such conditions and safeguards when made a part of the terms under which the appeal or variance is granted shall be deemed a violation of this Ordinance and punishable under Section 1199. Under no circumstances shall the Board of Zoning Appeals grant an appeal or variance to allow a use not permissible under the terms of this Ordinance in the district involved, or any use prohibited by the terms of this Ordinance in such district.

1153.07

ENVIRONMENTAL PERFORMANCE STANDARDS

The Board of Zoning Appeals shall have the following responsibilities with Environmental Performance Standards:

- A. The Board of Zoning Appeals shall have the power to authorize issuance of a Zoning Certificate for uses that are subject to Environmental Performance Standards as set forth in Section 1180.14.
- B. The application for a Zoning Certificate for a use subject to Environmental Performance Standards shall be accompanied by a plan of the proposed construction or development; a description of the proposed machinery, processes and products; and specifications for the mechanisms and techniques to be used in meeting the Environmental Performance Standards.
- C. The Board may refer the application to one or more expert consultants qualified to advise as to whether a proposed use will conform to the Environmental Performance Standards. The costs of such services shall be borne by the applicant, and a copy of any reports shall be furnished the applicant.
- D. The Board of Zoning Appeals shall hear complaints, not resolved by the Zoning Inspector, on uses or facilities that meet the requirements of Section 1180.14 of this Ordinance.

1153.08

INTERPRETATION OF DISTRICT MAP

On an appeal from the decision of the Zoning Inspector where the street or lot layout as constructed, or as recorded, differs from the street and lot lines as shown on the Zoning Map, the Board of Zoning Appeals, after notice to the owners of the property and after public hearing, shall interpret the Map in such a way as to carry out the intent and purpose of the Zoning Ordinance.

In the case of any appeal or questions as to the location of any boundary line between zoning districts regarding a decision by the Zoning Inspector, a request for interpretation of the Zoning Map may be made to the Board, and a determination shall be made by the Board.

**CHAPTER 1157
DISTRICT CHANGES AND REGULATION AMENDMENTS**

- 1157.01 AMENDMENTS OR DISTRICT CHANGES**
The Ordinance text or map may be amended by utilizing the procedures specified in this Chapter.
- 1157.02 CHANGES BY COUNCIL**
Whenever the public necessity, or general welfare require, Council may, by Ordinance (only upon receipt of a recommendation from the Planning Commission and subject to procedures provided below), amend, supplement, change or repeal the regulations, restrictions and boundaries or classifications of property.
- 1157.03 INITIATION OF ZONING AMENDMENTS**
Amendments may be initiated in one of the following ways:
A. By adoption of a motion by the Planning Commission;
B. By adoption of a motion by Council for the Planning Commission to develop a recommendation;
C. By application by a property owner of record to the Secretary of the Planning Commission.
- 1157.04 CONTENTS OF APPLICATIONS FOR ZONING MAP AMENDMENTS**
The application shall be signed by the applicant or the applicant's agent attesting to the truth and exactness of all information supplied in the application, provided that an individual signing as the applicant's agent shall furnish proof of his authority to act for the applicant. At a minimum the application shall contain the following information:
A. Name, address and phone number of applicant;
B. A survey and legal description of the property proposed to be rezoned;
C. Present use;
D. Present zoning district;
E. Proposed use including any plans that the applicant has developed;
F. Proposed zoning district;
G. A vicinity map at a scale of not less than 1" = 100' showing property lines, streets, existing and proposed zoning, existing use of all buildings and the principal use of all properties within 300 feet of such land and such other items as the Zoning Inspector may require and;
H. A fee as established by Council.
- 1157.05 TRANSMITTAL TO PLANNING COMMISSION**
Following the request for consideration of a zoning ordinance text or map amendment by Council, or following the filing of a zoning map amendment application by at least one owner of property, such motion or application shall be transmitted to the Planning Commission for their recommendation.
- 1157.06 STANDARDS FOR ZONING MAP AMENDMENTS**
All recommendations by the Planning Commission for Zoning Map amendments shall be consistent with the City's adopted plans, goals, policies and intent of this Ordinance.
A. Prior to making a recommendation on a proposed rezoning, the Planning Commission shall make a finding to determine if the following conditions exist. No rezoning of land shall be approved prior to specific documentation finding at least one (1) of the following:
1. There has been a change in demand for land which alters the information upon which the Zoning Map is based.
2. A study indicates that there has been an increase in the demand for land in the requested zoning district, and as a result, the supply of land within said zoning district is inadequate to meet the demands for such development.
3. Proposed uses cannot be accommodated by sites already zoned in the City due to lack of transportation or utilities or other development constraints, or the market to be served by the proposed use cannot be effectively served by the location of the existing zoning district.
4. There is an error in the Zoning Map as enacted.
B. No residentially zoned land of less than five (5) acres in size shall be rezoned to a non-residential district unless it is contiguous to land in the proposed zoning district classification.
C. In addition to the findings required to be made by subsections (A) and (B), findings shall be made by the Planning Commission on each of the following matters based on the evidence presented.
1. The extent to which the proposed amendment and proposed use are in compliance with and deviate from adopted plans, goals and policies.
2. The suitability of the property in question for the uses permitted under the proposed zoning.
3. The adequacy of public facilities such as transportation, utilities, and other required public services to serve the proposed use.
4. The effect of the proposed rezoning on surrounding uses.
5. The effect of the proposed rezoning on the economic viability of existing developed and vacant land within the City.

The Planning Commission shall not recommend the adoption of a proposed amendment unless it finds that the adoption of such an amendment is in the public interest and not solely in the interest of the applicant.

- 1157.07 **RECOMMENDATION BY THE PLANNING COMMISSION**
The Planning Commission shall recommend to Council, within thirty-five (35) days of receipt of the complete application, one of the following:
A. That the amendment be granted as requested;
B. That the amendment be granted with modification; or
C. That the amendment be denied.
If the Planning Commission does not do one of the above within the allotted time period, then the amendment proposal shall be considered denied. The Planning Commission shall transmit its recommendation to Council.
- 1157.08 **PUBLIC HEARING BY COUNCIL**
Upon receipt of the recommendation from the Planning Commission, Council shall schedule a public hearing. The hearing shall occur within forty-five (45) days of the Council's receipt of the Planning Commission's recommendation.
- 1157.09 **NOTICE OF PUBLIC HEARING IN NEWSPAPER**
Notice of the public hearing required in Section 1157.08 shall be given by publication of a notice in a newspaper of general circulation in the City. Such notice shall be published at least thirty (30) days before the date of the public hearing. The published notice shall set forth the time and place of the public hearing and a summary of the proposed amendment.
- 1157.10 **NOTICE TO PROPERTY OWNERS BY COUNCIL**
Written notice of the hearing shall be mailed by the Clerk of Council by first class mail or hand delivery at least twenty (20) days before the day of the hearing to all owners of property within such area proposed to be rezoned or redistricted and to the owners of property located contiguous to and directly across the street from the area to be rezoned. Such notice shall be sent to the addresses of such owners appearing on the County Auditor's current tax list. The failure to mail or deliver the notification as provided in this Ordinance shall not invalidate any such amendment. The notice shall contain the same information as required of notices published in newspapers as specified in Section 1157.09.
- 1157.11 **PUBLIC EXAMINATION OF DOCUMENTS**
Prior to the public hearing, all documents relating to the proposed amendment shall be on file, for public examination, in the office of the Secretary of the Planning Commission.
- 1157.12 **ACTION BY COUNCIL**
Council may approve the recommendation of the Planning Commission by a simple majority. Council may modify or disapprove the recommendation of the Planning Commission by a vote of not less than three-quarters (¾) majority of the full membership of Council. Final action on the amendment must be taken within forty-five (45) days of the close of Council's public hearing; failure to take action within such forty-five (45) day period shall constitute disapproval of the amendment.

**CHAPTER 1161
S-1 SPECIAL DISTRICT**

- 1161.01 **PURPOSE**
The purpose of the S-1, Special, District is to protect large public and semi-public land holdings for various municipal uses.
- 1161.02 **PRINCIPALLY PERMITTED USES**
Principally permitted uses are as follows:
A. Agriculture
B. Public Recreation: Recreational facilities developed, used, and/or maintained by public agencies for use by the public.
- 1161.03 **PERMITTED ACCESSORY USES**
Any use or structure customarily accessory to any S-1 District permitted use.
- 1161.04 **CONDITIONALLY PERMITTED USES**
Conditionally permitted uses are as follows:
A. Airports
B. Cemeteries
C. Non-Commercial Recreation
D. Public Service Facilities
E. Commercial Recreation
F. Educational Institutions
G. Religious Places of Worship
- 1161.05 **MINIMUM LOT AREA AND WIDTH**
The minimum lot area and width for properties in the S-1 District shall not be less than 125,000 square feet and a width of not less than 300 feet.

- 1161.06 MINIMUM FRONT YARD SETBACK**
The minimum front yard setback for properties in the S-1 District shall be 60 feet.
- 1161.07 MINIMUM SIDE YARD SETBACK**
The minimum side yard setback for properties in the S-1 District shall be 50 feet.
- 1161.08 MINIMUM REAR YARD SETBACK**
The minimum rear yard setback for properties in the S-1 District shall be 60 feet.
- 1161.09 MAXIMUM HEIGHT REGULATION**
The maximum height for structures in the S-1 District shall be as follows:
A. No principal structure shall exceed 45 feet in height.
B. No accessory structure shall exceed 15 feet in height.
- 1161.10 OFF-STREET PARKING AND LOADING**
Off-street parking and loading shall be as specified in Chapter 1181, Off-Street Parking and Loading.
- 1161.11 LAND USE INTENSITY**
In the S-1, Special, District the maximum lot coverage shall be 20%.

**CHAPTER 1162
R-1 LOW DENSITY RESIDENTIAL DISTRICT**

- 1162.01 PURPOSE**
The purpose of the R-1, Low Density Residential, District is to provide for relatively low density residential development.
- 1162.02 PRINCIPALLY PERMITTED USES**
Principally permitted uses are as follows:
Single Family Dwellings
- 1162.03 PERMITTED ACCESSORY USES**
Permitted accessory uses are as follows:
Any use or structure customarily accessory to any R-1 District permitted use.
- 1162.04 CONDITIONALLY PERMITTED USES**
Conditionally permitted uses are as follows:
A. Public Recreation
B. Public Service Facilities
C. Non-Commercial Recreation
D. Educational Institutions
E. Religious Places of Worship
F. Bed and Breakfast Establishments
G. Day Care Facilities
H. Home Occupations
- 1162.05 MINIMUM LOT AREA AND WIDTH**
The minimum lot area and width for properties in the R-1 District is as follows:
A. Single family dwellings shall have a minimum lot area of not less than 12,000 square feet and a width of not less than 100 feet.
B. Other uses shall have a minimum lot area of not less than 85,000 square feet and a width of not less than 200 feet.
- 1162.06 MINIMUM FRONT YARD SETBACK**
The minimum front yard setback for properties in the R-1 District is as follows:
A. Single family dwellings shall have a minimum front yard setback of 30 feet.
B. Other uses shall have a minimum front yard setback of 50 feet.
C. No accessory buildings shall be located in the front yard area.
- 1162.07 MINIMUM SIDE YARD SETBACK**
The minimum side yard setback for properties in the R-1 District is as follows:
A. Single family dwellings shall have a minimum side yard setback of 10 feet.
B. Other uses shall have a minimum side yard setback of 25 feet.
C. Accessory buildings shall be located no closer than five (5) feet to any side yard property line. They are also restricted from platted easement areas.
- 1162.08 MINIMUM REAR YARD SETBACK**
The minimum rear yard setback for properties in the R-1 District is as follows:
A. Single family dwellings shall have a minimum rear yard setback of 30 feet.
B. Other uses shall have a minimum rear yard setback of 50 feet.
C. Accessory buildings shall be located no closer than five(5) feet to the rear property line. They are also restricted for platted easement areas.

- 1162.09 MAXIMUM HEIGHT REGULATION**
The maximum height for structures in the R-1 District is as follows:
A. No principal structure shall exceed 35 feet in height.
B. No accessory structure shall exceed 15 feet in height.
- 1162.10 OFF-STREET PARKING AND LOADING**
Off-street parking and loading shall be as specified in Chapter 1181, Off-Street Parking and Loading.
- 1162.11 LAND USE INTENSITY**
In the R-1, Low Density Residential, District the maximum lot coverage shall be 25%.

