CODIFIED ORDINANCES OF GAHANNA

PART ELEVEN - PLANNING AND ZONING CODE

TITLE ONE - Platting and Subdivisions

Chap. 1101. Title and Definitions.
Chap. 1103. Application, Fees and Permits, and Variances.
Chap. 1105. Preliminary and Final Plats.
Chap. 1106. Subdivision Without Plat.
Chap. 1107. Improvements.
Chap. 1108. Final Development Plan Procedure.
Chap. 1109. Standards.

TITLE THREE - Zoning

Chap. 1121. Title, Interpretation and Validity.
Chap. 1122. Intent and Purpose.
Chap. 1123. Definitions.
Chap. 1125. Administration.
Chap. 1127. Compliance, Enforcement and Penalty.
Chap. 1129. Zoning Certificates.
Chap. 1131. Variances.
Chap. 1133. Zoning or Rezoning.
Chap. 1135. Districts and Zoning Map.
Chap. 1136. ER-1 Estate Residential Districts.
Chap. 1137. ER-2 Estate Residential Districts.
Chap. 1139. SF-1 Residential Districts.
Chap. 1141. SF-2 Residential Districts.
Chap. 1143. SF-3 Residential Districts.
Chap. 1145. R-4 Residence Districts.
Chap. 1147. MR-1 Residential Districts.
Chap. 1149. AR Multi-Family Residence Districts.
Chap. 1150. Olde Gahanna District.
Chap. 1151. Planned Districts.
Chap. 1152. Overlay Districts.
Chap. 1153. General Commercial Districts.
Chap. 1154. Restricted Institutional District.
Chap. 1155. OCT Office, Commerce and Technology District.
Chap. 1157. Planned Industrial Park Districts.
Chap. 1159. Prohibited Land Use and Development.
Chap. 1161. Nonconforming Uses.
Chap. 1163. Parking Regulations.
Chap. 1165. Signs.
Chap. 1167. General Development Standards, Additional Use, Height and Area Regulations.
Chap. 1169. Procedure for Authorizing a Conditional Use.
Chap. 1171. Fences.
Chap. 1173. Residential Portable Temporary Storage Units and Construction Waste Receptacles.
Chap. 1175. Bed and Breakfast Inns.
Chap. 1177. Home Occupations.
Chap. 1179. Satellite Earth Station.
Chap. 1181. Personal Wireless Service Facilities.

TITLE FIVE - Flood Plain Zoning
Chap. 1191. Regulatory Flood Hazard Area.
Chap. 1193. Stormwater Management Policy.
Chap. 1195. Erosion and Sedimentation/Post Construction Runoff Control.

TITLE SEVEN - Design Review
Chap. 1197. Design Review.

CODIFIED ORDINANCES OF GAHANNA

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Chap. 1108. Final Development Plan Procedure.
Chap. 1109. Standards.

CHAPTER 1101
Title and Definitions

1101.01 Subdivision Ordinance.
1101.02 Definitions.
1101.03 Community park.
1101.04 Easement.
1101.05 Improvements.
1101.06 In-lieu fees.
1101.07 Landlocked.
1101.08 Lot.
1101.09 Mandatory land dedication.
1101.10 Neighborhood park.
1101.11 Open space.
1101.12 Park.
1101.13 Plat.
1101.14 Playfields.
1101.15 Playground.
1101.16 Recreation facility.
1101.17 Right of way.
1101.18 Subdivision.

CROSS REFERENCES
Plat and subdivision defined - see Ohio R.C. 711.001
Violations of rules and regulations; penalty - see Ohio R.C. 711.102
Zoning Ordinance definitions - see P. & Z. Ch. 1123

1101.01 SUBDIVISION ORDINANCE.

"Subdivision Ordinance" means Ordinance 50-61, passed November 20, 1961, as amended, which is codified as Chapters 1101 through 1109 of this Part Eleven Planning and Zoning Code. (Ord. 74-89. Passed 6-20-89.)

1101.02 DEFINITIONS.

(a) Certain words and phrases when used in this Subdivision Ordinance shall have the meanings described in this chapter. Words not particularly defined herein, shall be defined as found in the latest Illustrated Book of Development Definitions, 2004, by Harvey S. Moskowitz and Carl G. Lindbloom, published by Rutgers University. Words not particularly defined therein shall be defined as found in the Dictionary of Architecture and Construction, 2006, edited by Cyril M. Harris, published by McGraw Hill. Words not particularly defined therein shall be defined as found in Webster's New Universal Unabridged Dictionary.

(b) Except where specifically defined herein, all words used in this Zoning Ordinance shall carry their customary meanings. Words used in the present tense include the future; the plural includes the singular; the word "lot" means the word "plot" the word "shall" is intended to be mandatory; "occupied" or "used" shall be considered as though followed by the words "or intended, arranged or designed to be used or occupied".
(Ord. 0122-2007. Passed 6-18-07.)

1101.03 COMMUNITY PARK.

"Community park" means major community park providing recreational areas that are regional in scope, including a variety of active and passive recreational facilities, such as a community center, tennis courts and pool. (Ord. 74-89. Passed 6-20-89.)

1101.04 EASEMENT.

"Easement" means a grant of one or more of the property rights by the property owner to and/or for use by the public, a corporation, or another person or entity.
(Ord. 0147-2011. Passed 8-1-11.)

1101.05 IMPROVEMENTS.

"Improvements" means street pavements, with or without curb and gutter, sidewalks, water mains, sanitary and storm sewers.
(Ord. 74-89. Passed 6-20-89.)

1101.06 IN-LIEU FEES.

"In-lieu fees" means fees paid by a private individual or party to the City to compensate for the mandatory land dedication provisions of the Subdivision Regulations when such land dedication is determined to be inappropriate or unacceptable as per the requirements of the City Subdivision Regulations. (Ord. 74-89. Passed 6-20-89.)

1101.07 LANDLOCKED.

"Landlocked" means any parcel of land which is not abutting to a dedicated public right of way or easement abutting a dedicated public right-of-way.
(Ord. 0147-2011. Passed 8-1-11.)

1101.08 LOT.

"Lot" means a portion of a subdivision or other parcel of land intended as a unit for transfer of ownership. (Ord. 74-89. Passed 6-20-89.)

1101.09 MANDATORY LAND DEDICATION.
"Mandatory land dedication" means a municipal requirement that privately owned land is dedicated to the City for the purpose of providing space for park, recreational and open space facilities and activities. (Ord. 74-89. Passed 6-20-89.)

1101.10 NEIGHBORHOOD PARK.
"Neighborhood park" means a medium-sized park providing facilities for adjacent residential areas, such as picnic facilities, limited playfields for sports and children's play areas. (Ord. 74-89. Passed 6-20-89.)

1101.11 OPEN SPACE.
"Open space" means any parcel or area of land or water essentially unimproved and set aside, dedicated, designated or reserved for public or private use or enjoyment, or for the use and enjoyment of owners and occupants of land adjoining or neighboring such open space.
(Ord. 74-89. Passed 6-20-89.)

1101.12 PARK.
"Park" means a publicly owned tract of land designated and used by the public for active and passive recreation. (Ord. 74-89. Passed 6-20-89.)

1101.13 PLAT.
"Plat" means a map of a tract or parcel of land.
(Ord. 74-89. Passed 6-20-89.)

1101.14 PLAYFIELDS.
"Playfields" means parks dedicated for active recreational activity, such as soccer, baseball, softball and football. (Ord. 74-89. Passed 6-20-89.)

1101.15 PLAYGROUND.
"Playground" means a small park oriented to the immediate residential area and providing facilities such as children's play areas and small fields.
(Ord. 74-89. Passed 6-20-89.)

1101.16 RECREATION FACILITY.
"Recreation facility" means a place designated and equipped for the conduct of sports, leisure time activities, and other customary and usual recreational activities.
(Ord. 74-89. Passed 6-20-89.)

1101.17 RIGHT OF WAY.
"Right of way" means (1) a strip of land acquired by reservation, dedication, prescription, or condemnation and intended to be occupied by a street, crosswalk, railroad, electric transmission lines, oil or gas pipeline, water line, sanitary storm sewer, or other similar uses; (2) generally, the right of one to pass over the property of another (easement.)
(Ord. 0147-2011. Passed 8-1-11.)

1101.18 SUBDIVISION.

"Subdivision" means the division of any parcel of land shown as a unit or as contiguous units on the last preceding tax roll, into two or more parcels, sites or lots, any one of which is less than five acres for the purposes, whether immediate or future, of the transfer of ownership, provided, however, that the partition of land into parcels of more than five acres not involving any new streets or easements of access, and the sale or exchange of parcels between adjoining lot owners, where such sale or exchange does not create additional building sites, shall be exempted; or the improvement of one or more parcels of land for residential, commercial or industrial structures or groups of structures involving the division or allocation of land for the opening, widening or extension of any street or streets, except private streets serving industrial structures, the division or allocation of land as open spaces for common use by owners, occupants or lease holders or as easements for the extension and maintenance of public sewer, water, storm drainage or other public facilities.

(Ord. 74-89. Passed 6-20-89.)

CHAPTER 1103
Application, Fees and Permits, and Variances

1103.01 Application to city or charter government.
1103.02 Fees and permits.
1103.03 Variances from dimensional standards and improvement requirements.

CROSS REFERENCES
Violations of rules and regulations; penalty - see Ohio R.C. 711.102
Improvements - see P. & Z. Ch. 1107
Standards - see P. & Z. Ch. 1109
Zoning variances - see P. & Z. Ch. 1131, Ch. 1191

1103.01 APPLICATION TO CITY OR CHARTER GOVERNMENT.

All references in this Subdivision Ordinance to officers or departments existing under Municipal government shall also refer to those officials or departments succeeding to the same or similar function under city or charter government.
(Ord. 50-61. Passed 11-20-61.)