**CHAPTER 1163
R-2 MEDIUM DENSITY RESIDENTIAL DISTRICT**

- 1163.01 PURPOSE**
The purpose of the R-2, Medium Density Residential, District is to provide for medium density residential developments.
- 1163.02 PRINCIPALLY PERMITTED USES**
Principally permitted uses are as follows:
A. Single Family Dwellings
B. Two Family Dwellings
- 1163.03 PERMITTED ACCESSORY USES**
Permitted accessory uses are as follows:
Any use or structure customarily accessory to any R-2 District permitted use.
- 1163.04 CONDITIONALLY PERMITTED USES**
Conditionally permitted uses are as follows:
A. Public Recreation
B. Public Service Facilities
C. Non-Commercial Recreation
D. Educational Institutions
E. Religious Places of Worship
F. Bed and Breakfast Establishments
G. Three Family Dwellings
H. Day Care Facilities
I. Group Homes
J. Nursing Homes
K. Retail Neighborhood Business
L. Assisted Living Facility
M. Home Occupations
- 1163.05 MINIMUM LOT AREA AND WIDTH**
The minimum lot area and width for properties in the R-2 District is as follows:
A. Single family dwellings shall have a minimum lot area of not less than 8,000 square feet and a width of not less than 80 feet.
B. Two family dwellings shall have a minimum lot area of not less than 5,000 square feet per unit and a width of not less than 100 feet.
C. Three family dwellings shall have a minimum lot area of not less than 4,000 square feet per unit and a width of not less than 100 feet.
D. Other uses shall have a minimum lot area of not less than 45,000 square feet and a width of not less than 150 feet.
- 1163.06 MINIMUM FRONT YARD SETBACK**
The minimum front yard setback for properties in the R-2 District is as follows:
A. Residential uses shall have a minimum front yard setback of 25 feet.
B. Other uses shall have a minimum front yard setback of 40 feet.
C. No accessory buildings shall be located in the front yard area.
- 1163.07 MINIMUM SIDE YARD SETBACK**
The minimum side yard setback for properties in the R-2 District is as follows:
A. Residential uses shall have a minimum side yard setback of 8 feet.
B. Other uses shall have a minimum side yard setback of 15 feet.
C. Accessory buildings shall be located no closer than five (5) feet to any side yard property line. They are also restricted from platted easement areas.
- 1163.08 MINIMUM REAR YARD SETBACK**
The minimum rear yard setback for properties in the R-2 District is as follows:
A. Residential uses shall have a minimum rear yard setback of 25 feet.

- B. Other uses shall have a minimum rear yard setback of 40 feet.
- C. Accessory buildings shall be located no closer than five(5) feet to the rear property line. They are also restricted from platted easement areas.

1163.09 MAXIMUM HEIGHT REGULATION
 The maximum height for structures in the R-2 District is as follows:
 A. No principal structure shall exceed 35 feet in height.
 B. No accessory structure shall exceed 15 feet in height.

1163.10 OFF-STREET PARKING AND LOADING
 Off-street parking and loading shall be as specified in Chapter 1181, Off-Street Parking and Loading.

1163.11 LAND USE INTENSITY
 In the R-2, Medium Density Residential, District the maximum lot coverage shall be 30%.

**CHAPTER 1164
 R-3 HIGH DENSITY RESIDENTIAL DISTRICT**

1164.01 PURPOSE
 The purpose of the R-3, High Density Residential, District is to provide for relatively high density residential developments.

1164.02 PRINCIPALLY PERMITTED USES
 Principally permitted uses are as follows:
 A. Single Family Dwellings
 B. Two Family Dwellings
 C. Multi-Family Dwellings (Up to six units)
 D. Efficiency Apartment Dwelling

1164.03 PERMITTED ACCESSORY USES
 Permitted accessory uses are as follows:
 Any use or structure customarily accessory to any R-3 District permitted use.

1164.04 CONDITIONALLY PERMITTED USES
 Conditionally permitted uses are as follows:
 A. Public Recreation
 B. Public Service Facilities
 C. Non-Commercial Recreation
 D. Educational Institutions
 E. Religious Places of Worship
 F. Bed and Breakfast Establishments
 G. Day Care Facilities
 H. Nursing Homes
 I. Mobile Home Parks
 J. Retail Neighborhood Business
 K. Group Homes
 L. Assisted Living Facility
 M. Multi-Family (7 units or larger)
 N. Home Occupations

1164.05 MINIMUM LOT AREA AND WIDTH
 The minimum lot area and width for properties in the R-3 District is as follows:
 A. Single family dwellings shall have a minimum lot area of not less than 6,000 square feet and a width of not less than 60 feet.
 B. Two family dwellings shall have a minimum lot area of not less than 4,000 square feet per unit and a width of not less than 80 feet.
 C. Multi-family dwellings shall have a minimum lot area of not less than 2,500 square feet per unit and a width of not less than 100 feet.
 D. Other uses shall have a minimum lot area of not less than 20,000 square feet and a width of not less than 100 feet.

1164.06 MINIMUM FRONT YARD SETBACK
 The minimum front yard setback for properties in the R-3 District is as follows:
 A. Residential uses shall have a minimum front yard setback of 25 feet.
 B. Other uses shall have a minimum front yard setback of 30 feet.
 C. No accessory buildings shall be located in the front yard area.

1164.07 MINIMUM SIDE YARD SETBACK
 The minimum side yard setback for properties in the R-3 District is as follows:

- A. Single-family residential uses shall have a minimum side yard setback of 6 feet and Two-family residential uses shall have a minimum side yard setback of 8 feet.
- B. Other uses shall have a minimum side yard setback of 10 feet.
- C. Accessory buildings shall be located no closer than five (5) feet to any side yard property line. They are also restricted from platted easement areas.

1164.08 MINIMUM REAR YARD SETBACK

The minimum rear yard setback for properties in the R-3 District is as follows:

- A. Residential uses shall have a minimum rear yard setback of 25 feet.
- B. Other uses shall have a minimum rear yard setback of 30 feet.
- C. Accessory buildings shall be located no closer than five(5) feet to the rear property line. They are also restricted from platted easement areas.

1164.09 MAXIMUM HEIGHT REGULATION

The maximum height for structures in the R-3 District is as follows:

- A. No principal structure shall exceed 45 feet in height.
- B. No accessory structure shall exceed 15 feet in height.

1164.10 OFF-STREET PARKING AND LOADING

Off-street parking and loading shall be as specified in Chapter 1181, Off-Street Parking and Loading.

1164.11 LAND USE INTENSITY

In the R-3, High Density Residential, District the maximum lot coverage shall be 35%.

**CHAPTER 1165
R-O RESIDENCE OFFICE DISTRICT**

1165.01 PURPOSE

The purpose of the R-O, Residence Office, District is to accommodate low intensity office, residential and other similar uses.

1165.02 PRINCIPALLY PERMITTED USES

Principally permitted uses are as follows:

- A. Multi-Family Dwellings
- B. Efficiency Apartment Dwellings
- C. Personal Services
- D. Offices

1165.03 PERMITTED ACCESSORY USES

Permitted accessory uses are as follows:

Any use or structure customarily accessory to any R-O District permitted use.

1165.04 CONDITIONALLY PERMITTED USES

Conditionally permitted uses are as follows:

- A. Public Recreation
- B. Public Service Facilities
- C. Non-Commercial Recreation
- D. Commercial Recreation
- E. Educational Institutions
- F. Religious Places of Worship
- G. Bed and Breakfast Establishments
- H. Single Family Dwellings
- I. Two Family Dwellings
- J. Day Care Facilities
- K. Nursing Homes
- L. Retail Business
- M. Commercial Schools
- N. Financial Institutions
- O. Restaurants
- P. Clubs
- Q. Drive-in Commercial Uses
- R. Animal Hospitals and Clinics
- S. Clinics
- T. Scientific Research Facilities
- U. Laboratories
- V. Group Homes
- W. Mixed Uses
- X. Assisted Living Facilities
- Y. Home Occupations

- 1165.05 MINIMUM LOT AREA AND WIDTH**
 The minimum lot area and width for properties in the R-O District is as follows:
 A. Residences shall have a minimum lot area of not less than 12,000 square feet and a width of not less than 100 feet.
 B. Other uses shall have a minimum lot area of not less than 16,000 square feet and a width of not less than 100 feet.
- 1165.06 MINIMUM FRONT YARD SETBACK**
 A. The minimum front yard setback for properties in the R-O District shall be 40 feet.
 B. No accessory buildings shall be located in the front yard area.
- 1165.07 MINIMUM SIDE YARD SETBACK**
 A. The minimum side yard setback for properties in the R-O District shall be 15 feet.
 B. Accessory buildings shall be located no closer than ten (10) feet to any side yard property line. They are also restricted from platted easement areas.
- 1165.08 MINIMUM REAR YARD SETBACK**
 A. The minimum rear yard setback for properties in the R-O District shall be 30 feet.
 B. Accessory buildings shall be located no closer than ten (10) feet to the rear property line. They are also restricted from platted easement areas.
- 1165.09 MAXIMUM HEIGHT REGULATION**
 The maximum height for structures in the R-O District is as follows:
 A. No principal structure shall exceed 45 feet in height, except as noted in Section 1180.03.
 C. No accessory structure shall exceed 15 feet in height, except as noted in Section 1180.03.
- 1165.10 OFF-STREET PARKING AND LOADING**
 Off-street parking and loading shall be as specified in Chapter 1181, Off-Street Parking and Loading.
- 1165.11 LAND USE INTENSITY**
 In the R-O, Residence Office, District the maximum lot coverage shall be 35%.

**CHAPTER 1166
 B-1 GENERAL BUSINESS DISTRICT**

- 1166.01 PURPOSE**
 The purpose of the B-1, General Business, District is to provide for convenience and other shopping, and personal and professional services.
- 1166.02 PRINCIPALLY PERMITTED USES**
 Principally permitted uses are as follows:
 A. Personal Services
 B. Retail Business
 C. Offices
 D. Financial Institutions
 E. Restaurants
 F. Fast Food Restaurants
 G. Taverns
 H. Hotels/Motels
 I. Clubs
 J. Automotive Services
 K. Automotive Filling Stations
 L. Drive-In Commercial Uses
 M. Funeral Homes
- 1166.03 PERMITTED ACCESSORY USES**
 Permitted accessory uses are as follows:
 Any use or structure customarily accessory to any B-1 District permitted use.
- 1166.04 CONDITIONALLY PERMITTED USES**
 Conditionally permitted uses are as follows:
 A. Public Service Facilities
 B. Non-Commercial Recreation
 C. Commercial Recreation
 D. Educational Institutions
 E. Religious Places of Worship
 F. Bed and Breakfast Establishments
 G. Single Family Dwellings
 H. Two Family Dwellings
 I. Multi-Family Dwellings
 J. Public Recreation
 K. Nursing Homes

- L. Commercial Schools
- M. Automotive Sales
- N. Commercial Entertainment
- O. Animal Hospitals and Clinics
- P. Clinics
- Q. Day Care Facilities
- R. Wholesale Business
- S. Building and Related Trades
- T. Lock and Store Warehousing
- U. Farm and Heavy Equipment Sales and Service
- V. Hospitals
- W. Mixed Uses
- X. Assisted Living Facilities
- Y. Home Occupations

- 1166.05 **MINIMUM LOT AREA AND WIDTH**
The minimum lot area and width for properties in the B-1 District shall not be less than 20,000 square feet and a width of not less than 100 feet.
- 1166.06 **MINIMUM FRONT YARD SETBACK**
A. The minimum front yard setback for properties in the B-1 District shall be 40 feet.
B. No accessory buildings shall be located in the front yard area.
- 1166.07 **MINIMUM SIDE YARD SETBACK**
A. The minimum side yard setback for properties in the B-1 District shall be 15 feet.
B. Accessory buildings shall be located no closer than ten (10) feet to the side yard property line. They are also restricted from platted easement areas.
- 1166.08 **MINIMUM REAR YARD SETBACK**
A. The minimum rear yard setback for properties in the B-1 District shall be 20 feet.
B. Accessory buildings shall be located no closer than ten (10) feet to the rear property line. They are also restricted from platted easement areas.
- 1166.09 **MAXIMUM HEIGHT REGULATION**
The maximum height for structures in the B-1 District is as follows:
No principal or accessory structure shall exceed 45 feet in height.
- 1166.10 **OFF-STREET PARKING AND LOADING**
Off-street parking and loading shall be as specified in Chapter 1181, Off-Street Parking and Loading.
- 1166.11 **LAND USE INTENSITY**
In the B-1, General Business, District the maximum lot coverage shall be 40%.

**CHAPTER 1167
B-2 CENTRAL BUSINESS DISTRICT**

- 1167.01 **PURPOSE**
The purpose of the B-2, Central Business, District is to encourage the functional grouping of those commercial, residential and accessory establishments supporting the preservation of the historic character of this district.
- 1167.02 **PRINCIPALLY PERMITTED USES**
Principally permitted uses are as follows:
A. Personal Services
B. Retail Business
C. Commercial Schools
D. Offices
E. Financial Institutions
F. Restaurants
G. Taverns
H. Hotels/Motels
I. Clubs
J. Mixed Uses
- 1167.03 **PERMITTED ACCESSORY USES**
Permitted accessory uses are as follows:
Any use or structure customarily accessory to any B-2 District permitted use.
- 1167.04 **CONDITIONALLY PERMITTED USES**
Conditionally permitted uses are as follows:
A. Public Recreation
B. Public Service Facilities

- C. Non-Commercial Recreation
- D. Commercial Recreation
- E. Educational Institutions
- F. Religious Places of Worship
- G. Bed and Breakfast Establishments
- H. Single Family Dwellings
- I. Two Family Dwellings
- J. Multi-Family Dwellings
- K. Efficiency Apartment Dwellings
- L. Day Care Facilities
- M. Nursing Homes
- N. Fast Food Restaurants
- O. Automotive Services
- P. Automotive Filling Stations
- Q. Automotive Sales
- R. Drive-In Commercial Uses
- S. Commercial Entertainment
- T. Funeral Homes
- U. Animal Hospitals and Clinics
- V. Clinics
- W. Group Homes
- X. Hospitals
- Y. Assisted Living Facilities
- Z. Home Occupations

1167.05 MINIMUM LOT AREA AND WIDTH

There shall be no minimum lot area or width for properties in the B-2 District.

1167.06 MINIMUM FRONT YARD SETBACK

- A. There shall be no minimum front yard setback for properties in the B-2 District.
- B. No accessory buildings shall be located in the front yard area.

1167.07 MINIMUM SIDE YARD SETBACK

There shall be no minimum side yard setback for properties in the B-2 District. This includes accessory buildings.

1167.08 MINIMUM REAR YARD SETBACK

- A. There shall be no minimum rear yard setback for properties in the B-2 District unless abutting a residential district; then the minimum rear yard setback shall be 20 feet.
- B. Accessory buildings have a zero (0) foot minimum rear yard setback.

1167.09 MAXIMUM HEIGHT REGULATION

The maximum height for structures in the B-2 District is as follows:

- A. No principal structure shall exceed 72 feet in height.
- B. No accessory structure shall exceed 25 feet in height.

1167.10 OFF-STREET PARKING AND LOADING

Off-street parking and loading shall be as specified in Chapter 1181, Off-Street Parking and Loading.

1167.11 LAND USE INTENSITY

In the B-2, Central Business, District the maximum lot coverage may be 100%. Exception, if site is adjacent to residential district, see Section 1167.08

**CHAPTER 1168
B-3 COMMUNITY SHOPPING DISTRICT**

1168.01 PURPOSE

The purpose of the B-3, Community Shopping, District is to provide for shopping centers and related outlots of an integrated design which provide for adequate parking and servicing areas.

1168.02 PRINCIPALLY PERMITTED USES

Principally permitted uses are as follows:

- A. Personal Services
- B. Retail Business
- C. Offices
- D. Financial Institutions
- E. Restaurants
- F. Taverns
- G. Automotive Services
- H. Automotive Filling Stations
- I. Drive-In Commercial Uses
- J. Commercial Entertainment
- K. Shopping Centers

- 1168.03 PERMITTED ACCESSORY USES**
Any use or structure customarily accessory to any B-3 District permitted use.
- 1168.04 CONDITIONALLY PERMITTED USES**
Conditionally permitted uses are as follows:
A. Public Recreation
B. Public Service Facilities
C. Non-Commercial Recreation
D. Commercial Recreation
E. Educational Institutions
F. Religious Places of Worship
G. Day Care Facilities
H. Commercial Schools
I. Fast Food Restaurants
J. Hotels / Motels
K. Clubs
L. Automotive Sales
M. Funeral Homes
N. Animal Hospitals and Clinics
O. Clinics
P. Mixed Uses
- 1168.05 MINIMUM LOT AREA AND WIDTH**
The minimum lot area and width for properties in the B-3 District is as follows:
A. The primary development shall have a minimum lot area of not less than 200,000 square feet and a width of not less than 400 feet.
B. Outlots shall have minimum lot area of not less than 20,000 square feet and a width of not less than 150 feet.
- 1168.06 MINIMUM FRONT YARD SETBACK**
A. The minimum front yard setback for properties in the B-3 District shall be 60 feet.
B. No accessory buildings shall be located in the front yard area.
- 1168.07 MINIMUM SIDE YARD SETBACK**
A. The minimum side yard setback for properties in the B-3 District shall be 30 feet.
B. Accessory buildings shall be located no closer than twenty (20) feet to any side yard property line. They are also restricted from platted easement areas.
- 1168.08 MINIMUM REAR YARD SETBACK**
A. The minimum rear yard setback for properties in the B-3 District shall be 40 feet.
B. Accessory buildings shall be located no closer than twenty (20) feet to the rear property line. They are also restricted from platted easement areas.
- 1168.09 MAXIMUM HEIGHT REGULATION**
The maximum height for structures in the B-3 District is as follows:
No principal or accessory structure shall exceed 35 feet in height.
- 1168.10 OFF-STREET PARKING AND LOADING**
Off-street parking and loading shall be as specified in Chapter 1181, Off-Street Parking and Loading.
- 1168.11 LAND USE INTENSITY**
In the B-3, Community Shopping, District the maximum lot coverage shall be 30%.

**CHAPTER 1169
M MANUFACTURING DISTRICT**

- 1169.01 PURPOSE**
The purpose of the M, Manufacturing, District is to accommodate industrial, manufacturing, warehousing, office, research and development, and related uses.
- 1169.02 PRINCIPALLY PERMITTED USES**
Principally permitted uses are as follows:
A. Scientific Research Facilities
B. Wholesale Businesses
C. Manufacturing
D. Laboratories
E. Warehousing
F. Food Processing
G. Mixed Uses
- 1169.03 PERMITTED ACCESSORY USES**
Permitted accessory uses are as follows:
Any use or structure customarily accessory to any M District permitted use.

1169.04 **CONDITIONALLY PERMITTED USES**

Conditionally permitted uses are as follows:

- A. Public Recreation
- B. Public Service Facilities
- C. Grain Elevators and Feed Mills
- D. Offices
- E. Day Care Facilities
- F. Building and Related Trades
- G. Petroleum Refining and Storage
- H. Oil and Gas Wells
- I. Junk Storage and Sales
- J. Transport Trucking Terminals
- K. Farm and Heavy Equipment Sales and Service
- L. Stockyards
- M. Mining
- N. Home Occupations

1169.05 **MINIMUM LOT AREA AND WIDTH**

The minimum lot area and width for properties in the M District shall not be less than 45,000 square feet and a width of not less than 200 feet.

1169.06 **MINIMUM FRONT YARD SETBACK**

- A. The minimum front yard setback for properties in the M District shall be 50 feet.
- B. No accessory buildings shall be located in the front yard area.

1169.07 **MINIMUM SIDE YARD SETBACK**

- A. The minimum side yard setback for properties in the M District shall be 30 feet.
- B. Accessory buildings shall be located no closer than ten (10) feet to any side yard property line. They are also restricted from platted easement areas.

1169.08 **MINIMUM REAR YARD SETBACK**

- A. The minimum rear yard setback for properties in the M District shall be 40 feet.
- B. Accessory buildings shall be located no closer than ten (10) feet to the rear property line. They are also restricted from platted easement areas.

1169.09 **MAXIMUM HEIGHT REGULATION**

The maximum height for structures in the M District is as follows:
No principal or accessory structure shall exceed 45 feet in height.

1169.10 **OFF-STREET PARKING AND LOADING**

Off-street parking and loading shall be as specified in Chapter 1181, Off-Street Parking and Loading.

1169.11 **LAND USE INTENSITY**

In the M, Manufacturing, District the maximum lot coverage shall be 50%.

**CHAPTER 1180
SUPPLEMENTAL REGULATIONS**

1180.01 **FLOOR AREA REQUIREMENTS FOR DWELLINGS**

The floor area per family in dwellings erected on any lot shall not be less than that established by the following table. In determining floor area, only area used for living quarters shall be counted. Common areas such as utility rooms, laundry areas, mechanical rooms, halls, and stairways are to be excluded. Also excluded are garages, carports, porches, and basements.

MINIMUM FLOOR AREA PER EACH FAMILY UNIT

(Expressed in square feet)

| District | Apartment of Multiple Dwellings | | | |
|----------|------------------------------------|--------------|----------------|-----------------------|
| | Single and Two Family Dwellings | Efficiencies | 1 Bedroom Unit | 2 or More Bedrooms |
| "R-1" | 1100 | N/A | N/A | N/A |
| "R-2" | 900 | N/A | 575 | 820 |
| "R-3" | 750 | 285 | 575 | 750 |
| "R-O" | N/A | 285 | 575 | 750 |

In other districts where residences are allowed as conditional uses, R-3 standards apply.

1180.02 **SIDE AND REAR YARD REQUIREMENTS FOR NONRESIDENTIAL USES ABUTTING "R" DISTRICTS**

- A. **Minimum Yard Requirements.** Nonresidential buildings or uses shall not be located nor conducted closer to any lot line of "R-1", "R-2" or "R-3" District than the distance specified in the following schedule, except as provided in subsection (B) hereof.

Minimum Side or Rear Yard Modification

| Abutting any "R" District (ft.) | Use |
|---------------------------------|--|
| 25 | Off-street parking and loading spaces and access drives for nonresidential uses. |
| 50 | Churches, schools and public or semipublic buildings. |
| 60 | Recreation facilities, entertainment facilities, motels, trailers and mobile home parks, all commercial uses and billboards. |
| 100 | Outside sale or storage of building material or construction equipment, all industrial uses, except those listed herein. |
| 500 | Auto and metal salvage operations; mineral extraction or processing. |

B. **Landscaping or Screening Provisions.** For nonresidential uses abutting "R" Districts the minimum yards may be reduced to fifty percent (50%) of the requirements stated in subsection (B) hereof if landscaping or screening, approved by the Zoning Inspector, is provided.

1180.03 HEIGHT REGULATIONS FOR INSTITUTIONAL, OFFICE, INDUSTRIAL AND APARTMENT BUILDINGS AND STRUCTURES

A. Institutional, industrial and apartment buildings with a height in excess of the maximum height specified in the respective district for such buildings shall be permitted provided the required front, side and rear yards are increased by one foot for each foot of additional building height above the maximum specified in the respective district.

B. The height regulations prescribed herein shall not apply to television and radio towers, church spires, belfries, monuments, tanks, water and fire towers, stage towers or scenery lofts, cooling towers, ornamental towers and spires, chimneys, silos and similar structures, elevator bulkheads, smokestacks, conveyors and flagpoles, except where the height of such structures will constitute a hazard to a safe landing and take-off of aircraft at an established airport.

C. No building shall exceed a maximum height of 100 feet without prior approval of the Planning Commission.

1180.04 EXISTING LOTS OF RECORD

The following applies to all lots of record at the effective date of this Zoning Ordinance.

A. Any existing lot of record forty feet or wider in districts allowing single family residences as permitted uses may be used for the erection of a single-family dwelling even though its area and width are less than the minimum requirements set forth herein.

B. On lots of record setbacks for new, altered or expanded residences and their accessory structures shall be determined according to the following:

1. The minimum side yard setback shall be determined by the proportional reduction of the requirements specified in the district up to a maximum of 50% of the minimum setback stated in the district.
2. The front and rear setbacks shall be established by the corresponding prevailing setbacks for the front and rear yards on the same side of the block on which the structure is located up to a maximum of 50% of the minimum setback stated in the district.