1103.02 FEES AND PERMITS.

(a) Any person desiring to do or to cause to be done any work for any platting or subdivision item for which a fee is required by the Development Fee Schedule set forth in Section 148.12 in Part One of These Codified Ordinances, shall obtain a permit with the Division of Building and Zoning Regulation prior to commencement of such work, exempting any waivers of permits contained in this chapter.

(b) Any person desiring to do or to cause to be done any work for which a permit is required by the Subdivision Ordinance shall, at the time the permit is issued, pay all required fees as established in the Development Fee Schedule and comply with all requirements set forth in Section 148.12 in Part One of These Codified Ordinances.
(Ord. 0122-2007. Passed 6-18-07.)

1103.03 VARIANCES FROM DIMENSIONAL STANDARDS AND IMPROVEMENT REQUIREMENTS.

In cases where it is deemed that hardships, topography or other factual deterrent conditions prevail, variations and exceptions from the dimensional standards and improvement requirements as set forth in this Subdivision Ordinance may be recommended by the Planning Commission, but must be approved by Council. (Ord. 0122-2007. Passed 6-18-07.)

CHAPTER 1105
Preliminary and Final Plats

1105.01 Preapplication conference.
1105.02 Preliminary plat filing.
1105.03 Preliminary plat approval.
1105.04 Final plat filing.
1105.05 Final plat approval.
1105.06 Action by Council.
1105.07 Acceptance of dedicated improvements.
1105.08 Landlocked parcels prohibited.
1105.09 Action by land owner.
1105.10 Development of land within plat.
1105.11 Sale of land within plat.
1105.12 Revision of plat after approval.

CROSS REFERENCES

Plat and contents - see Ohio R.C. 711.01 et seq.
Plat acknowledgment and recording - see Ohio R.C. 711.06
Violations of rules and regulations; penalty - see Ohio R.C. 711.102
Approval without plat - see Ohio R.C. 711.131

1105.01 PREAPPLICATION CONFERENCE.

(a) An owner of land desiring to subdivide or develop that land, should schedule a pre-application conference to discuss the concept of a proposed development with the Planning and Zoning Administrator. The developer should bring a sketch of the site plan to the conference for review and discussion. The conference shall be considerred confidential between the developer and City officials.

(b) The sketch plan need not be drawn to scale, but shall include those requirements as provided in Section 1105.02, and shall be presented to the Planning staff before a preliminary plat is filed. The plan will facilitate discussion and understanding and could possibly serve to avoid conflicts with the development standards in the Planning and Zoning Code.
(Ord. 0147-2011. Passed 8-1-11.)

1105.02 PRELIMINARY PLAT FILING.

The owner of land who desires to subdivide it shall submit 10 copies of the preliminary plat with a completed application form as prescribed by the Planning and Zoning Administrator to the Planning and Zoning Administrator.

Upon the filing of a plat with the Planning and Zoning Administrator, it shall be examined to determine whether or not it complies with the requirements listed in this section and shall then be referred to the City Engineer for the examination of the plat. If the plat does not meet requirements of the Planning and Zoning Administrator or the City Engineer, the Planning and Zoning Administrator shall return it to the owner with instructions, who shall revise and refile it.

The owner shall pay a fee as established in the Development Fee Schedule set forth in Section 148.12 in Part One of These Codified Ordinances.

(a) The preliminary plat shall contain the following:
- (1) Scale: Minimum - one inch equals 100 feet.
- (2) The proposed name of the subdivision.
- (3) Key map showing location within the Municipality.
- (4) Names and addresses of owners, developers and the surveyor who made the plat.
- (5) Date.
- (6) North point.

(b) The following existing conditions shall be shown:
- (1) Boundary lines and approximate acreage included.
- (2) Locations, widths and names of all existing or prior platted streets or alleys, railroad and utility rights of way, parks and public open spaces, permanent buildings and structures, all section and corporation lines within or adjacent to the tract.
- (3) Existing sewers, water mains, culverts and other underground facilities within the tract, indicating pipe sizes, elevations, grades and locations.
- (4) Names of adjacent subdivisions and owners of adjoining parcels of unsubdivided land with deed book and page number.
- (5) Boundary lines of adjacent tracts of unsubdivided and subdivided land.
- (6) Existing zoning restrictions.
- (7) Existing contours, with intervals of five feet where the slope is greater than ten percent, and not more than two feet where the slope is less than ten percent. Elevations to be based on sea level datum.
- (8) Drainage channels, wooded areas, watercourses and other significant physical features.
- (9) All easements.

(c) The following proposed conditions shall be shown:
- (1) Layout of streets and right-of-way widths.
- (2) All public easements.
- (3) Layout, numbers, dimensions and square footage of lots.
- (4) Parcels of land intended to be dedicated or temporarily reserved for public use, and proposed method of maintenance and control of same.
- (5) Building setback lines shown graphically, with dimensions.
- (6) Indication of any lot on which a use other than residential is proposed by the owner.
- (7) Names of new streets shall not duplicate names of any existing dedicated street within Franklin County and/or its incorporated areas.
- (8) New streets which are extensions of or in alignment with existing streets shall bear the names of the existing streets of which they are extensions or with which they are in alignment.

(9) All new streets shall be subject to the approval of the Planning Commission and shall be named in the following manner:

General Direction	Over 1,000 Feet in Length	Under 1,000 Feet in Length
North and south	Streets	Places
East and west	Avenues	Courts
Diagonal	Roads	Ways
Curving	Drives	Circles

(d) In addition to the aforementioned requirements, the developer shall submit a written statement that shall include:

(1) The impact, if any, of the proposed development on area drainage and other lands at lower elevations in the vicinity.

(2) Postulated impact of his development on area traffic loads and fire protection capability.

(3) Copies of any and all proposed deed covenants, deeds of right of way and deeds of easement.

(4) All soil and water management measures necessary to prevent excessive soil erosion and sedimentation during and after development shall be presented. Such measures shall be presented in accordance with a detailed plan for control of erosion and sedimentation unless there has been a prior determination by the City Engineer that such measures are not necessary.

(e) An environmental plan as prescribed in Section 1109.12 is required with the application. (Ord. 0147-2011. Passed 8-1-11.)

1105.03 PRELIMINARY PLAT APPROVAL.

(a) When a preliminary plat complying with all applicable requirements of the Planning and Zoning Code contains all information required under Section 1105.02 and is accepted by the Planning and Zoning Administrator, the application for preliminary plan approval with staff comments and administration recommendations shall be forwarded within thirty days of acceptance by the Planning and Zoning Administrator to the Planning Commission for action. Upon forwarding the application to the Commission, the preliminary plat and supplemental materials pertaining thereto shall be considered a matter of public record.

(b) An application for preliminary plat approval which would result in one or more lots, parcels or public ways being in noncompliance with the Planning and Zoning Code shall not be forwarded by the Planning and Zoning Administrator for consideration by the Commission until final determination has been made on all required variances under the procedures established in Chapter 1103 or 1131. Nothing in this section shall preclude a variance application from being filed and considered in conjunction with a preliminary plat.

(c) The Commission shall hold a public hearing on an application for preliminary plat approval within thirty days of the receipt of the application, staff comments, and Council informal comments relative to park land dedication and administration recommendations from the Planning and Zoning Administrator.

(d) Before approving or denying an application for preliminary plat approval, the Commission shall hold at least one public hearing at which time the applicant shall present and explain the design concept of the proposed development; staff comments and administrative comments shall be made public; and the Commission shall receive any comments or concerns pertaining to the proposed development from the general public. Notice of such public hearing shall be published in one or more newspapers of general circulation within the City first at least fourteen days and second at least seven days in advance of the public hearing and shall state the place, time, date and purpose of such hearing. Further, the Clerk shall send notification by ordinary mail of the public hearing to the contiguous property owners of the area described in the preliminary plat. The failure of delivery of such notice shall not invalidate any such preliminary plat filing. The names and addresses of all property owners entitled to notice of the public hearing shall be furnished by the applicant.

(e) Drawings and related written material which fully describe the design concept and platting of the proposed development shall be filed by the applicant with the Planning and Zoning Administrator and the Clerk of Council prior to publication of the first notice of public hearing and shall be available for review and study by the general public until the time of such public hearing.

(f) After action by the Commission on an application for preliminary plat approval as provided for in this chapter, the Clerk shall record the action taken as follows:

(1) If the application was approved, three copies of the approved preliminary plat shall be stamped "Approved by Planning Commission in an Official Meeting Held (date) with the Following Additional Provisions: (List or attach any provisions or contingencies. If none, so note)" and shall sign same attesting to action taken.

(2) If the application was denied, three copies of the disapproved preliminary plat shall be stamped "Disapproved by Planning Commission in an Official Meeting Held (date) for the Following Reasons: (List or attach the specific reasons for denial)" and shall sign same attesting to action taken.

One copy of the signed preliminary plat shall be forwarded to the applicant, one to the Planning and Zoning Administrator, and one copy shall be retained in the permanent files of the Commission.

(g) Any approval of a preliminary plat shall be valid for a period of twelve months. An extension of time may be permitted by vote of Planning Commission for good cause shown. (Ord. 0147-2011. Passed 8-1-11.)

1105.04 FINAL PLAT FILING.

The owner of land proposed to be subdivided shall submit an application for final plat approval, the final plat drawing and related written material to the Planning and Zoning Administrator for review and acceptance. An application for final plat approval may not be submitted unless a preliminary plat for the proposed subdivision has been approved by the Planning Commission or is all or part of a planned development for which an outline development plan or an ROD (Residential Overlay District) has been approved by Council. The owner shall pay a fee, as established in the Development Fee Schedule set forth in Section 148.12 in Part One of These Codified Ordinances.