B. On existing single-family structures and their accessory structures, an existing wall may be extended parallel to the side yard property line if the following conditions are met:

1. No buildings on the adjacent lot are within 10 feet of the wall extension.
2. Extension is no longer than 50% of the length of the wall at the time of the adoption of the Ordinance.
3. Limited to a minimum setback of three (3) feet in all cases.

1180.05 ARCHITECTURAL PROJECTIONS

Certain architectural features may project into required minimum yard setbacks as follows:

A. Front, side and rear yards. The following architectural features may project into the minimum yard setback of any front, rear or side yard adjoining a side street:

1. Cornices, canopies, eaves, or other architectural features may project a distance not exceeding two feet, six inches.
2. Fire escapes may project a distance not exceeding four feet, six inches.
3. An uncovered stair, including landings, may project a distance not to exceed six (6) feet. Such stair and landing shall not extend above the entrance floor with the exception of handrailings. Handrailings may extend an additional three (3) feet above the floor level.
4. Bay windows, balconies, uncovered porches or decks, and chimneys may project a distance not to exceed three (3) feet. These features shall not occupy more than one-third (1/3) the width of the building toward the yard in question.

B. Interior side yards. The structures or features as listed in (A) above, may project into an interior side yard (those side yards not facing a side street) a distance up to one-fifth (1/5) the required setback distance.

However, such projection shall not exceed three (3) feet. Structures or features which extend into more than one minimum side yard setback are subject to all combined limitations.

- 1180.06 SPECIAL YARD REQUIREMENTS**
- A. Lots having frontage on more than one street shall provide the required front yard on the principal street and the minimum side yard required in that district, but not less than fifteen feet on the side street.
 - B. In the case of lots having frontage on more than one street, accessory structures in that side yard shall meet the prevailing front yard setback on the street on which it is located.
 - C. Where a building lot is comprised of more than one lot of record, building setbacks for all interior lot lines shall be as for any property line. However, a building may overlap an interior lot line.
- 1180.07 TRAFFIC VISIBILITY ACROSS CORNER LOTS**
- In any district, except in the B-2 district, on any corner lot, no fence, structure or planting shall be erected or maintained within a triangle 20 feet from the intersection of the right-of-way lines which may interfere with traffic visibility across the corner.
- 1180.08 CONVERSION OF DWELLINGS**
- In "R-2" and "R-3" Districts, an existing residence may be converted to accommodate an increased number of dwelling units provided:
- A. The yard dimensions meet the yard dimensions required by the zoning regulations for new structures in that district.
 - B. The lot area per family is equal to the lot area requirements for new multi-family structures in that district.
 - C. The number of square feet of living area per family unit is not less than that which is required for new construction in that district.
- 1180.09 MOBILE HOME PARKS**
- All mobile home parks shall conform to and be pursuant to the conditional use provisions set forth in Chapter 1145. Furthermore, all site, utility and construction plans are to be approved by the Ohio Department of Health and the City prior to the permitting of a mobile home park.
- Mobile home parks shall be subject to the following conditions in addition to various district regulations:
- A. No mobile home shall be permitted to locate in the Municipality except in a mobile home park in the "R-3" High Density Residence District.
 - B. The mobile home park shall conform to the following requirements:
 - 1. It shall contain at least five acres.
 - 2. It shall provide a clearly defined minimum area of 3,000 square feet including a minimum width of forty feet for each mobile home or trailer.
 - 3. It shall have a minimum of 800 square feet of floor area per family in each mobile home.
 - 4. It shall provide a minimum of twenty-foot clearance between individual mobile homes or trailers and a thirty-foot setback from any property line bounding the mobile home park.
 - 5. All mobile home spaces shall abut upon a concrete or asphalt driveway of not less than twenty feet in width, which shall have unobstructed access to a private or public street.
 - 6. The developer shall provide a recreational area equal to a minimum of 10% of the gross land area of the mobile home park development. In lieu of providing this recreational area the developer can pay a fee to the city of comparable value for utilization at the nearest public recreational area.
 - 7. It shall conform to all City, County and State Health Department requirements.
- 1180.10 RESIDENTIAL PARKING RESTRICTIONS**
- The following restrictions shall apply to residential districts:
- A. Parking mobile home units in any area outside of mobile home parks or sales areas for more than forty-eight (48) hours is prohibited.
 - B. Parking of commercial vehicles, motor homes and all trailers, including utility, boat, recreational and commercial, on residential streets or in the front yard of any residential lots for more than forty-eight (48) hours is prohibited.
 - C. Unoccupied motor homes and camping trailers, boats and noncommercial utility trailers may be parked in rear and side yards.
- 1180.11 SWIMMING POOLS**
- Swimming pools shall be subject to the following conditions:
- A. Private Swimming Pool: No swimming pool, exclusive of portable swimming pools with a diameter less than twelve feet or with an area of less than 100 square feet, shall be allowed in any district, except as an accessory use and unless it complies with the following conditions and requirements.
 - 1. The pool is intended and is to be used solely for the enjoyment of the occupants of the principal use of the property on which it is located.
 - 2. It shall not be located, including any walks or paved areas or accessory structures adjacent thereto, closer than ten feet to any property line of the property on which it is located.
 - 3. The swimming pool shall be walled or fenced to prevent uncontrolled access by children from the street or from adjacent properties. The fence or wall shall be constructed not less than five feet in height and maintained in good condition, with a gate and lock.
 - B. Community or Club Swimming Pools: Community and club swimming pools are permitted in all districts, but shall comply with the following conditions and requirements:
 - 1. The pool is intended solely for the enjoyment of the members and families and guests of members of the association or club under whose ownership or jurisdiction the pool is operated.

2. The pool and accessory structures, including the area used by bathers, shall not be closer than the distances listed as the principal building setbacks for the zoning classification within which the pool is located.
3. The swimming pool and all of the area used by the bathers shall be walled or fenced to prevent uncontrolled access by children from the street or adjacent properties. The fence or wall shall not be less than six feet in height and maintained in good condition.

1180.12 COMMUNITY DEVELOPMENT PROJECTS

- A. An authorized agency of the Municipality, State or Federal government or the owners of any tract of land in an "R" District comprising an area of not less than ten acres may submit to Council a plan for the use and development of all of the tract of land for residential and associated non-residential purposes. The development plan shall be referred to the Planning Commission for study and report and for public hearings. Notice and publication of such public hearings shall conform to the procedures prescribed in Chapter 1157 for hearings on changes and amendments. If the Commission approves the plans, these shall be submitted to Council for consideration and action. The approval and recommendations of the Commission shall be accompanied by a report stating the reasons for approval of the application and specific evidence showing that the proposed community development project meets with the following conditions:
 1. The property adjacent to the area included in the plan will not be adversely affected.
 2. The plan is consistent with the intents and purpose of the Zoning Ordinance to promote public health, safety, morals and general welfare.
 3. The use of the land shall be similar to the uses permitted in the district in which the plan is located.
 4. That the average lot area per family contained in the site exclusive of the area occupied by streets, will not be less than the lot area per family required in the district in which the development is to be located.
- B. If the Planning Commission and Council approve the plans, a Zoning Certificate shall be issued, even though the use of the land, the location and height of buildings to be erected in the area, and the yards and open space contemplated by the plans do not conform in all respects to the district regulations of the district in which the project is located.

1180.13 RESIDENTIAL ACCESSORY BUILDINGS AND FENCES

- A. Accessory Buildings:
 1. Single family residences are limited to one (1) accessory building except for properties with detached garages, which may also have a small storage building not exceeding 150 square feet in area. Properties with more than one dwelling unit may have one accessory building for each dwelling unit.
 2. The ground floor area of all accessory buildings shall not exceed the ground floor area of the dwelling.
- B. Fences and planting screens shall be subject to the following regulations:
 1. Fences, plant material, and similar screening devices up to three (3) feet high are permitted in the front yard areas. Fences up to six (6) feet in height are permitted in the remaining yard areas.
 2. Injurious materials such as barbed wire, electrically charged fences, or spike fences are not permitted in any case.
 3. No fencing, or other similar structures, are permitted in easement areas.
 4. No fence or planting screen shall violate the visibility requirements of Section 1180.07.

1180.14 ENVIRONMENTAL PERFORMANCE STANDARDS

Environmental performance standards are regulations which are intended to promote a peaceful and quiet environment. Restrictions or limits are established on uses or facilities whose environmental factors may create a nuisance or cause a noxious, objectionable or other undesirable effect on persons or properties outside of the subject property. These restrictions apply to a uses' construction as well as its operation. Materials and/or products of a use shall be maintained in a method so that the health, safety and welfare of persons occupying the subject property or adjacent properties are not jeopardized.

- A. **Applicability and Compliance**
The Environmental Performance Standards are applicable to all land uses in all zoning districts in the City, and both initial and continued compliance is required. Any condition or land use falling under the jurisdiction of the standards of this code at the time of its adoption and not in conformance with these standards shall be brought in full compliance immediately upon discontinuance of the existing use of land, structure or building. Any change in the principal use of land, structure or building shall constitute a discontinuance and be fully subject to these standards and provisions.
- B. **Noise**
No activity on private property shall emit noise in excess of sound levels indicated in the table below. Sound levels shall be determined by the use of a sound level meter designed to give measurements designated as dBA or dB(A). Measurements may be taken, at the discretion of the Zoning Inspector, at the property line or anywhere beyond the property line of the source property. The maximum noise levels will be established by the receiving property or zoning district regardless of the proximity of the source property to it. The source property need not be contiguous to the receiving property.

MAXIMUM PERMITTED SOUND LEVELS

| SOURCE PROPERTY | | RECEIVING PROPERTY | | |
|-----------------|------|--------------------|------------|------------|
| NOISE SOURCE | TIME | RESIDENTIAL | COMMERCIAL | INDUSTRIAL |

| | | | | |
|-------------|--|--------------|--------------|--------------|
| Residential | Daytime ¹ Nighttime ² | 55 dBA 50 | 55 dBA 50 | 55 dBA 50 |
| Commercial | Daytime ¹ Nighttime ² | 55 50 | 60 50 | 60 50 |
| Industrial | Daytime ¹ Nighttime ² | 55 50 | 60 50 | 70 60 |

¹ Daytime shall be considered as the hours between 7:00 AM and 10:00 PM.

² Nighttime shall be considered as the hours between 10:00 PM and 7:00 AM.

C. Exemptions

The following noise levels shall be exempt from the noise provisions during the daytime only:

1. Firearms on authorized ranges.
2. Legal blasting.
3. Temporary construction activity and equipment.
4. Installation of utilities.
5. Lawn mowers, chain saws and garden equipment.

The following noise sources shall be exempt from the noise provisions at all times:

1. Aircraft.
2. Railroads.
3. Emergency vehicles and equipment.
4. Warning devices operating continuously for not more than five (5) minutes.
5. Bells, chimes or carillons operating continuously for not more than five (5) minutes per hour.
6. The repair of essential utility services.
7. Officially sanctioned parades or other events.

D. Vibrations

Every use shall be so operated that ground vibration inherently and recurrently generated is not perceptible, without instruments, at any point outside the property line of the property on which the use is located.

E. Glare

Any process producing intense light or heat, which may cause physical harm, including high temperature processes such as combustion or welding, shall not be visible beyond any lot line bounding the property wherein the use is conducted.

All exterior lighting on private property shall be positioned as to extend glare away from adjacent properties or rights-of-way. Furthermore, no activity on private property shall generate light that creates a nuisance to surrounding properties, as determined by the Zoning Inspector.

F. Air and Water Pollutants

The emission of air and water pollutants shall not violate the standards and regulations of any local, state or federal agency having jurisdiction in this matter.

G. Hazardous Materials

The storage, utilization and manufacture of solid, liquid and gaseous chemicals and other materials shall be permitted subject to the standards and regulations of any local, state or federal agency having jurisdiction in this matter.

H. Electrical Disturbances

No activity will be permitted which emits electrical disturbances adversely affecting the operation at any point of any equipment other than that of the creator of such disturbance and, shall comply with all applicable FCC regulations and standards.

I. Fire Hazards

Any activity involving the use or storage of flammable or explosive material shall be protected by adequate fire-fighting and fire suppression equipment and by safety devices. Such potentially hazardous activities shall be kept from adjacent activities at a distance determined by the National Fire Protection Code.

J. Erosion

No erosion, by either wind or water or other liquid shall be permitted which will carry substances onto neighboring properties or rights-of-way. Erosion control methods shall be implemented on all sites where the existing ground surface is altered or disturbed. All such work shall comply with all local, state and federal erosion control regulations or standards.

**CHAPTER 1181
OFF-STREET PARKING AND LOADING**

1181.01 OFF-STREET PARKING GENERAL REQUIREMENTS

Any building, structure or use of land, when erected or enlarged, shall provide for off-street parking spaces for motor vehicles in accordance with the provisions of this Chapter. A parking plan shall be required for all uses except single family detached dwellings and two family dwellings. The parking plan shall be submitted to the City as part of the application for the Zoning Certificate. The plan shall show the boundaries of the property, parking

spaces, access driveways, circulation patterns, drainage and construction plans, boundary walls, fences and a screening plan, as appropriate.

Whenever a building or use constructed or established after the effective date of this Ordinance is changed or enlarged in floor area, number of dwelling units, seating capacity, or otherwise, to create a need for an increase of ten (10) percent or more in the number of existing parking spaces, such spaces shall be provided on the basis of the enlargement or change. Whenever a building or use existing prior to the effective date of this Ordinance is enlarged to the extent of fifty (50) percent or more in floor area or in the area used, such building or use shall then comply with the parking requirements set forth herein.

1181.02

OFF-STREET PARKING AND DESIGN STANDARDS

All off-street parking facilities including entrances, exits, circulation areas and parking spaces shall be in accordance with the following standards and specifications:

- A. **Parking space dimensions.** Each off-street parking space shall be no less than nine (9) feet in width and shall have an area of not less than 180 square feet exclusive of access drives or aisles and shall be of useable shape and condition.
- B. **Access.** There shall be adequate provisions for ingress and egress to all parking spaces. Where the lot or parking spaces do not provide direct access to a public street or alley, an access drive shall be provided, with a dedicated easement of access as follows:
 1. For single family detached dwellings or two family dwellings, the access drive shall be a minimum of eight (8) feet in width.
 2. For all other uses, the access drive shall be a minimum of sixteen (16) feet in width.
 3. All parking spaces, except those required for single family detached dwellings and two and three family dwellings, shall have access to a public street or alley in such a manner that any vehicle leaving or entering the parking area from or into a public street or alley shall be traveling in a forward direction.
 4. Parking areas shall be considered extensions of the principal use with which they are associated. Only parking associated with uses permitted in the residential district are allowed in that residential district. In addition, residential district property shall not be used as an access for a nonresidential parking use.
 5. Where possible, shared drives shall be utilized by businesses to access properties and limit curb cuts on thoroughfares.
- C. **Screening.** In addition to the setback requirements specified in this Chapter for off-street parking for more than five (5) vehicles, screening shall be provided on each side of the parking area that abuts any residential district, R-O District, or S-I District. Screening plans shall be approved by the Zoning Inspector.
- D. **Paving.** Any off-street parking area for more than five (5) vehicles, and its driveway, shall have a durable, dustless surface.
- E. **Drainage.** Any off-street parking area for more than five (5) vehicles shall be graded and drained so as to dispose of surface water which might accumulate within or upon such area, and shall be designed to prevent the drainage of surface water onto adjacent properties, walkways or onto public streets. A drainage plan shall be submitted for approval by the City.
- F. **Barriers.** Wherever a parking lot extends to a property line, fencing, wheelstops, curbs or other suitable barriers shall be provided in order to prevent any part of a parked vehicle from extending beyond the property line or from destroying the screening materials.
- G. **Visibility.** Access of driveways for parking areas shall be located in such a way that any vehicle entering or leaving such parking area shall be clearly visible by any pedestrian or motorist approaching the access or driveway from a public street, private street or alley.
- H. **Marking.** All parking areas for more than five (5) vehicles shall be marked with paint lines, curb stones or in some other manner approved by the City and shall be maintained in a clearly visible condition.
- I. **Signage.** Where necessary, due to multiple curb cuts, the entrance, exits and the intended circulation pattern shall be clearly marked in the parking area. Signage shall consist of pavement markings or freestanding directional signs in accordance with Chapter 1185 of this Ordinance.
- J. **Lighting.** Any lights used to illuminate a parking area shall be so arranged as to direct the light away from the adjacent properties and street rights-of-way.

1181.03

DETERMINATION OF REQUIRED SPACES

In computing the number of parking spaces required by this Ordinance, the following shall apply:

- A. Where floor area is designated as the standard for determining parking space requirements, the floor area shall be the sum of the gross leasable horizontal area of all floors of a non-residential building.
- B. Where seating capacity is designated as the standard for determining parking space requirements, the capacity shall mean the number of seating units installed or, indicated for each twenty (20) lineal inches of bench type seating facilities.
- C. Fractional numbers shall be increased to the next highest whole number.
- D. Parking space requirements for a use not specifically mentioned in this Ordinance shall be determined by using the most similar and restrictive parking space requirement as specified by the Planning Commission.
- E. When the building floor area is designated as the standard for determining parking space requirements and that number is less than the minimum standard, at least one parking space shall be provided on the premises.

- F. If two or more uses occur on one property, off-street parking requirements for all uses shall be computed and added together to obtain the total required spaces for the property.

1181.04

PARKING SPACE REQUIREMENTS

With the exception of the B-2 District, the number of off-street parking spaces to be provided shall not be less than the following:

- | | | |
|-----|---|---|
| A. | Airport | One space per four aircraft tie downs plus one space per four aircraft storage areas. |
| B. | Animal Hospital and Clinic | Four spaces for each examination room. |
| C. | Automotive Filling Stations | One space per fuel pump. Plus two spaces for each service bay. Plus one space for each 100 square feet of convenience type retail. |
| D. | Automotive Services | Two spaces for each service bay. Drive through automotive services such as car washes and quick lubes shall provide sufficient stacking spaces for three vehicles per bay. |
| E. | Automotive Sales | Three spaces minimum, or one space for each 5,000 square feet of lot sales area, whichever is greater. |
| F. | Bed and Breakfast | One space for each guest room plus two spaces for the permanent residence. |
| G. | Building and Related Trades | One space per each 500 square feet of floor area, plus one space for each 1,000 square feet of warehouse space. |
| H. | Cemetery | One space per each employee. |
| I. | Clinics | One space for each 100 square feet of floor area. |
| J. | Club | One space for each 100 square feet of floor area. |
| K. | Commercial Entertainment | One space per five seats or one space for each 100 square feet of floor area. |
| L. | Day Care Facility | One space for each three children per licensed design capacity. |
| M. | Educational Institution | Two spaces for each classroom, plus one space for each four seats in the places of assembly. High schools, colleges, and vocational schools shall also include one space for each five students at design capacity. |
| N. | Farm and Heavy Equipment Sales and Service | One space for each service bay, plus one space for each 4,000 square feet of lot area used for product display. |
| O. | Financial Institution | One space for each 200 square feet of floor area, plus sufficient stacking space to accommodate the number of automobiles equal to five times the number of drive-up teller windows or drive-up ATM machines. |
| P. | Food Processing | One space for each 1,000 square feet of floor area. |
| Q. | Funeral Home | One space for each 50 square feet of floor area. |
| R. | Grain Elevators and Feed Mills | One space for each 400 square feet of floor area plus a minimum of 200 feet of stacking space for each loading and unloading bay. |
| S. | Group Home | One space for each four beds. |
| T. | Hospitals | One space for each bed. |
| U. | Hotel/Motels | One space for each sleeping room, plus one space for each 100 square feet of public meeting area and/or restaurant space. |
| V. | Lock and Store Warehousing | One space for each 1,000 square feet of net leasable floor area. |
| W. | Manufacturing | One space for each 1,000 square feet of floor area. |
| X. | Mixed Uses | Spaces shall be determined by the application of all use requirements. |
| Y. | Nursing Home | One space for each three beds. |
| Z. | Office | One space for each 150 square feet of floor area with a minimum of four (4) spaces required. |
| AA. | Personal Services | One space for each 150 square feet of floor area with a minimum of four (4) spaces required. |
| BB. | Public Service Facility | One space for each 150 square feet of floor area with a minimum of four (4) spaces required. |
| CC. | Recreational, Non-Commercial | One space for each participant at maximum utilization. |
| DD. | Recreational, Commercial | One space for each three seats, one space for each 100 square feet of floor area, or one per each participant at maximum utilization, whichever is greater. |
| EE. | Religious Places of Worship | One space for each four seats in the place of assembly. |
| FF. | Residential, Mobile Home | Two spaces for each unit, plus one space for each five units for guest parking. |
| GG. | Residential, Multi-Family | Two spaces for each dwelling unit. |
| HH. | Residential, Single Family | Two spaces for each dwelling unit. |
| II. | Residential, Two Family | Two spaces for each dwelling unit. |
| JJ. | Scientific Research Facilities and Laboratories | One space for each 200 square feet of floor area. |
| KK. | Restaurants | One space for each 100 square feet of floor area with a minimum of six (6) spaces required. |

| | |
|----------------------------------|---|
| LL. Restaurants, Fast Food | One space for each 100 square feet of floor area, plus sufficient stacking space for five vehicles at each drive through window with a minimum of four (4) spaces required. |
| MM. Retail Business | One space for each 150 square feet of floor area with a minimum of four (4) spaces required. |
| NN. Shopping Center | Five spaces for each 1,000 square feet of floor area. |
| OO. Stockyards | One space for each 1,000 square feet of floor area. |
| PP. Taverns | One space for each 100 square feet of floor area with a minimum of six (6) spaces required. |
| QQ. Transport Trucking Terminals | One space for each 1,000 square feet of floor area. |
| RR. Warehousing | One space for each 2,000 square feet of floor area. |
| SS. Wholesale Business | One space for each 250 square feet of floor area. |

1181.05 **JOINT USE**
Two or more nonresidential uses may jointly provide and use parking spaces when their hours of operation do not normally overlap, provided that a written agreement, approved by the Law Director and accepted by the Planning Commission shall be filed with the application for a Zoning Certificate.

1181.06 **OTHER LOCATIONS**
Parking spaces may be located on a lot other than that containing the principal use with the approval of the Planning Commission, provided a written agreement, approved by the Law Director and accepted by the Planning Commission, shall be filed with the application for a Zoning Certificate.

1181.07 **HANDICAPPED PARKING REQUIREMENTS**
Parking spaces for the physically handicapped shall be as provided in and marked as per the Ohio Basic Building Code.

1181.08 **OFF-STREET LOADING REQUIREMENTS**
In any district, in connection with every building, or part thereof, hereafter erected and having a gross floor area of 10,000 square feet or more, which is to be occupied by storage, warehouse, retail store, wholesale store, hotel, hospital, funeral home, or other uses similarly requiring the receipt or distribution by vehicle of material or merchandise, there shall be provided and maintained on the same lot with such building, at least one off-street loading space, plus one additional such loading space for each additional 10,000 square feet.

1181.09 **OFF-STREET LOADING DESIGN STANDARDS**
All off-street loading spaces shall be in accordance with the following standards and specifications:

- A. **Dimensions** - Each loading space shall have a minimum dimension not less than 12 feet in width, 28 feet in length and a vertical clearance of not less than 14 feet in height.
- B. **Setbacks** - Notwithstanding other provisions of this regulation and other setback requirements, off-street loading spaces may be located in the required rear or side yard of any B-1 or M District provided that not more than 80% of the required rear yard or side yard is occupied, and no part of any loading space shall be permitted closer than 50 feet from any right-of-way or residential district unless wholly within a completely enclosed building.
- C. **Screening** - In addition to the setback requirements specified above, screening shall be provided on each side of an off-street loading space that abuts any residential district. Screening plans shall be approved by the Zoning Inspector.
- D. **Access** - All required off-street loading spaces shall have access from a public street or alley in such a manner that any vehicle leaving the premises shall be traveling in a forward direction.
- E. **Paving** - Any required off-street loading spaces, together with its driveways, aisles and other circulation areas, shall be surfaced with a pavement having an asphalt or concrete binder of sufficient strength to support vehicular loads imposed on it while providing a durable, dustless surface.
- F. **Drainage** - All loading spaces, together with driveways, aisles and other circulation areas shall be graded and drained so as to dispose of surface water which might accumulate within or upon such area, and shall be designed to prevent the excess drainage of surface water onto adjacent properties, walkways or onto public streets. A drainage plan shall be submitted for approval by the City.
- G. **Lighting** - Any lights used to illuminate a loading area shall be arranged so as to reflect the light away from any adjacent properties or rights-of-way.