The final plat drawing shall be prepared on mylar film eighteen inches by twenty-four inches or twenty-four inches by thirty-six inches in size and at a minimum scale of one inch equals 100 feet. Multiple sheets may be used for plats of large areas. The final plat drawing shall contain and clearly show the following:

(a) Identification.
- (1) Name of proposed subdivision.
- (2) Key map showing location of proposed subdivision within the City.
- (3) Names and addresses of the land owners, developers, and design professionals involved with the proposed subdivision. If the land owner and/or developer is a corporation or partnership, the names and addresses of the principal corporate officers and/or partners must also appear on the final plat drawing.
- (4) Date.
- (5) North point.

(b) Survey and Engineering Data.
- (1) Boundary of plat based on an accurate traverse with angular and lineal dimensions.
- (2) True angle and distance to the nearest street intersection, accurately described on the plat.
- (3) Radii, internal angles, points of curvature, tangent bearings and lengths of all short dimensions.
- (4) All lot numbers and lines with accurate dimensions in feet and hundredths and bearings in degrees and minutes.
- (5) Accurate location of permanent monuments marking each boundary corner of the subdivision.
- (6) Accurate location, width and name of all streets and other public ways.
- (7) Minimum building setback lines along all streets and other public ways.
- (8) Accurate outlines and delineation of all drainage easements, floodway routing, flood hazard areas and other watercourses contained within or contiguous to the plat boundaries.
- (9) Accurate outlines and delineation of any areas to be dedicated or reserved for public use, with purposes indicated thereon, and of any area to be reserved by deed covenant for the common use of all property owners.
- (10) Any restrictions and covenants which are to be included as part of the deed to any lot within the subdivision plat or planned development.
- (11) Other information deemed necessary by the City Engineer or Planning Commission in order to fully describe any special conditions or circumstances affecting the proposed plat.

(c) Certification and Approval Provisions.
- (1) Certification by an Ohio registered surveyor that the plat represents a survey made by him or under his direction and that the monuments shown exist as designated or will be set following construction and that all dimensional and geodetic details are correct.
- (2) Notarized certification by the land owner as to adoption of the plat and the dedication to public use of the streets and other public ways shown on the plat. No private property shall extend into the dedicated right of way for any street or public way.
- (3) Space for approval by signature of the City Engineer.
- (4) Proper form for the approval of Planning Commission with space for the signature of the Chairman.
- (5) Space for approval by signature of the Mayor.

(6) Proper form for approval of the final plat by Council showing ordinance number and provision for signature by the Clerk of Council.

(7) Proper form for acceptance by Council of the dedication to public use of the streets and other public ways and provision for signature by the Clerk of Council.

(8) Space for transfer by the County Auditor and recording by the County Recorder with a statement indicating the expiration date of any or all approvals granted by the City relating to the final plat.

(d) Subdivision Entry Sign. If an entry sign is planned for the subdivision, the developer is required to submit a plan and design in conformance with Chapter 1165. (Ord. 0147-2011. Passed 8-1-11.)

1105.05 FINAL PLAT APPROVAL.

(a) When a final plat complying with all applicable requirements of the Planning and Zoning Code contains all information required under Section 1105.04 and is accepted by the Planning and Zoning Administrator, the application for final plat approval with the certificate of ability for stormwater management compliance issued by the City Engineer under Section 1193.01 shall be forwarded within thirty days of acceptance by the Planning and Zoning Administrator to the Planning Commission for action.

(b) An application for final plat approval which would result in one or more lots, parcels or public ways being in noncompliance with the Planning and Zoning Code shall not be forwarded by the Planning and Zoning Administrator for consideration by the Planning Commission until final determination has been made on all required variances under the procedures established in Chapters 1103 or 1131.

(c) An application for final plat approval on a development for which a waiver of stormwater runoff control has been requested under Section 1193.05 shall not be forwarded by the Planning and Zoning Administrator for consideration by the Planning Commission until final determination has been made on the requested waiver under the procedures established in Section 1193.05(e).

(d) The Planning Commission shall consider an application for final plat approval within twenty-three days of the receipt of the application and certificate of ability for stormwater management compliance from the Planning and Zoning Administrator.

(e) The Planning Commission shall review all submitted drawings and related written material which shall fully describe the final plat as proposed for development and shall recommend the final plat for approval by Council provided:

(1) The final plat as submitted is consistent and in conformity with the preliminary plat for the proposed development as approved under the provisions of Section 1105.03.

(2) The final plat as submitted is in full compliance with all provisions or requirements under Title Eleven of the Codified Ordinances of the City unless a variance for nonconformance with specified portions of the Codified Ordinances has been properly granted under the provisions of Chapters 1103 or 1131.

(3) The final plat as submitted is in full compliance with all conditions and contingencies specified by Planning Commission at time of preliminary plat approval unless one or more of such conditions or contingencies is rescinded by majority vote of Planning Commission in an official meeting.

The Planning Commission shall disapprove an application for final plat approval which is not in full compliance with the requirements stated above.

(f) After action by the Planning Commission on an application for final plat approval as provided for in this chapter, the Clerk shall record the action taken as follows:

(1) If the application was recommended for approval by Council, five copies of the recommended final plat shall be stamped "RECOMMENDED FOR APPROVAL BY PLANNING COMMISSION IN AN OFFICIAL MEETING HELD (date)" and shall sign same attesting to action taken. One copy of the signed final plat shall be forwarded to the Clerk of Council, one copy to the Director of Planning and Development, one copy to the City Engineer, one copy to the Planning and Zoning Administrator, and one copy shall be retained in the permanent files of the Planning Commission. The Clerk shall send the applicant written notification of Planning Commission action by ordinary mail.

(2) If the application was denied, three copies of the disapproved final plat shall be stamped "DISAPPROVED BY PLANNING COMMISSION IN AN OFFICIAL MEETING HELD (DATE) FOR THE FOLLOWING REASONS: (List or attach the specific reasons for denial)" and shall sign same attesting to action taken. One copy of the signed final plat shall be forwarded to the applicant, one to the Planning and Zoning Administrator, and one copy shall be retained in the permanent files of the Planning Commission.

(g) An application for final plat approval denied for cause by the Planning Commission may be revised by the applicant as necessary to correct the stated reasons for denial and resubmitted to the Planning and Zoning Administrator.
(Ord. 0147-2011. Passed 8-1-11.)

1105.06 ACTION BY COUNCIL.

(a) An application for final plat approval recommended to Council for approval by the Planning Commission shall be considered by Council within sixty days of receipt of such recommendation. Council shall approve such application unless it is determined that one or any of the following conditions exist:

(1) The granting of the application shall adversely affect the health and safety of persons living or working within the area of the proposed plat.

(2) The granting of the application shall be materially detrimental to the public welfare or injurious to property or improvements within the general area of the proposed plat.

(3) The granting of the application shall be contradictory to existing City development standards, zoning ordinances or the master development plan of the City.

(b) In the event an application for final plat approval is denied by Council the specific reasons for such action shall be documented and made a part of the permanent file.
(Ord. 0147-2011. Passed 8-1-11.)

1105.07 ACCEPTANCE OF DEDICATED IMPROVEMENTS.

(a) Council shall not accept dedication to public use of improvements required under Chapter 1107 until the City Engineer certifies in writing that all required improvements have been completed as follows:

(1) The installation of all sanitary sewers and inspections;
(2) The storm sewers and all appurtenances have been completed and inspected;
(3) All water lines have been installed and tested; and
(4) All street, curbs and base at a minimum have been completed.
(Ord. 174-90. Passed 10-16-90.)

(b) Upon certification of final completion of the streets, street lights, chlorination and other appurtenances, the City Engineer shall certify that the improvements are accepted, at which time the developer shall post a two-year maintenance bond and the performance bond shall be released.
(Ord. 0087-07. Passed 5-7-07.)

(c) The developer shall be required to provide a cash maintenance bond equal to five percent (5%) of the total cost of the street light installations. Such amount shall be deposited at the time energization is requested, and shall be used by the City to perform necessary repairs during the one-year developer maintenance period following energization and burn test. Should the amount be insufficient to cover all repairs required during this period, additional moneys shall be deposited. In the event that all funds are not expended, the unused balance shall be returned to the developer without interest.
(Ord. 174-90. Passed 10-16-90.)

1105.08 LANDLOCKED PARCELS PROHIBITED.

No application for preliminary or final plat approval shall be approved which would result in any parcel of land becoming or remaining landlocked.
(Ord. 104-90. Passed 6-19-90.)

1105.09 ACTION BY LAND OWNER.

When an application for final plat approval is approved by Council the land owner shall file and record the plat with the County Recorder within six months of the date of Council approval. Failure by the owner to properly record the plat within this time period shall cause the approvals by the Planning Commission and Council to become null and void.
(Ord. 104-90. Passed 6-19-90.)

1105.10 DEVELOPMENT OF LAND WITHIN PLAT.

(a) No permits for construction or improvements of any kind relating to the proposed development shall be issued by the City prior to approval of the application for final plat approval by Council.

(b) No construction or improvement work relating to the proposed development, including grading, which may affect the arrangement or alignment of public streets or other public improvements or may alter a natural water drainage course may be started prior to approval of the application for final plat approval by Council.

(c) No permit shall be issued by the City for construction of any structure within the proposed development until all improvements required to be dedicated to public use have been accepted by Council under the provisions of Section 1105.07.

(d) All platted subdivisions shall be marketed, promoted, advertised and identified using the name approved on the final plat and recorded at the Franklin County Court House.
(Ord. 174-90. Passed 10-16-90.)

1105.11 SALE OF LAND WITHIN PLAT.

(a) No lot, parcel or tract shall be transferred from the proposed development by reference to, exhibition of, or by the use of a plat of the proposed development prior to approval of the application for final plat approval by Council. The description of such lot, parcel or tract by metes and bounds in the instrument of transfer or other documents used in the process of selling or transferring shall not exempt the transaction from the provisions of this section.

(b) No conveyance shall be made of any lot, parcel or tract smaller in frontage or area than indicated on the plat except for the purpose of increasing the area of a contiguous lot, parcel or tract. (Ord. 104-90. Passed 6-19-90.)