1181.10 **SUBMISSION TO PLANNING COMMISSION**
Detailed drawings as indicated in Chapter 1146, Site Plan Guideline Standards, indicating necessary parking and off-street loading facilities shall be submitted to the Planning Commission with the exception of single family detached dwellings and duplexes, for approval prior to the granting of any certificate. Such drawing shall show the number of spaces and locations, dimensions and descriptions of all features enumerated in this Section or as required elsewhere in this Zoning Code. The Planning Commission may require, in addition to those enumerated, further structural or landscaping features such as bumper guards, curbs, walls, fences, shrubs, trees, ground cover or hedges to further the intent and purposes of this Zoning Code. The Planning Commission, in addition, may recommend such changes in location, width and number of driveways as it shall determine are necessary to eliminate any potential traffic hazards.

1181.11 **MODIFICATIONS**

The Planning Commission may authorize a modification, reduction, or waiver of the foregoing requirements if it should find that the peculiar nature of the residential, business, trade, industrial, other use, exceptional situation or condition would justify such action.

CHAPTER 1183
ADDITIONAL PROVISIONS FOR INTEGRATED APARTMENT, OFFICE, RESEARCH AND INDUSTRIAL USES

1183.01 INTEGRATED APARTMENT, OFFICE, AND INDUSTRIAL CENTERS

The development of groups of properties for apartment, office, research and industrial centers in "R-O" and "M" Districts shall be subject to the following requirements:

A preliminary review process shall be followed to ensure compliance with location, size, and character aspects of the proposed development, and

A final development plan review process shall be followed to ensure compliance to design requirements of the development.

A. Preliminary Review

1. The owner of a tract located in any "R-O" or "M" District, and containing not less than four acres, shall submit to the Planning Commission for its review a preliminary plan showing the use and development of such tract of land for an apartment, office, research or industrial center. The proposed uses may be mixed, but shall be consistent with those allowed in the district within which the tract of land is located. If the proposed uses are not consistent with those in the existing zoning district, the owner can proceed with a concurrent request to change the zoning classification to the appropriate classification.
2. In accepting such plans for review, the Planning Commission must be satisfied that the proponents of the apartment, office, research or industrial center are capable to undertake and complete the proposed development, both financially and operationally. A reasonable timetable of development must be committed to by the proponents of the center and approved by the Planning Commission.

B. Preliminary Plan Requirements

1. The Preliminary Plan shall show a development consisting of one or more groups of establishments in buildings of an integrated and harmonious design, together with adequate and properly arranged utilities, traffic and parking facilities and landscaping, which will complement the general character of the adjoining development and surrounding area.
2. The applicant shall submit a traffic circulation plan which should present:
 - a. the location of the proposed development in relation to the City Thoroughfare Plan;
 - b. the anticipated levels of vehicular and pedestrian traffic to be generated by the development;
 - c. the arrangement of on-site traffic circulation and parking facilities and landscaping elements;
 - d. any physical and/or other traffic improvements required, requested, or proposed to alleviate anticipated congestion being created by the proposed development; and
 - e. such other information as the Planning Commission shall require.
3. The applicant shall submit utility and drainage plans for the proposed development which shall show the following:
 - a. The connection points to the City's water and wastewater utilities;
 - b. The connection points and locations of the electric, telephone, gas, telecommunications, and any other utility services;
 - c. The size, depth and location of required water and wastewater utility facilities;
 - d. Water detention plan and calculations based on two and ten year events, emergency storm water plan for hundred year events; and
 - e. The location of storm sewer lines and related facilities.

C. Design Regulations

The following additional regulations shall apply to apartment, office, research and industrial centers:

1. Yards. No building shall be less than thirty feet distant from any zoning district boundary. Loading and storage shall be permanently screened from all adjoining properties located in an "R" District by building walls, or a free standing wall, fence or hedge at least six feet in height. All intervening spaces between the street pavement and the right-of-way line and intervening spaces between buildings, drives, parking areas and improved areas shall be landscaped with trees and plantings and properly maintained at all times.
2. Tract Coverage. Where parking spaces are provided within the main buildings of the development, the ground area occupied by all buildings may be expanded by 10% beyond the stated maximum lot coverages listed for the zoning district.
3. Access Drives. Access drives shall be located at a minimum interval of 300 feet.
4. Loading Space. There shall be provided one off-street loading or unloading space for each 20,000 square feet, or fraction thereof, of aggregate floor space of all buildings in the center. At least one-third of the spaces required shall be sufficient in area and vertical clearance to accommodate trucks of the tractor trailer type.
5. Signs. Signs for apartment, office, research or industrial centers shall be limited to wall-type signs on the principal building, except that a free standing identification and directional sign not larger than 15 square feet in area may be erected at entrances to the center. Illuminated signs shall not have the light source visible from off-site.

D. Submission and Approval of Final Development Plan

Upon approval of the preliminary plan by the Planning Commission, the following procedure shall be followed to achieve final approval of an apartment, office, research or industrial center.

1. The proponents shall prepare and submit a final development plan which will comply with the design requirements, and will incorporate all changes or modifications required by the Planning Commission in the preliminary review stage.
2. If the final development plan complies with the requirements set forth in this Chapter, and other pertinent sections of the Zoning Ordinance, the Planning Commission shall submit the plan with its report and recommendations to City Council for its review. Council shall set a public hearing, following the required 30 day public notification process, to review the plan. If a zoning classification change is being sought concurrently, this public hearing could incorporate both issues.
3. Following the public hearing, Council may modify the plan, provided such modification is consistent with the intent and meaning of the Zoning Ordinance. Any plan approval, in situations where a zoning classification change is required, will not be effective until such zoning classification change occurs.
4. After the final development plan is approved by Council, any minor changes in carrying out this plan, such as adjustments to or rearrangements of buildings, parking areas, drive entrances, heights or yards, must be approved by the Planning Commission. These changes must conform to the standards established by the final development plan and the Zoning Ordinance. Any other changes must follow the final development plan procedure and receive authorization by Council.

**CHAPTER 1184
SPECIAL PROVISIONS FOR ADULT ENTERTAINMENT FACILITIES**

1184.01

DEFINITIONS

- A. **Adult Entertainment Facility:** A commercial entertainment facility having a significant portion of its function as adult entertainment which includes "Adult book/video store", "Adult entertainment theater", or "Adult entertainment business".
- B. **Adult Book/Video Store:** A facility, in which at least ten (10%) percent of the publicly accessible store area deals in books, magazines, or other periodical, or video materials that display and are distinguished or characterized by an emphasis on depiction of items listed under "Specified Sexual Activities" or "Specified Anatomical Areas". A facility meeting this definition shall meet the requirements of a commercial entertainment facility.
- C. **Adult Entertainment Theater:** A commercial entertainment facility which devotes at least 10% of its presentation time to the display of material distinguished or characterized by all items listed in "Specified Sexual Activities" or "Specified Anatomical Areas."
- D. **Adult Entertainment Business:** Any commercial entertainment facility involved in the sale or services of products characterized by salacious conduct appealing to prurient interest for the observation or participation in, by the patrons, the exposure or presentation of specified anatomical areas or physical contact of live males or females. These activities are characterized by, but not limited to, photography, dancing, stripping, reading, massage, male or female impersonation, and similar functions which utilize activities as stated in "Specified Sexual Activities".
- E. **Specified Sexual Activities:** Activities such as:
 1. Human genitals in a state of sexual stimulation or arousal;
 2. Acts, real or simulated, of human masturbation, sexual intercourse, sodomy, cunnilingus, or fellatio;
 3. Fondling or other erotic touching of human genitals, pubic region, buttocks or female breasts.
- F. **Specified Anatomical areas:** Areas of the human body as follows:
 1. Human genitals, pubic region, buttocks, and the areola area of the female breasts which are less than completely or opaquely covered;
 2. Human male genitals in a discernible turgid state, even if completely or opaquely covered.

1184.02

LOCATION STANDARDS

Adult commercial entertainment facilities, as defined in Section 1184.01, are subject to the following standards regulating their location.

- A. No adult entertainment facility shall be established within one thousand (1,000) feet of any R-1, R-2, R-3, and R-O district.
- B. No adult entertainment facility shall be established within a radius of one thousand (1000) feet of any school, library, or teaching facility that is attended by persons under the age of eighteen (18) years of age. No adult entertainment facility shall be established within a radius of one thousand (1000) feet of any park or recreational facility attended by persons under eighteen (18) years of age.
- C. No adult entertainment facility shall be established within a radius of one thousand (1000) feet of any permanently established place of religious services.
- D. No adult entertainment facility shall be established within a radius of one thousand (1000) feet of any day care center or type A or B family day care home as established by the Ohio Revised Code.
- E. No adult entertainment facility shall be established within a radius of one thousand (1000) feet of any other adult entertainment facility.
- F. No adult entertainment facility shall be established within a radius of one thousand (1000) feet of any two of the following:
 1. Cabarets, clubs, or other establishments which feature adult type of entertainment.
 2. Establishments for the sale of beer or intoxicating liquor for consumption on the premises.
 3. Pool or billiard halls.
 4. Pinball palaces or halls.
 5. Dance halls or discotheques.
 6. Massage parlors.

7. Video arcades, or establishments known by other descriptions, which provide video games and/or other games for entertainment attended or participated in by persons under eighteen (18) years of age.

1184.03 MEASUREMENT STANDARDS

Distances shall be measured from the property lines of any lot or parcel of land on which an adult entertainment facility is located and the location from which a distance of separation is specified in Section 1184.02.

1184.04 ADVERTISEMENT DISPLAY STANDARDS

No advertisements, displays, or other promotional materials shall be shown or exhibited so as to be visible to the public from pedestrian sidewalks or walkways, or from other public areas, semi-public areas, or quasi-public areas. All building openings, entries, windows, etc. for adult use shall be located, covered, or serviced in such a manner as to prevent a view into the interior from any sidewalk, or any street. For new construction, the building shall be oriented so as to minimize any possibility of viewing the interior from any public, semi-public, or quasi-public areas.

No screens, speakers, or sound equipment shall be used for adult motion picture theater, or other adult entertainment facility, that can be seen or discerned by the public from any public, semi-public, or quasi-public areas.

**CHAPTER 1185
SIGNS**

1185.01 PURPOSE

It is the purpose of these sign regulations to promote the public health, safety, and general welfare by permitting the use of signs as a means of communication in the City of Celina:

- A. To maintain and enhance the City's natural and manmade environment;
- B. To implement community design standards to encourage an attractive and healthy economic environment;
- C. To reduce possible safety hazards to vehicle and pedestrian traffic through good signage;
- D. To minimize the possible adverse effects of signs on nearby public and private property; and
- E. To enable the fair and consistent enforcement of these sign regulations.

The purpose, as stated above, is based on the following findings or conditions concerning signs:

- A. That excessive signs create dangerous traffic conditions, intrude on motorist and pedestrian enjoyment of the natural and manmade beauty of the City, and as such are detrimental to the public health, safety, and general welfare of the City; and
- B. That business enterprises and other institutions located along public and private streets have a need to identify themselves and their activities to motorists and pedestrians by means of signs.

1185.02 DEFINITIONS

The following terms are defined for use under this section.