1105.12 REVISION OF PLAT AFTER APPROVAL.

No modification or revision of any kind except for the addition of appropriate easements as approved by the City Engineer shall be made in or to a final plat approved by Council under the provisions of this chapter unless such modification or revision is first submitted to and accepted by the Planning and Zoning Administrator, recommended by the Planning Commission and approved by Council.
(Ord. 0122-2007. Passed 6-18-07.)

CHAPTER 1106
Subdivision Without Plat

1106.01	**Application.**	**1106.06**	**Variance required.**
1106.02	**Fee.**	**1106.07**	**Landlocked parcels prohibited.**
1106.03	**Survey required.**	**1106.08**	**Certification of approval.**
1106.04	**Approval of application by Planning and Zoning Administrator.**	**1106.09**	**Action on applications to be recorded.**
1106.05	**Applications referred to Planning Commission.**	**1106.10**	**Appeal of denied applications.**

CROSS REFERENCES

Transfer of land before recording - see Ohio R.C. 711.13
Forfeiture for violation of statutes - see Ohio R.C. 711.15
Vacation of plats; procedure - see Ohio R.C. 711.39
Exception for division of unplatted tract; conveyance of tract portion lying along existing street - see Ohio R.C. 711.40
Violations of rules and regulations; penalty - Ohio R.C. 711.102
Approval without plat - see Ohio R.C. 711.131
Subdivision defined - see P. & Z. 1101.18

1106.01 APPLICATION.

Written application for a subdivision without plat shall be submitted to the Planning and Zoning Administrator who shall review such application for proper form and content. Upon acceptance of the application, the Planning and Zoning Administrator shall process the application in accordance with the provisions of this chapter.
(Ord. 0122-2007. Passed 6-18-07.)

1106.02 FEE.

Application fee for a subdivision without plat shall be as established in the Development Fee Schedule set forth in Section 148.12 in Part One of These Codified Ordinances.
(Ord. 0122-2007. Passed 6-18-07.)

1106.03 SURVEY REQUIRED.

A boundary survey prepared by an Ohio registered surveyor shall be submitted with each application for subdivision without plat. Such survey shall show:

(a) Boundary of proposed subdivision based on an accurate transverse with angular and lineal dimensions.

(b) Size of all lots within proposed subdivision with accurate dimensions in feet and hundredths with bearing in degrees and minutes.

(c) Exact location, width and name of all streets or other public ways contiguous to the proposed subdivision.

(d) Names of adjacent subdivisions and owners of adjoining parcels with boundary lines of adjacent tracts of unsubdivided and subdivided land.

(Ord. 0122-2007. Passed 6-18-07.)

1106.04 APPROVAL OF APPLICATION BY PLANNING AND ZONING ADMINISTRATOR.

An application for a subdivision without plat shall be approved by the Planning and Zoning Administrator without action by Planning Commission within seven working days of the application date provided the Planning and Zoning Administrator shall certify the resulting parcels are in full and complete compliance with all applicable provisions of the Planning and Zoning Code and the application is for a subdivision resulting in one of the following:

(a) The division or partition of land into parcels of five acres or more not involving any new streets, extension of existing streets or requiring new or extended easements of access; or

(b) Sale or exchange of parcels between adjoining land owners which does not create additional building sites or result in noncompliance of any of the resulting parcels with applicable zoning regulations.

All other applications for subdivision without plat shall be forwarded to the Commission for determination. (Ord. 0122-2007. Passed 6-18-07.)

1106.05 APPLICATIONS REFERRED TO PLANNING COMMISSION.

The Planning Commission shall act upon an application for subdivision without plat within twenty-one days after receipt of the application from the Planning and Zoning Administrator and shall approve such application provided:

(a) All lots of the resulting subdivision are contiguous to a dedicated public street right of way for such distance as is required by the applicable zoning category.

(b) No opening, widening or extension of any road, street or other public way is involved.

(c) No more than five lots are involved after the original tract is completely subdivided.

(d) The request for subdivision is not contrary to platting, subdividing or zoning regulations of the City.

An application for a subdivision without plat which is not in compliance with all of the above conditions shall be denied unless conditions by (a) through (d) are varied by Planning Commission. (Ord. 0147-2011. Passed 8-1-11.)

1106.06 VARIANCE REQUIRED.

An application for a subdivision without plat which would result in one or more parcels being in noncompliance with the Planning and Zoning Code shall not be considered until final determination has been made on all required variances under the procedures established in Chapter 1103 or 1131. (Ord. 0122-2007. Passed 6-18-07.)

1106.07 LANDLOCKED PARCELS PROHIBITED.

No application for subdivision without plat shall be approved by the Planning and Zoning Administrator or Planning Commission which would result in any parcel of land becoming or remaining landlocked.

(Ord. 0122-2007. Passed 6-18-07.)

1106.08 CERTIFICATION OF APPROVAL.

After approval by the Planning and Zoning Administrator or Planning Commission of an application for subdivision without plat as provided for in this chapter, the Clerk shall be authorized to accept the conveyance instrument of each parcel of land being transferred under the approved subdivision and stamp same "Approved by Planning and Zoning Administrator, City of Gahanna, Ohio; No Plat Required" or "Approved by Planning Commission, City of Gahanna, Ohio; No Plat Required" as applicable and shall sign same attesting to action taken.
(Ord. 0122-2007. Passed 6-18-07.)

1106.09 ACTION ON APPLICATIONS TO BE RECORDED.

(a) The Clerk shall maintain a record file of all applications for subdivision without plat including all action taken on each application.

(b) The Clerk shall advise the Commission of any application approved by the Planning and Zoning Administrator under the provisions of Section 1106.04 at the first regular meeting of the Commission following such approval action.
(Ord. 0122-2007. Passed 6-18-07.)

1106.10 APPEAL OF DENIED APPLICATIONS.

In the event of an application for subdivision without plat is denied by the Planning and Zoning Administrator or Planning Commission, the applicant may, within twenty calendar days of the date of denial, file a written appeal with the Clerk of Council. Such appeal shall be heard by the Board of Zoning and Building Appeals.
(Ord. 0122-2007. Passed 6-18-07.)

CHAPTER 1107
Improvements

1107.01 Required improvements.
1107.02 Inspection.
1107.03 Bond, fees and insurance.
1107.04 Construction drawings.

CROSS REFERENCES
Violation of rules and regulations - see Ohio R.C. 711.102
Improvements defined - see P. & Z. 1101.05
Variances from improvement requirements - see P. & Z. 1103.03
Standards for improvements - see P. & Z. Ch. 1109
Material standards - see S. & P.S. Ch. 915

1107.01 REQUIRED IMPROVEMENTS.

The owner of land who desires to develop it shall provide and pay the entire cost of improvements to such land as follows:

(a) Street improvements shall consist of grading the right of way for full width, construction of permanent curbing or roadway and construction of drainage structures and appurtenances. Two roof drain openings shall be provided in the curb for each lot and each drain shall not be more than four feet in from each side lot line, one on each side.
(b) Sanitary sewers, including manholes, services and all appurtenances.
(c) Water distribution system, including mains, services, valves, fire hydrants and all appurtenances.
(d) Sidewalks on both sides of the street, plus curbs and sidewalks on existing streets, if feasible.
(e) Storm sewers, including manholes, inlets and all appurtenances.
(f) Paved driveways, concrete or asphalt.
(g) Street lights in accordance with the specifications of Section 1109.11.

All phases of the improvement shall be approved by the City Engineer and shall be constructed in accordance with Municipal specifications.
(Ord. 0147-2011. Passed 8-1-11.)

1107.02 INSPECTION.

The construction of all improvements shall be inspected at the time of installation by the City Engineer. Under no circumstances are such installations to be made without an inspector on the job. The City Engineer shall be notified three days before any construction work is begun.
(Ord. 0122-2007. Passed 6-18-07.)

1107.03 BOND, FEES AND INSURANCE.

Before the approval of the final plat, the owner or developer shall agree in writing that, prior to construction of any street, he shall provide a bond acceptable to the Municipality, or a certified check, guaranteeing the completion of the street improvement and appurtenances within one year from the date of the agreement, or such time as may be agreed to by Council. The bond or check shall be in an amount equal to the estimated cost of constructing the street improvements, and as approved by the City Engineer. A maintenance bond in the amount of five percent (5%) of the preliminary estimated or final construction cost shall be provided for the maintenance period of two years, beginning with the date of acceptance of the improvements by Council, and certification of the final completion of the improvements and appurtenances by the City Engineer.

The City Engineer shall inspect the improvements after one year and the bond released after any deficiencies are corrected to the satisfaction of the City Engineer and all fees owed to the City by the owner or developer are paid.

The developer shall pay a record drawing retainage fee in the amount of one hundred dollars ($100.00) per acre. The amount shall be released at the time that the record drawings are submitted to the Department of Public Service and Engineering. In the event that record drawings are not submitted within ninety business days of the final inspection, the record drawings retainage fee becomes the property of the City. Shall the amount not cover the cost of record drawing production, additional expenses will be billed to the developer.

The developer shall be required to provide a cash maintenance bond equal to five percent (5%) of the total cost of the street light installations. Such amount shall be deposited at the time energization is requested, and shall be used by the City to perform necessary repairs during the one-year developer maintenance period following energization and burn test. Should the amount be insufficient to cover all repairs required during this period, additional moneys shall be deposited. In the event that all funds are not expended, the unused balance shall be returned to the developer without interest.

In lieu of a bond for sanitary sewer and water main improvements, the Municipality may accept private agreements for sanitary sewer and water main construction and maintenance. Such agreements shall be executed on forms approved and supplied by the Municipality.

Subject to the approval of Council, improvements may be constructed on an assessment basis. A petition in a form approved by the City Attorney, and bearing the signature of 100 percent (100%) of the property owners of the front footage abutting the proposed improvements, shall be prepared and submitted to Council for consideration.

The owner or developer shall, prior to construction, deposit with the City a sum of money, as prescribed by Council, to defray the cost of inspection, the engineering services provided, and any expense incurred by the Municipality due to the installation of the improvements and review of the plat and plans. Should the amount of such deposit be insufficient to pay the cost thereof, the owner or developer shall immediately, upon demand, deposit such additional sums as are estimated by the Director of Finance to be necessary. Upon completion and acceptance of the improvement, any unexpended balance remaining from such deposits shall be refunded.

The owner or developer shall hold the Municipality free and harmless from any and all claims for damages of every nature arising or growing out of the construction of such improvements, and shall defend, at his or their own cost and expense, each and every suit or action brought against the Municipality by reason thereof, until the improvement has been accepted by the Municipality and the developer notified in writing within thirty days. The owner or developer, at the time of commencing construction, shall furnish proof to the Municipality of liability insurance of not less than one million dollars ($1,000,000) each occurrence, one million dollars ($1,000,000) aggregate for bodily injury and one million dollars ($1,000,000) each occurrence, one million dollars ($1,000,000) aggregate for property damage.

If any violation of, or noncompliance with any of the provisions and stipulations of this Subdivision Ordinance occurs, the Municipality shall have the right to stop the work forthwith and hold the bonding company responsible for the completion of the improvement or to use the certified check, or proceeds thereof, for such purpose.
(Ord. 0147-2011. Passed 8-1-11.)

1107.04 CONSTRUCTION DRAWINGS.

All construction drawings shall be on a horizontal scale of one inch to fifty feet and a vertical scale of one inch to five feet. The sheet size shall be twenty-two inches by thirty-six inches.

All drawings shall have the orientation of north, and lettering towards the top or to the right of the sheet, to coincide with the official street map of the City of Gahanna

Upon the approval and acceptance of all improvements, the original construction drawings for the improvements shall be revised to reflect the actual construction. All drawings, including the master grade plan, or reproductions thereof on mylar, shall become the property of the Municipality and shall be on file in the office of the City Engineer.

Within ninety business days after the Engineer's final inspection, record drawings shall be submitted to the Department of Public Service and Engineering. Record drawings are required to be submitted in electronic format as well as mylar form. All electronic record drawing information shall be contained on a technology approved by the City Engineer. The computer aided design (CAD) drawings shall have a drawing (.DWG) file type. A separate CAD drawing with all utilities shall be drafted in State Plane Coordinates. Private commercial developments shall include architectural building drawings in CAD. Sanitary and storm flow calculations should be included on the electronic format. They shall be made accessible through Microsoft Word and Excel. Consult with the City Engineer's office as to which release of the software is acceptable for storage. (Ord. 0147-2011. Passed 8-1-11.)

CHAPTER 1108
Final Development Plan Procedure

1108.01 General requirements.
1108.02 Pre-application conference.
1108.03 Final Development Plan filing.
1108.04 Action by the Planning Commission.
1108.05 Final Development Plan approval.
1108.06 Development and construction of plan.
1108.07 Fees for Final Development Plan.
1108.08 Revision of Plan after approval.
1108.99 Penalty.

CROSS REFERENCES
Zoning Certificates required - see P.& Z.1129.03
Variances: conditions and procedures - see P.& Z.1131.01 et seq.,1191.18
Flood Plain Zoning, conditional uses and variances - see P.& Z. 1191.06 et seq., 1191.18

1108.01 GENERAL REQUIREMENTS.

If a proposed development includes land that is zoned any of the districts established in this Zoning Code other than single family residential, the developer will be required to submit a Final Development Plan for Planning Commission approval. A final development plan is also required for conditional uses in any residential district except the Olde Gahanna Downtown Single Family Districts North and South. The Final Development Plan shall conform to all zoning requirements and conform to the goals and objectives established in the City's approved Land Use Plan, or other applicable studies. In addition, the following principles and standards shall be observed:

(a) Encourage the orderly and harmonious development of the area in a manner keeping with the overall character of the community.

(b) Every effort should be made to protect any adjacent residential areas from a potential nuisance created by a proposed commercial, industrial, or multi-family development.

(c) To the maximum extent practicable, development shall be located to preserve the natural features of the site, to avoid areas of environmental sensitivity, and to minimize negative impacts and alteration of natural features such as:

(1) Unique and/or fragile areas including wetlands.
(2) Significant trees or stands of trees.
(3) Lands within the 100 year flood plain.
(4) Steep slopes in excess of twenty percent (20%) as measured over a ten foot interval.
(5) Habitats of endangered plant materials or wildlife.

(d) The development shall be laid out to reduce cut and fill; to avoid unnecessary impervious cover; to prevent flooding; and to mitigate adverse effects of shadow, noise, odor, traffic, drainage and utilities on neighboring properties.

(e) The City Engineer, or Planning Commission may impose additional requirements regarding design and construction of the proposed development, including but not limited to streets, curbs, gutters, sidewalks and access.

(f) Proposed developments approved through Section 1152.02, Limited Overlay District, shall be required to submit a Final Development Plan that is in basic conformance with the plan submitted at the time of zoning approval.

(g) Proposed developments located in a Planned Commercial Center (PCC) Zoning District, shall follow the provisions of this chapter.

(Ord. 0147-2011. Passed 8-1-11.)

1108.02 PRE-APPLICATION CONFERENCE.

(a) An owner of land desiring to develop that land should schedule a pre-application conference to discuss the concept of a proposed development with the Planning and Zoning Administrator. The developer should bring a sketch of the site plan to the conference for review and discussion. The conference shall be considered confidential between the developer and City officials.

(b) This conceptual plan need not be full engineered drawings, but should include a majority of those requirements as provided in Section 1108.03, and shall be presented to the Planning staff before a Final Development Plan is filed. The plan will facilitate discussion and understanding and could possibly serve to avoid conflicts with the development standards in the Planning and Zoning Code. (Ord. 0122-2007. Passed 6-18-07.)

1108.03 FINAL DEVELOPMENT PLAN FILING.

The owner of land who desires to develop it shall submit ten copies of the Final Development Plan with a completed application form as prescribed by the Planning and Zoning Administrator.

Upon the filing of a Final Development Plan with the Planning and Zoning Administrator, it shall be examined it to determine whether or not it complies with the requirements listed in this section and then shall be referred to the City Engineer for review. If the plan does not meet requirements of the Planning and Zoning Administrator or the City Engineer, the Planning and Zoning Administrator shall return it to the owner with instructions, who shall revise and refile it.

(a) The Final Development Plan shall contain the following:
(1) Scale: Minimum - one inch equals 100 feet.
(2) The proposed name of the development, approximate total acreage, north arrow, and date.
(3) The names of any public and/or private streets adjacent to or within the development.

(4) Names and addresses of owners, developers and the surveyor who designed the plan.
(5) Vicinity map showing relationship to surrounding development and its location within the community.
(6) Natural features currently within proposed development, including drainage channels, tree lines, bodies of water, and other significant features.
(7) Current zoning district, building and parking setbacks.
(8) Proposed location, size and height of building and/or structures.
(9) Proposed driveway dimensions and access points.
(10) Proposed parking and number of parking spaces.
(11) Distance between buildings.
(12) List of adjacent property owners for notification.
(13) Reduced site plan suitable for showing on an overhead projector.
(14) Any other information the Planning Commission may deem to be necessary to evaluate the application. These items can include such things as elevations, traffic studies, floor plans, etc.

(b) In addition to the aforementioned requirements, the developer shall submit a table of development calculations. This table shall include:
(1) Parking calculations: (square footage of proposed buildings, number of spaces per square foot, number of spaces required, and actual number of spaces proposed).
(2) Lot coverage calculations: (square footage of site, area of permanently impervious surfaces broken down into buildings and parking, area of uncovered land, coverage requirements, proposed lot coverage).
(3) Setback calculations, (if needed).
(4) Landscaping calculations: (square footage of pavement, proposed area of landscaping, square footage of landscaping, number of two-inch caliper trees required, and number of trees proposed).
(Ord. 0147-2011. Passed 8-1-11.)

1108.04 ACTION BY THE PLANNING COMMISSION.

(a) When a Final Development Plan complying with all applicable requirements of the Planning and Zoning Code contains all information required under Section 1108.03 and is accepted by the Planning and Zoning Administrator, the application for Final Development Plan approval with staff comments and administration recommendations shall be forwarded within thirty days of acceptance by the Planning and Zoning Administrator to the Planning Commission for action. Upon forwarding the application to the Commission, the Final Development Plan and supplemental materials pertaining thereto shall be considered a matter of public record.

(b) An application for Final Development Plan approval which is not in compliance with the Planning and Zoning Code shall not be forwarded by the Planning and Zoning Administrator for consideration by the Commission until final determination has been made on all required variances under the procedures established in Chapter 1103 or 1131.

(c) The Commission shall hold a public hearing on an application for Final Development Plan approval within thirty days of the receipt of the application, staff comments and administration recommendations from the Planning and Zoning Administrator.

(d) Before approving or denying an application for Final Development Plan approval, the Commission shall hold at least one public hearing at which time the applicant shall present and explain the design concept of the proposed development; staff comments and administrative comments shall be made; and the Commission shall receive any comments or concerns pertaining to the proposed development from the general public. Notice of such public hearing shall be published in one or more newspapers of general circulation within the City at least seven days in advance, of the public hearing and shall state the place, time, date and purpose of such hearing.

Further, the Clerk shall send notification by ordinary mail of the public hearing to the contiguous property of the area described in the Final Development Plan. The failure of delivery of such notice shall not invalidate any such Final Development Plan filing. The names and addresses of all property owners entitled to notice of the public hearing shall be furnished by the applicant.

(e) Drawings and related written material which fully describe the design concept and platting of the proposed development shall be filed by the applicant with the Planning and Zoning Administrator prior to publication of the first notice of public hearing and shall be available for review and study by the general public until the time of such public hearing.
(Ord. 0147-2011. Passed 8-1-11.)