- A. **Abandoned Sign:** Any sign remaining in place which no longer advertises or identifies an ongoing or active business, product, or service available; or a sign which is no longer maintained in a serviceable condition. The serviceability of a sign ceases when deterioration becomes as visibly recognizable as the image of the subject of the sign.
- B. **Address Marker:** A numeric reference of a structure or site not included as part of a wall or monument sign. These are not normally considered a sign under this section.
- C. **A-Frame Card Sign:** A free standing sign usually hinged at the top. Such signs are considered portable and temporary.
- D. **Animated or Moving Sign:** Any sign, other than a time and temperature display, which uses motion, lighting, or special materials to depict action or create a special effect or scene.
- E. **Awning, Canopy, or Marquee Sign:** A non-electric sign that is printed on, painted on, attached to an awning, canopy, or marquee and is only permitted on the vertical surface.
- F. **Banner, Flag, Pennant or Balloon:** Any cloth, bunting, plastic, paper, or similar material, used for advertising purposes attached to, pinned on, or from any structure, staff, pole, line, framing, or vehicle, including captive balloons and inflatable signs, but not including official flags of local, state, national or foreign governmental organizations.
- G. **Billboard or Off-Site Sign:** A sign, including supporting structure, advertising an establishment, merchandise, service, or entertainment, which is not sold, produced, manufactured, or furnished at the property on which the sign is located.
- H. **Building Face:** The length of the single front building elevation in which the primary entrance to the business is located. Where more than one business occupies a building, the frontage for sign purposes for each business is determined by multiplying the building front elevation width by the percentage of total floor space occupied by each business or potential business space.
- I. **Changeable Copy Sign:** A sign designed to allow the changing of copy through manual, mechanical, or electrical means. Time and temperature displays are not considered against the allowable advertising sign footage as long as no business identification or advertising is presented as part of the display.
- J. **Civic Event Sign:** A temporary sign posted to advertise a civic event sponsored by a public agency, school, church, civic/fraternal organization, or similar non-profit organization.
- K. **Construction Sign:** A temporary sign erected on the parcel on which construction is taking place. The sign may list the project name, owners, developers, professional services and contractors involved and any other major sponsors of the development.
- L. **Development or Subdivision Sign:** A temporary sign promoting a new development or subdivision which has received City Planning Commission review.
- M. **Directional Signs:** Signs limited to directional messages, principally for pedestrian or vehicular traffic, such as "one way", "entry" or "exit". These signs giving direction are not considered part of the advertising

signage and do not require permitting. If additional advertising display is posted on the directional signs the Zoning Inspector may consider them as part of the square footage restrictions.

- N. **Double-Faced Sign:** A post, pedestal, or monument display where the sign's faces are back to back and the sign copy is similar on both sides. The area of double-faced signs is considered based on dimensions of one side.
- O. **Garage or Yard Sale Sign:** A temporary sign advertising the sale of personal items at a residential property.
- P. **Incidental Signs:** Incidental signs are signs no larger than 3 square feet in size that display notices required by law, or show affiliations or services provided. Items displayed may be credit cards accepted, trade affiliations, business hours, or other similar information necessary to identify limits of or qualifications of service or product.
- Q. **Institutional Sign:** A permanent sign identifying the premises of a church, school, governmental office, or non-profit institutional facility.
- R. **Kiosk:** A three dimensional structure designed and constructed with the explicit purpose of displaying information and advertising. This structure must supply a public service and can only receive a permit following review and approval of the Planning Commission.
- S. **Logo Sign:** A sign consisting of a symbol or mark associated with a business, service or product entity.
- T. **Monument Sign:** A sign displayed on a pedestal or base that has a footprint 50% or more than the signs horizontal dimensions.
- U. **Nonconforming Sign:** A legally established sign existing prior to the establishment of this Ordinance which fails to conform to the regulations of this Ordinance.
- V. **Political Sign:** A temporary sign directly associated with a local, state, or national political election or issue.
- W. **Portable Sign:** A sign designed and constructed to be easily set up and removed or relocated.
- X. **Promotional Sign:** A temporary commercial sign posted to promote the sale of new products, new management, new hours, new service or to promote a special sale.
- Y. **Projecting Sign:** Any sign which is attached to the face of a building and projects more than eighteen (18) inches from the face.
- Z. **Real Estate Sign:** An on-site temporary sign pertaining to the sale, lease or rental of a building or premises. These signs include Open House signs which indicate when salespersons are available to represent the property subject to sale, lease or rent.
- AA. **Roof Sign:** A sign erected, constructed, or placed upon or over a roof of a building, including a mansard roof, and which is wholly or partly supported by the building.
- BB. **Sign:** Any display that shows any product, service, business, name, or other enterprise in a promotional manner. A sign may consist of wording, logos or images.
- CC. **Sign Program:** A coordinated program of signs as allowed under the "Commercial Shopping Center" and "Apartment, Office, Research, and Industrial Center" developments.
- DD. **Temporary Sign:** Any sign that is approved to be displayed for a limited time period as set forth in this Ordinance or by the Planning Commission.
- EE. **Wall Sign:** A sign painted on, printed on, or attached to a wall which has its face substantially perpendicular to the building face.
- FF. **Window Sign:** Any sign that is applied, painted, or attached to a wall which is not a projecting sign.

1185.03

ADMINISTRATION

These sign regulations shall be administered as stated under the conditions as listed in Chapter 1143 of this Ordinance.

A. Permit Required

No sign, unless exempted by this Chapter, shall be constructed, displayed, or altered without an approved permit. The permits shall be issued by the Zoning Inspector when the conditions of this Ordinance are met. Each permit application shall be accompanied by the following:

1. A drawing showing the design proposed.
2. Dimensioned site plan showing the sign location in relation to property lines, buildings, walks, and drives.
3. Dimensioned elevation drawing showing the size, sign type, height, illumination method, support or mounting method, and construction materials.

A sign for which a permit has been issued shall not be modified, relocated, altered or replaced unless a new permit or an amended permit is issued by the Zoning Inspector.

B. Signs Requiring a Permit

Any sign erected, painted, posted or placed in any district within the City shall require an approved permit from the Zoning Inspector in conformance with Sections 1144.02-1144.05, except those signs identified as exempt from such permit. Sign structure, size, height, setback, location and number shall be determined by the requirements set forth in this Chapter.

Changes or relocation of nonconforming signs require permits and any alterations must also meet the requirements set forth in this Chapter. See Section 1185.04 D. for nonconforming signs.

C. Signs Not Requiring a Permit

The following signs are exempt and do not require a permit from the Zoning Inspector. To maintain an exempt status these signs must comply with restrictions as established in this Chapter.

1. Political signs, Real Estate signs, and Civic Event signs when conforming to the requirements established under this Ordinance.
2. Temporary signs painted on the outside of the windows for display on holiday or special occasions.
3. Signs located inside a building or behind a window and not exceeding the prohibitions set forth in Section 1185.03 D.8., do not require a permit.
4. Memorial signs and plaques installed by recognized civic organizations.
5. Official and legal notices and signs issued by governmental agencies.

6. Official flags of all governmental and civic/fraternal organizations.
7. Construction signs when conforming to the conditions set forth under Section 1185.04 F.2.
8. Incidental signs for businesses like automobile services, gasoline service stations, automobile dealers with service repairs, motels and hotels provided that all of the following conditions exist: the signs are attached to a structure or building; the signs number no more than four (4) per street frontage, and no sign shall exceed an area per face of three (3) square feet. Copy applied to fuel pumps or dispensers such as fuel identification, station logo, and other signs required by law are permitted and not counted against the number allowed.
9. Directional signs provided that such signs are located on-site, have a maximum area which does not exceed three (3) square feet per sign, have a maximum overall height of four (4) feet above grade, and are mounted on a monument or pole. Such signs may be located in a required setback provided that a minimum distance of five (5) feet from any property line is maintained.
10. Garage and yard sale signs provided they conform to the regulations set forth in this Ordinance.

D. Prohibited Signs

The following signs are inconsistent with the sign standards established in this Chapter and are therefore prohibited. Permits cannot be issued for:

1. Abandoned signs after 90 days of meeting the abandoned sign definition. The property owner will be responsible for removal.
2. Animated, moving, flashing, blinking, reflecting, revolving or other similar signs, with the exception of permanently mounted Changeable Copy Signs and time and temperature displays as allowed in this Chapter.
3. Portable or A-Frame signs. For exceptions see Section 1185.04 F.7.
4. Roof signs
5. Signs placed in, or overhanging, the public right-of-way. Signs with exception are: governmental signs and informational signs authorized by the Planning Commission and in conformance with state or federal regulations. Such informational signs shall not exceed two and a half (2½) square feet in area and shall not be illuminated.
6. Signs designed or constructed to resemble or imitate highway or traffic control signs or signals.
7. Temporary signs, found not in conformance to the regulations set forth in this Ordinance. These signs may be confiscated by the Zoning Inspector, or his representatives, in addition to being subject to the conditions of Chapter 1199.
8. Windows signs when they are located in a residentially zoned district are larger than the allowable signage for that district or are illuminated.

E. Measurement Standards

The area of the sign is determined by the dimensions of the background structure, unifying background area, or by the maximum dimensions of the display area if posted on a common background. The following standards shall be used to determine the area and height measurements for all signs erected or posted within the City:

1. The area of a sign shall be computed by means of the smallest square, circle, rectangle, triangle, or combination thereof that will encompass the exterior display limits of a sign, but not including the supporting frame or bracing.
2. The area of a sign with more than one face shall be computed by adding together the area of all sign faces visible from any one point.
3. In the case of irregularly shaped three dimensional signs, the area of the display surface shall be measured on the plane of the largest vertical cross section.
4. The height of a sign shall be determined by measuring the vertical distance between the highest point of the sign to the ground elevation at the base of the sign. If mounding was used at the sign base, the ground elevation shall be determined as the average ground elevation of the developed site at the sign base prior to mounding.
5. The setback of a sign shall be measured from the vertical projection of the property line or street right-of-way line to the closest part of the sign.
6. Lots in B or M zones having frontage on more than one street shall have a maximum allowable sign area equal to twice that of its shortest frontage, not to exceed twice the maximum number of square feet otherwise allowed in the zone. These lots shall also be permitted twice the number of signs otherwise allowed in their zone; however, there shall be no increase in the number of free-standing signs allowed.

F. Fees

A schedule of fees for permits shall be established and amended from time to time by City Council.

1185.04

GENERAL REGULATIONS

A. Cross-corner Sight Restrictions:

No sign, or part of a sign structure wider than one (1) foot, shall be erected in the cross-corner line of sight between the heights of three (3) feet and eight (8) feet, as measured from the center lines of the relevant pavements, in the following locations:

1. At street intersections, within a triangle, two sides of which are measured from the point of intersection of the street rights-of-way, a distance of 40' parallel to the through street and a distance of 15 feet parallel to the stop street. At 4-way stops the distance shall be 40 feet parallel to each street.
2. At drives - within a triangle, two sides of which are measured from the point of intersection of the street right-of-way and the centerline of the drive, a distance of 50 feet parallel to the street, and a distance of 15 feet parallel to the centerline of the drive.

B. Distracting Signs:

Signs which have moving parts, replaceable letters, or changing illumination shall conform to the conditions listed within this Ordinance. See section 1185.03 D for restrictions on signs which use animation, flashing lights, shapes reserved for traffic control, and motion.

C. **Sign Illumination:**

All signs and advertising structures, except as hereinafter modified, may be illuminated internally or by reflected light; provided the source of light is not directly visible and is arranged to reflect away from the adjoining premises; and provided that such illumination shall not lead to confusion, or create a hazard to traffic, or conflict with traffic control signs or lights. An exception to the above is that signs illuminated with neon lighting are also allowed even though the light source is visible. See Section 1185.05 for districts where sign illumination is prohibited.

D. **Non-conforming Signs:**

All signs which are in existence on the effective date of this Ordinance shall be considered nonconforming uses and shall be subject to the following provisions:

1. No nonconforming sign shall have any changes made in the words, symbols or message displayed on the sign unless the sign is specifically designed for periodic change of message.
2. No nonconforming sign shall be structurally altered so as to change the shape, size, type or design of the sign, nor shall any nonconforming sign be relocated until it meets the requirements of this Chapter and receives a permit.

E. **Development or Subdivision Entry Signs:**

The conditions for the placement of permanent signs identifying a development or subdivision shall be set by review by the City Planning Commission. These conditions are to be forwarded to the Zoning Inspector by the Planning Commission for issuance of a permit.

F. **Temporary Signs:**

Temporary signs require a permit unless they are identified as not requiring a permit under Section 1185.03 C. All temporary signs, unless specifically identified under 1185.02, Definitions, shall be considered temporary commercial signs. The following regulations shall apply to temporary signs:

1. **Civic Event Signs:**

These signs shall be registered with the Zoning Inspector listing the organization responsible, a contact person, dates of posting, sign size, and location of sign. All posting periods and placements must receive approval of the Zoning Inspector. Any signs not receiving this approval shall be considered in violation of this Ordinance.