1108.05 FINAL DEVELOPMENT PLAN APPROVAL.

(a) The Planning Commission shall hold a public hearing and act on a Final Development Plan in one of the following ways:

(1) Approval. The Planning Commission shall approve an application for a Final Development Plan if the following four conditions are met:

A. The proposed development meets the applicable development standards of this Zoning Ordinance.

B. The proposed development is in accord with appropriate plans for the area.

C. The proposed development would not have undesirable effects on the surrounding area.

D. The proposed development would be in keeping with the existing land use character and physical development potential of the area.

(2) Approval with modification. The Commission may approve, with modification, an application for a Final Development Plan if the proposed use meets the applicable development standards of the zoning district, but plan modification is required:

A. To be in accord with the appropriate plans for the area; and

B. To prevent undesirable effects on adjacent property and the surrounding area.

Such modification may include but not be limited to a limitation on the extent or intensity of development, a requirement for additional screening by fence or landscaping, a change in the method or plan for lighting, time limits as to the length of time the use may be permitted to exist, control of access or other conditions of development as may be required to meet the applicable development standards of the zoning district. Requirements regarding the modification of plans or other appropriate actions shall be stated with the reasons for each requirement.

(3) Disapproval. The Commission may disapprove an application for a Final Development Plan for any one of the following reasons:

A. The proposed development does not meet the applicable development standards of this Zoning Ordinance.

B. The proposed development is not in accord with appropriate plans of the area.

C. The proposed development will have undesirable effects on the surrounding area.

D. The proposed development is not in keeping with the existing land use character and physical development potential of the area.

(b) After action by the Commission on an application for Final Development Plan approval as provided for in this chapter, the Clerk shall mail to the applicant a record of action taken which shall contain the motion as approved by the Planning Commission.

(c) Any approval of a Final Development Plan shall be valid for a period of twelve months.
(Ord. 0147-2011. Passed 8-1-11.)

1108.06 DEVELOPMENT AND CONSTRUCTION OF PLAN.

(a) Absolutely no site work, earth moving or tree removal activities can begin without the following:

(1) An approved Final Development Plan.

(2) A Gahanna City Engineer approved Grading and Erosion Control Plan.

(3) All applicable Building, Zoning, Development, and Engineering fees paid in full.

(4) Site inspection of all erosion control measures, tree save fences, preservation zone fences, or other requirements as determined by the Planning Commission, Planning and Zoning Administrator, or City Engineer.

(5) Parkland dedication or fees in lieu are paid in full if applicable.

(6) Street Tree Plan submitted to Landscape Board for approval if applicable.

(b) Failure to comply with any of the above requirements of Section 1108.06 will result in penalties as stated in Section 1108.99.
(Ord. 0122-2007. Passed 6-18-07.)

1108.07 FEES FOR FINAL DEVELOPMENT PLAN.

The owner shall pay a fee at the time of submission of the Final Development Plan. The fee shall be as established in the Development Fee Schedule set forth in Section 148.12 in Part One of these Codified Ordinances.
(Ord. 0122-2007. Passed 6-18-07.)

1108.08 REVISION OF PLAN AFTER APPROVAL.

No modification or revision of any kind except for the addition of appropriate easements as approved by the City Engineer shall be made in or to a Final Development Plan approved by the Planning Commission under the provisions of this chapter unless such modification is first submitted and accepted by the Planning and Zoning Administrator, and approved by the Planning Commission. (Ord. 0122-2007. Passed 6-18-07.)

1108.99 PENALTY.

Violation of the provisions of Section 1108.06 or failure to comply with any of its requirements shall constitute a misdemeanor of the first degree. Any person, company, or contractor who violates Section 1108.06 or fails to comply with any of its requirements shall pay all costs and expenses involved in the case, including the costs of restoring the area to its original condition prior to the violation. Each day that the violation continues shall be considered a separate offense.

Any tree in excess of six inches in caliper that is removed from a site prior to Final Development Plan approval shall be replaced by the identical caliper size that is removed. Multiple trees can replace larger trees that are removed so long as the minimum caliper of the replacement tree is two and one-half inches.

Nothing herein contained shall prevent the City of Gahanna from taking such other lawful action as is necessary to prevent or remedy any violation. The City of Gahanna shall prosecute any violation of this chapter in accordance with the penalties stated herein.
(Ord. 132-96. Passed 8-6-96.)

CHAPTER 1109
Standards

1109.01 Standards in general.
1109.02 Streets.
1109.03 Sanitary sewers.
1109.04 Water distribution systems.
1109.05 Storm sewer systems.
1109.06 Lots and blocks.
1109.07 Drainage.
1109.08 Public areas.
1109.09 Street construction.
1109.10 Rights of way for connecting streets between subdivisions.
1109.11 Street lighting.
1109.12 Environmental plan.

CROSS REFERENCES

Violation of rules and regulations - see Ohio R.C. 711.102
Variances from dimensional standards - see P. & Z. 1103.03
Development standards for Planned Unit Development Districts - see P. & Z. 1151.15

1109.01 STANDARDS IN GENERAL.

Features of any proposed subdivision or development not specifically set out or provided for in this chapter shall be at least equal to the generally accepted good practice existing at the time such subdivision or development is proposed. Conformity to the applicable standards, not in conflict herewith, promulgated by the Mid-Ohio Regional Planning Commission, of which this Municipality is a contributing member, shall be deemed satisfactory compliance with this chapter. (Ord. 0147-2011. Passed 8-1-11.)

1109.02 STREETS.

(a) Streets shall be dedicated to public use by the owner. Minor residential streets shall be so designed as to discourage their use by nonlocal traffic. Except where necessitated by local conditions, alleys will not be approved in residential districts. Dead-end alleys are prohibited in all districts. Easements for utilities must be provided along side or rear lot lines, where possible. Street rights of way shall have the following minimum widths:

(1) Primary (includes Federal, State and County roads which are main arteries of access to the Municipality) 100 feet; an additional width of forty-five feet shall be provided to accommodate a service drive, wherever lots are to face a primary road.

(2) Secondary (next in importance as avenues of access between sections of the Municipality as opposed to commercial traffic and nonlocal traffic), eighty feet.

(3) Collector (within new subdivision), sixty feet.

(4) Minor (completely residential in nature), fifty feet.

(5) Cul-de-sac circles, a minimum diameter of 100 feet for right of way.
(6) Alleys, twenty feet.
(7) Easements, as required.

(b) Minimum pavement widths shall be as follows:
(1) Primary, variable as conditions may require.
(2) Secondary, thirty-six feet.
(3) Collector, thirty-two feet.
(4) Minor, twenty-six feet.
(5) Cul-de-sac circles, as approved by the City Engineer.
(6) Alleys, eighteen feet.
(7) Service drives, twenty feet.
(8) Sidewalks (residential), four-foot minimum width; (commercial), to be as approved by the Engineer.

(c) The maximum grades shall be:
(1) Primary streets, four percent.
(2) Secondary streets, five percent.
(3) Collector, minor streets and alleys, six percent.

The minimum grade for any street shall be one-half of one percent at the gutter, unless otherwise approved by the City Engineer. Street intersections shall be rounded by radii not less than twenty feet at the curb line. Sidewalks shall be located as approved by the Engineer.

All street construction and specifications for materials shall be in conformity with standards required by the Municipality.

The plans must bear the approval of the City Engineer and the Mayor. Places shall be provided for such signatures, including that of the Director of Public Service. The plans must be submitted to the Clerk of Council one week in advance of a regularly scheduled Council meeting. (Ord. 0122-2007. Passed 6-18-07.)

1109.03 SANITARY SEWERS.

(a) Plans and profiles of sanitary sewers shall be submitted to the Director of Public Service. All grades, pipe sizes, manholes and other appurtenances shall be shown and such installation and materials shall be in conformity with Municipal standards.

(b) Sewer plans must bear the approval of the Director of Public Service, the Water Resources Engineer, the City Engineer and the Mayor. Places shall be provided for such signatures, including that of the Director of Finance.
(Ord. 0147-2011. Passed 8-1-11.)

1109.04 WATER DISTRIBUTION SYSTEMS.

(a) Plans of proposed water distribution systems shall be submitted to the Director of Public Service one week in advance of a regularly scheduled meeting. All plans must show pipe sizes, locations of valves, fire hydrants and other appurtenances. Such installation and materials shall be in conformity with Municipal standards.

(b) Water distribution system plans must bear the approval of the City Engineer, the Water Resources Engineer, the Mayor and the Director of Public Service. Places shall be provided for such signatures, including that of the Director of Finance.
(Ord. 0147-2011. Passed 8-1-11.)

1109.05 STORM SEWER SYSTEMS.

(a) Proposed storm sewers, including grades, pipe sizes, manholes, inlets and appurtenances may be shown on the street improvement plans. The plans must be submitted to the City Engineer. Installation and materials shall be in conformity with Municipal standards.

(b) The owner or developer shall follow the recommendations of the City Engineer with regard to the proper method and direction of drainage storm water, following a review of the proposed plan of such drainage as submitted by the owner or developer or his engineer.

(c) The storm sewer plans, if not incorporated as part of the street improvement plans, must bear the approval of the City Engineer, the Water Resources Engineer, the Mayor and the Director of Public Service. Places shall be provided for such signatures, including that of the Director of Finance. (Ord. 0147-2011. Passed 8-1-11.)

1109.06 LOTS AND BLOCKS.

Every lot shall abut on a dedicated street. Double frontage lots shall be avoided. At the intersection of two streets, property line corners shall be rounded by an arc of a minimum ten-foot radius. Size, shape and orientation of residential lots shall be appropriate to the location of the proposed subdivision and for the types of development contemplated and in conformity with the Zoning Ordinance, with proper regard given yard areas, setback lines, etc. Excessive depth in relation to length shall be avoided. A proportion of two to one depth to frontage shall be normal for lots having a width of sixty feet or more. Depths in excess of three times the lot width are not recommended. Side lines of lots shall be approximately at right angles or radial to the street line. Corner lots shall have extra width sufficient to permit maintenance of building lines of both the front and sides of the lot. The maximum length of blocks may not exceed 1,800 feet, except where topographic conditions require longer blocks, nor shall they be less than 400 feet in length. Wherever blocks are longer than 900 feet, crosswalks or crosswalk easements not less than ten feet in width may be required near the center of the block, and Council may require that a sidewalk be constructed in accordance with the Municipal standards for sidewalk construction. The width of a block shall normally be sufficient to allow two tiers of lots of appropriate depth. Where frontage on a primary street is involved, the long dimension of the block shall front thereon, in order to minimize access intersections. (Ord. 50-61. Passed 11-20-61.)

1109.07 DRAINAGE.

(a) General. The Planning Commission shall not approve any subdivision having inadequate storm drainage or other physical drainage impairment, as determined by the City Engineer. In areas known to be subject to periodic floods, such drainage improvements must be made as to satisfy the aforementioned public officers, in order that the safety, health and welfare of the people will be protected.

(b) Protection of Drainage Courses. No natural drainage course shall be altered and no fill, buildings or structures shall be placed in it, unless provisions are made for the flow of water in a manner satisfactory to the City Engineer. An easement shall be provided on both sides of any existing important surface drainage course adequate for the purpose of protecting, widening, deepening, enclosing or otherwise improving such stream for drainage purposes.

(c) Lot Drainage. A master grade plan shall be prepared for all subdivisions and shall be presented to the Mayor for review and approval by the City Engineer. The grading plan shall show the existing topography, the proposed street grades and the proposed storm sewers with pipe sizes and grades. It shall also show the proposed elevation at each lot corner, the proposed finish grades at the house and shall delineate the method of rear yard drainage by showing proposed swales and direction of surface slope by arrows. The grading plan shall follow the standards established for such grading by the Federal Housing Administration.

Wherever possible, with exceptions being made where the topography of an area does not permit such grading practice, lots shall be graded from the rear lot line to the street. Where a lot abuts directly on two streets, the grade shall be from the corner of the lot which is diagonally opposed to the corner of the two streets on which the lot abuts. This regulation is included in a desire to reduce the amount of water standing in yards to a minimum. Therefore, where it is not possible to grade a lot in the prescribed manner, the owner or developer shall provide for the adequate drainage of any and all low areas and tie such drainage into and make it a part of the storm sewer system of the development and the Municipality, as directed by the City Engineer, with approval of such drainage subject to inspection by the Engineer along with the inspection of other storm sewer installations.
(Ord 50-61. Passed 11-20-61.)

(d) Gutters and Downspouts. All buildings and structures or appurtenances thereto erected within the Municipality shall be provided with gutters and downspouts for the purpose of collecting and channeling roof water from such buildings and structures.

(e) Conductors into Gutters, Storm Sewers. All water from sumps, sump pumps, gutters or downspouts, which water would flow by gravity over a public sidewalk or over adjacent property, shall be carried, by means of conductors, away from such adjacent property, beneath the sidewalk and through the curb outlets provided, into the gutter or storm sewer. If the curb outlets provided are not used or are not sufficient in number, any curb cuts made shall be drilled. (Ord. 12-68. Passed 2-5-68.)

(f) Garage Construction. Except upon written approval of the Director of Public Service, garage floors shall not be constructed less than twelve inches above the top of the curb elevation. (Ord. 0122-2007. Passed 6-18-07.)

1109.08 PUBLIC AREAS.

(a) Purpose. The City of Gahanna recognizes it is essential to the health, safety, and welfare of the residents of Gahanna and persons working in Gahanna, that the character and quality of the environment be considered of major importance in the planning and the development of the City. In this regard, the manner in which land is developed and used is of high priority. The preservation of land for park, playground, and public open space purposes as it relates to the use and development of land for residential, commercial/industrial purposes is essential to maintain a healthful and desirable environment for all citizens of the City. The City must not only provide these necessary amenities for our citizens today, but also be insightful to the needs of future citizens.

(1) It is recognized by the City of Gahanna that the demand for park, playground, and public open space within a municipality is directly related to the density and intensity of development permitted and allowed within any given area.

(2) This section is provided to assist land developers in understanding the procedures used to establish park land dedication and/or fees.

(b) Land Dedication.

(1) In every case where land is to be developed for residential use, the developer, as a prerequisite to the approval of the final plat or multiple family residential zoning change application, must convey or dedicate to the City of Gahanna a reasonable amount of the land to be subdivided for public use as parks, recreational facilities, trails, or wetlands. A subdivision without plat shall not be required to follow this section. A multiple family residential development shall be required to meet these requirements during the zoning change application process. The amount and type of land to be dedicated is determined through a process defined by this section of code. This is only a minimum, and the Gahanna City Council has the discretion to increase the amount of land to be so conveyed or dedicated based on the anticipated needs of the City that the proposed development will bring about.

(2) The City will have the option to require a developer to contribute an equivalent amount in cash based on the fair market value of the undeveloped land, within the proposed development at the time of approval of the final plat, or multiple family residential zoning, and such contribution will be in lieu of conveyance or dedication of land for public uses. Such cash payments will be placed in a special fund by the City and used only for the acquisition of land for parks, recreational facilities, playgrounds, trails, wetlands, or development of existing park and playground sites.

(c) Staff Evaluation of Land Dedication. The mandatory land dedication shall be evaluated by the appropriate City staff to determine whether such dedication is acceptable as appropriate sites for parks and recreational facilities. A three-tier process is to be used by the City in evaluating the proposed land dedication. A written report for each assessment shall be forwarded to the Planning Commission with the application.

(1) Needs assessment. An analysis shall be made to determine the estimated park, and recreation need that will be created by each proposed development. This analysis shall be prepared by the Planning and Zoning Administrator and conducted by the following process:

A. The amount of public parkland dedication required in a proposed development shall be a minimum of 0.5 acres and computed as follows:

1. Residential population in single family detached or attached units will be estimated by multiplying the number of proposed dwelling units by 2.99 persons per household;
2. Residential population in multi family units will be estimated by multiplying the number of proposed dwelling units by 1.615 persons per household:
3. Public parkland per individual: in determining the space required for public parkland in a proposed development, it shall require that .025 acres be dedicated per individual proposed to be housed in the new development based on the assumptions contained in paragraph 1 or 2 above.
4. Calculation for required public parkland dedication for each development.

a. For single family detached or attached units intended for individual ownership, the following formula shall be utilized:
(Number of lots) x (2.99 individuals/lot) x (.025 acres/individual) = dedicated acres.

b. For multi family developments generally intended for rental, the following formula should be utilized:
(Number of units) x (1.615 individuals/unit) x (.025 acres/individual) = dedicated acres.

5. The amount of public parkland required to be dedicated shall be capped and not to exceed 25% of the total number of acres being developed.

(2) Technical assessment. The following suitability and quality criteria shall be used to provide a technical assessment and recommendation relative to the appropriateness of proposed park, recreational and open space areas. The criteria to be used for this determination shall include, but not be limited to the following:

A. Suitability of soils and geology for the proposed use;
B. Suitability of topography and drainage for the proposed use;
C. Location and impact of federally-designated floodways and floodway fringe areas relative to the proposed use;
D. Extent of natural vegetation and tree cover, with the preservation of wooded areas a priority;
E. The adequacy of the distribution of proposed areas within the proposed subdivision;
F. The adequacy of the configuration of each proposed area; and
G. The degree and quality of access to areas for pedestrians and vehicles, where appropriate.

The Planning and Zoning Administrator and Director of Parks and Recreation shall conduct this technical review of the proposed land dedication areas using the above cited criteria. Each shall forward a separate written report, with recommendations, to the Planning Commission with the application.

(3) Policy assessment. The proposed land dedications shall be reviewed and compared with currently adopted policies, adopted plans, on-going programs and technical projections to determine the appropriateness of each proposed land dedication. The Parks and Recreation Board and the Director of Parks and Recreation shall each forward a separate written report, with recommendations, to the Planning Commission.

The criteria to be used for this assesment shall include, but not be limited to the following.

A. Land proposed to be dedicated for public purposes shall meet identified needs of the City as contained in the current parks and recreation Comprehensive Master Plan.
B. To be eligible for park dedication credit, land dedicated is to be located outside of drain ways, flood plains or ponding areas.
C. The dedicated public parkland may include waterways and ponds, provided the area of such waterways and ponds is not used to satisfy the amount of public parkland required in paragraph A. of this section.

(d) Review and Approval Process. Upon the filing and acceptance of an application for preliminary plat approval, the Planning and Zoning Administrator, shall initiate the staff evaluation procedure required under subsection (b) hereof, by forwarding a copy of the application, preliminary plat and other submitted documents, the Parks and Recreation Board and the Director of Parks and Recreation. Written assessment reports shall be forwarded to the Planning Commission within thirty days of the filing and acceptance of the preliminary plat application. If the Parks and Recreation Board, Director of Parks and Recreation, Planning and Zoning Administrator fails to file a written report within the thirty day period, such failure shall constitute a recommendation of approval of the developer's land dedication proposal.

The Planning Commission shall consider the preliminary plat, and the assessment reports from the Planning and Zoning Administrator, the Director of Parks and Recreation, and the Parks and Recreation Board, and render a decision to approve or deny such preliminary plat and parkland dedication within thirty days of receipt of the assessment reports.

All standards and requirements under Section 1105.02 and 1105.03 shall apply, except where superseded by this section.

Nothing in this section shall preclude a developer from presenting the land dedication proposals at the pre-application stage, pursuant to Section 1105.01, and for the informal review of such land dedication with the Planning Commission and City Officials prior to submission of an application for preliminary plat approval.

Approval of a preliminary plat shall be valid for a period of twelve months, pursuant to Section 1105.03(g).