2. **Construction Signs:**

These signs shall be shown as part of the development's site plan. The number of signs, their location and sizes, shall be approved by the Zoning Inspector before installation. If conditions warrant, the Zoning Inspector may allow placement of the construction sign off-site. The posting of the sign(s) shall be limited to the construction period which begins one week before the actual work begins or with the ground breaking, whichever ever is first, to the conditional final acceptance by the owner.

3. **Development or Subdivision Signs:**

The conditions for the placement of these signs at a development or subdivision shall be set by review by the City Planning Commission. These conditions are to be forwarded to the Zoning Inspector by the Planning Commission for issuance of a permit.

4. **Real Estate Signs:**

Real estate signs are not allowed in public right-of-way areas. They are allowed a maximum area of 6 square feet in residential districts and 32 square feet in all other districts. One sales sign is allowed per property frontage. In addition, an open house sign is allowed for a week period prior to the open house date. Sales signs shall be removed from a property within one week of closing.

5. **Garage and Yard Sale Signs:**

These signs are to be posted only on private property. The signs shall not exceed 6 square feet in area. They shall be posted only the day of the sales. No signs shall be posted on any public utility or light poles.

6. **Temporary Commercial Signs:**

The Zoning Inspector, in accordance with the provisions herein, is authorized to issue permits for the erection and maintenance of temporary commercial signs. Such permit shall be issued for a period not to exceed fourteen (14) days, nor more frequently than once in each three month period for the same premises. Temporary commercial signs shall not be illuminated. No temporary signs containing commercial messages shall be permitted in residential districts. No permit shall be issued for aerial signs, or signs designed to be moved on trailer wheels, skids, or on other similar devices. The area, height and number of temporary commercial signs shall be determined by the requirements established in the regulations for each zoning district.

7. **In the B-2 district, if a property has a 12 feet or wider sidewalk, each business may have one (1) A-Frame sign, or similar type portable sign, provided all the following conditions are met:**

- a. The sign shall only be on display during business hours of the business if advertises.
- b. The sign shall not exceed 30 inches in width and 48 inches in height.
- c. The sign shall be placed on the sidewalk only with the approval of the owner of the front property, and
- d. Its nearest edge must be placed either a maximum of one (1) foot from the right-of-way line or between one (1) and one and a half (1.5) feet from the curb.
- e. Signs should be of a design that resists being moved or blown over by the wind. However, they shall not be attached to publicly owned sign

posts, hydrants, trees, etc. in the right-of-way.

1185.05

DISTRICT REGULATIONS

The following regulations shall apply to all signs, permitted and otherwise, according to each Zoning District.

A. S-1, R-1, R-2, R-3 and R-O DISTRICTS:

1. Lots used for dwellings of 10 or fewer units and their accessory uses:
 - a. The maximum total sign area shall not exceed six (6) square feet.
 - b. The minimum sign setbacks shall be as follows:
0 feet from all street right-of-way lines,
10 feet from all side property lines, and
10 feet from all rear property lines.
 - c. The maximum height of any freestanding sign shall be four (4) feet.
 - d. The maximum number of signs allowed shall be two (2), only one of which may be a freestanding sign.
 - e. Signs shall not be illuminated.
2. Lots having a primary use that is nonresidential and apartment complexes with more than 10 units:
 - a. The maximum total area of all permitted signs shall be equal to one (1') square foot of sign area for each four (4) feet of lot width, not to exceed a maximum of 50 square feet.
 - b. The minimum setbacks for all freestanding signs shall be as follows:
0 feet from all street right-of-way lines,
25 feet from all side property lines, and
25 feet from all rear property lines.
 - c. The maximum height of any freestanding sign shall be eight (8) feet.
 - d. The maximum number of signs allowed, regardless of the number of tenants, shall be two (2), only one of which may be a freestanding sign.
3. Signs identifying or marking subdivision developments shall be reviewed and approved by the Planning Commission as part of the subdivision review process. The Planning Commission shall set the number, size and location of these non-temporary development or subdivision signs.

B. B-1 GENERAL BUSINESS DISTRICT:

1. Lots used for dwellings of 10 or fewer units and their accessory uses:
 - a. The maximum total sign area shall be equal to 20 square feet.
 - b. The minimum sign setbacks shall be as follows:
0 feet from all street right-of-way lines,
10 feet from all side property lines, and
10 feet from all rear property lines.
 - c. The maximum height of any freestanding sign shall be 6 feet.
 - d. The maximum number of signs, which require a permit, shall be two (2), only one of which may be a freestanding sign.
2. Lots having a primary use that is nonresidential and apartment complexes with more than 10 units:
 - a. The maximum total area of all permitted signs shall be equal to 4 square feet of sign area for each one (1') foot of lot width, not to exceed a maximum of 200 square feet.
 - b. The minimum setbacks for all freestanding signs shall be as follows:
0 feet from all street right-of-way lines,
10 feet from all side property lines, and
10 feet from all rear property lines.
 - c. The maximum height of any freestanding sign shall be 25 feet.
 - d. The maximum number of signs, which require a permit, regardless of the number of tenants, shall be four (4), with only one freestanding sign allowed per abutting street.

C. B-2 CENTRAL BUSINESS DISTRICT

1. Lots used for dwellings of 10 or fewer units and their accessory uses:
 - a. The maximum total sign area shall not exceed 20 square feet.
 - b. The minimum sign setbacks shall be as follows:
0 feet from all street right-of-way lines,
10 feet from all side property lines, and
10 feet from all rear property lines, except as provided in Section 1185.03 D. 5.
 - c. The maximum height of any freestanding sign shall be six (6) feet.
 - d. The maximum number of signs, which require a permit, shall be two (2), only one of which may be a freestanding sign.
2. Lots having a primary use that is nonresidential and apartment complexes with more than 10 units:
 - a. The maximum total area of all permitted signs shall be equal to 4 square feet of sign area for each one (1') foot of lot width, not to exceed a maximum of 100 square feet.
 - b. The minimum setbacks for all freestanding signs shall be as follows:
0 feet from all street right-of-way lines,
10 feet from all side property lines, and
10 feet from all rear property lines.
 - c. The maximum height of any freestanding sign shall be 25 feet.

- d. The maximum number of signs, which require a permit, regardless of the number of tenants, shall be four (4), with only one freestanding sign allowed per abutting street.

D. B-3 COMMUNITY SHOPPING DISTRICT

- 1. **Integrated Commercial Centers**
 - a. The maximum total area of all wall signs for any one business shall be equal to two (2) square feet of sign area for each one (1') foot of building width, not to exceed a maximum of 200 square feet.
 - b. The total area of any freestanding sign shall be 200 square feet.
 - c. The minimum freestanding sign setbacks shall be as follows:
0 feet from all street right-of-way lines,
50 feet from all side property lines, and
50 feet from all rear property lines.
 - d. The maximum height of any freestanding sign shall be 35 feet.
 - e. The maximum number of wall signs for any one business shall be two (2).
 - f. The maximum number of freestanding signs shall not exceed the number of abutting streets.
- 2. **Other lots in the B-3 district, including outlots of integrated commercial centers having their own street frontage and separate ownership:**
 - a. The maximum total area of all signs shall be equal to four (4) square feet of sign area for each one (1') foot of lot width not to exceed a maximum of 200 square feet.
 - b. The minimum setbacks for all freestanding signs shall be as follows:
0 feet from all street right-of-way lines,
10 feet from all side property lines, and
10 feet from all rear property lines.
 - c. The maximum height of any freestanding sign shall be 25 feet.
 - d. The maximum number of signs allowed, regardless of the number of tenants, shall be four (4), with only one freestanding sign.

E. M MANUFACTURING DISTRICT

- 1. The maximum total area of all signs shall be equal to two (2) square feet of sign area for each one (1') foot of lot width, not to exceed a maximum of 200 square feet.
- 2. The minimum setbacks for all freestanding signs shall be as follows:
0 feet from all street right-of-way lines,
20 feet from all side property lines, and
20 feet from all rear property lines.
- 3. The maximum height of any freestanding sign shall be 15 feet.
- 4. The maximum number of signs, which require a permit, regardless of the number of tenants, shall be four (4), with only one freestanding sign allowed per abutting street.

**CHAPTER 1199
VIOLATION, REMEDIES AND FEES**

1199.01 VIOLATION

Whenever a violation of this Zoning Ordinance occurs, or is alleged to have occurred, any person may file a written complaint to the Zoning Inspector. Such complaint shall state the cause or basis of the violation. The Zoning Inspector shall record the complaint, promptly investigate it and take the necessary action to resolve the complaint.

In addition, any person can pursue the other remedies by law to initiate appropriate action or proceedings to prevent, restrain, correct or abate such violation.

1199.02 NOTICE OF VIOLATION

The notice of any violation of the Zoning Ordinance shall be as follows:

- A. Whenever the Zoning Inspector determines that there is a violation of any provision of this Zoning Ordinance, a notice of such violation shall be issued. Such notice shall:
 - 1. Be in writing;
 - 2. Identify the violation;
 - 3. Include a statement of the reason or reasons why it is being issued and refer to the section of this Zoning Ordinance being violated; and
 - 4. State the time by which the violation shall be corrected.
- B. Service of notice of the violation shall be as follows:
 - 1. By personal delivery to the person or persons responsible, or by leaving the notice at the usual place of residence of the owner with a person aged sixteen (16) years or older; or
 - 2. By Certified Mail, addressed to the property owner of record on the County Auditor's records. Service shall be deemed complete when the fact of the mailing is recorded.
 - 3. By posting a copy of the notice form in a conspicuous place on the premises found in violation.

1199.03 REMEDIES

The following remedies shall apply to violations of the Zoning Ordinance:

A. Prohibitions

1. No person shall fail or refuse to comply with an order issued by the Zoning Inspector. A separate offense shall be deemed committed each day upon which a violation occurs or continues.
2. No person shall construct, modify, alter, use or occupy any structure or property in violation of the Celina Zoning Ordinance. A separate offense shall be deemed committed each day upon which a violation occurs or continues.

B. Penalties

1. Whosoever violates this section is guilty of a minor misdemeanor for each offense.
2. If, within one year of the date of the offense, the offender has been convicted of or pleads guilty to another violation of Section 1199.03(A) the offender is guilty of a misdemeanor of the third degree.

C. Civil Remedies For Violations

In case any building is located or is proposed to be located, erected, constructed, reconstructed, enlarged, changed, maintained or used, or any land is used or is proposed to be used in violation of the Zoning Ordinance or any amendment or supplement thereto, the Zoning Inspector, shall institute or any adjacent or neighboring property owner who would be specially damaged by such violation, in addition to other remedies provided by law, may institute injunction, mandamus, abatement or any other appropriate action, actions, proceeding or proceedings to prevent, enjoin, abate or remove such unlawful location, erection, construction, reconstruction, enlargement, change, maintenance or use.

1199.04

FEEES

The fees for all applicant costs incurred in this Chapter shall be established by City Council. Furthermore, no plan shall be accepted for filing and processing, as provided in this Chapter, unless and until a filing fee is paid to the City.

The applicant shall be responsible for the expenses incurred by the City in reviewing the plan or any modifications to the plan. Such expenses may include items such as the cost of professional services, including expenses and legal fees in connection with reviewing the plan, prepared reports, the publication and mailing of public notice in connection therewith, and any other reasonable expenses directly attributable thereon.

SECTION TWO

THAT, any city legislation such as, Ordinance 26-74-0, and all the amendments to it and its map, which are inconsistent with this Ordinance be hereby repealed.

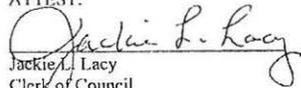
SECTION THREE

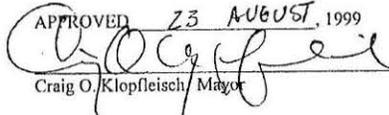
THAT, this ordinance shall become effective from and after the date of its approval and adoption, as provided by law.

Passed this 23 day of August, 1999.

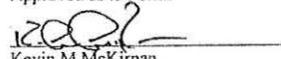

 William T. Sell, Council President

ATTEST:


 Jackie L. Lacy
 Clerk of Council

APPROVED 23 AUGUST, 1999

 Craig O. Klopfleisch, Mayor

Approved as to Form:


 Kevin M. McKirman
 City Law Director