The owner of land proposed to be subdivided shall submit an application for final plat approval pursuant to Section 1105.04, wherein the land dedication details shall be presented. Such final plat, including the land dedication arrangement, as approved by the Planning Commission as part of the preliminary plat approval, shall be reviewed in accordance with the procedures under Section 1105.05.

Nothing contained within this section shall preclude Council from accepting a portion of the developer's proposed land dedication and requiring fees-in-lieu of dedication for the remainder of the proposed dedication.

Mandatory land dedications may be waived by Council when Council has adopted a motion establishing a priority for the payment of in-lieu fees, instead of accepting land dedications during a specified period of time. Such in-lieu fees, as stated in this motion, shall be designated for a specific community-wide park, recreational or open space project, as stated in the motion, and placed in a specially designated fund, to be titled in the motion. Such community-wide project shall benefit the current and future residents of any platted subdivision of which the developer has expended in-lieu fees under this motion.

Nothing in this section or any other section shall preclude developers from transferring to the City land dedications for park, recreational sites or expending in-lieu fees in excess of the mandatory requirements of this section.

(e) Fees for Unacceptable Dedication. Proposed land dedication areas that are not acceptable to the City, as determined by the Planning Commission and Council, as sites for parks and recreational facilities, shall not be dedicated to the City and fees-in-lieu of dedication shall be paid in place of the dedication.

Proposed dedicated land areas shall be determined to be unacceptable to the City, based upon the assessment reports, and Planning Commission action, on an application for preliminary plat approval or zoning change. The unacceptability of land dedications may also be determined during the final plat approval process if unknown or changing circumstances have impacted the approved preliminary plat. At the time of preliminary plat approval, or at the time of final plat approval, the developer shall be instructed that a fee shall be required in lieu of any portion of the land dedication.

(f) Calculation of Fees In-Lieu of Land Dedication. A fee-in-lieu of land dedication shall be paid to the City for any land area that is not acceptable as a site for open space, parks and recreational facilities.

The in-lieu fees shall be based upon the average value per acre of the total gross site prior to construction or improvement of the proposed development for which an application for preliminary plat approval has been submitted. To calculate this estimate, the total value should be based on the fair market value of the underlying land, as determined by an appraisal. The appraisal shall be conducted, completed and submitted to the Planning and Zoning Administrator prior to final plat approval. The appraisal shall be prepared by a certified appraiser selected and paid for by the developer. Ten copies are required to be submitted.

(g) Use and Deposit of In-Lieu Fees. The City of Gahanna will maintain a separate fund into which all cash contributions received from owners or developers in lieu of conveyance or dedication of land for public use as parks, recreational facilities, playgrounds, trails, wetlands, or open space will be deposited and will make, from time to time, appropriations from such fund for acquisition of land for such purposes and uses, for developing existing parks, recreational facilities, playgrounds, trails, or wetlands.

(h) Area conveyed or dedicated hereunder may not be included by a developer as an allowance for purposes of calculating the density requirements of the development.

(i) Acceptance of Land Dedications and Fees In-Lieu of Land Dedications. Council shall not accept land dedications and/or payment of in-lieu fees required under this section until the Planning and Zoning Administrator has certified in writing that all required land dedication and fee payment requirements have been met by the developer as approved as a part of final plat requirements AND/or part of the zoning change process with an AR zoning application. The land dedication and payment of in-lieu fees required by this section shall be conveyed to the City following approval by Council for the final plat or multiple family residential zoning application, and within sixty (60) days of receiving notice of such approval by Council.

(j) Terms and Conditions.

(1) The removal of trees, topsoil, storage of construction equipment, burying of construction debris, or stockpiling of surplus is strictly forbidden on parkland to be dedicated without the written approval of the Director of Parks and Recreation.

(2) Neither a zoning certificate nor a building permit for construction or improvements of any kind shall be issued by the City for the subject development or property until such land dedications or payment of fees-in-lieu of land dedications are conveyed to and accepted by the City.

(3) Grading and utility plan, which may affect or impact the proposed parkland dedication, shall be reviewed and approved by the City Engineer and the Director of Parks and Recreation prior to dedication, or at such time as reasonably determined.

(4) Prior to dedication for public purpose, the developer shall deliver to the City Attorney, an abstract of title or registered property abstract for such dedication. Such title shall vest in the City good and marketable title, free and clear of any mortgages, liens, encumbrances, assessments and taxes. The conveyance documents shall be in such form acceptable to the City.

(k) Park Fee. A park fee shall be paid to the City by the developer in the case of platted residential subdivisions.

Such park fee shall be as established in the Development Fee Schedule set forth in Section 148.12 in Part One of these Codified Ordinances. Such fee shall be collected prior to the issuance of building permits and deposited in a special fund entitled Park Fund.

Such funds shall be expended by the City for the improvement of recreational facilities within existing publicly owned and operated park facilities and the purchase of recreational equipment. Such funds shall not be used for the maintenance and operation expenses incurred by the Parks Department in the daily operation of park facilities.
(Ord. 0093-2008. Passed 4-21-08.)

1109.09 STREET CONSTRUCTION.

(a) Henceforth the minimum requirements for residential streets in the Municipality shall be as shown on Standard Construction Drawings on File in the Office of the City Engineer.
(Ord. 41-62. Passed 12-3-62.)

(b) In addition to the specifications for the construction of public streets in the Municipality now found in subsection (a) hereof, henceforth it shall be lawful to build public streets in the Municipality in accordance with the specifications now in force for the building of public streets in the City of Columbus, Ohio, so long as such specifications are determined by the City Engineers to be of a higher type construction than the specifications approved by the Municipality in subsection (a) hereof.
(Ord. 0122-2007. Passed 6-18-07.)

1109.10 RIGHTS OF WAY FOR CONNECTING STREETS BETWEEN SUBDIVISIONS.

(a) Certain special standards will apply on streets designated by the Planning Commission and/or the City Thoroughfare Plan as being connecting streets between subdivisions.

(b) The minimum right of way for such streets will be sixty feet.

(c) The minimum pavement width for such streets will be thirty-six feet.
(Ord. 7-74. Passed 2-19-74.)

1109.11 STREET LIGHTING.

The Director of Public Service shall cause to be prepared and designed, specifications for street lighting in accordance with the following standards:

(a) Design and Layout. The design and layout for the street lighting, the underground wiring and other pertinent equipment to be used shall be designed by a registered engineer, and approved by the City Engineer.

(1) All energy lines leading to the light standard shall be underground in new developing subdivisions.

(2) All street lighting designs to be coordinated with the supplier of electric energy. Two drawings for each street lighting layout shall be submitted to the supplier of electric energy for record purposes.

(3) Street lights are to be installed in accordance with street lighting specifications of the City, which will be kept on file in the office of the City Engineer.

(4) The drawings and specification sheets for street light standards, luminaries, lamps and pedestal termination points will be available at the Office of the Director of Public Service.

(5) All connections to the supplier of electric energy secondary service locations shall be made by the supplier.

(b) Lights to be Installed before Acceptance. Any person, firm or corporation desiring a final acceptance of a street, shall before this final acceptance is granted, have the street lights installed and ready for use.

(c) Maintenance Responsibility of City. It shall be the responsibility of the City to secure and pay the cost of the energy for lighting and assume the maintenance costs of the installations following expiration of the developer's one full year of total maintenance.

(d) Damage to Distribution System. Any contractor or agent for the developer, while in the process of installing street lights, who damages the distribution system of electric energy supplier shall be liable for such damages and for any other cost as a result of such damages, and may charge and receive payment for such damages from the party responsible.

(e) Completion Bond Required. If conditions are such that street lights cannot be installed prior to the acceptance of the streets upon which these lights are to be installed, as required in subsection (b) above, the person, firm or corporation requesting acceptance of such streets shall deposit with the Director of Finance, an amount of cash or collectible funds, or performance bond in a form satisfactory to the City Attorney, equal to one and one-half times the estimated cost of the installation of these lights, as security for the installation of such lights which installation shall be completed within six months of the date of deposit of the funds or bond. Failure on the part of such person, firm or corporation to complete this installation within six months period shall be cause for the Director of Public Service to order the installation by such other contractor as he chooses and cause the cost of the installation to be paid from the funds or bonds so deposited. That portion of these funds not used for such installation shall be returned to the depositor at the completion and acceptance by the City of such street lighting installation.

(f) Easement for Energy Lines to Light Standards. The developer shall provide the necessary easement for street lighting. The City Engineer will coordinate with the developer where necessary, the easement leading to the electric lighting standard so that lighting may be properly spaced.

(g) Location for Plan. The location, in plan view, of the street lighting, shall be incorporated in the street, storm and water plan.

(Ord. 0147-2011. Passed 8-1-11.)

1109.12 ENVIRONMENTAL PLAN.

(a) An environmental plan shall be required to be submitted with the prelimimary plat. This plan is required so that all environmental concerns are evaluated before a development occurs and to ensure that the natural environment is protected.

Such environmental plan shall include, but not be limited to, the following items:

(1) Description of the general nature of the proposed action/development;

(2) Description of the existing environmental features on the property, such as woodlands, ravines, flood plains, streams, lakes, ponds and/or steep slopes;

(3) Description of the potential environmental impact of the action/development; and

(4) Description of alternatives and other proposed actions to avoid, minimize and mitigate any potential short-term or long-term adverse impacts.

(b) An impact statement is also required with the environmental plan. It shall include a statement of the short and long term direct and indirect impacts of the proposed development on natural features of the property including, but not limited to soils, geology, surface water and ground water, vegetation, wetlands, woodlands, wildlife, air, reflected or generated light, noise, historical areas and visual aesthetics.

(c) If conditions exist that the development may cause significant adverse impacts to the environment of the site or surrounding properties, the City may request the submission of a mitigation statement by the applicant that would become part of the environmental plan. This mitigation statement shall include the following:

(1) A plan showing the location of natural features that are to be disturbed and undisturbed.

(2) A plan showing the location of the proposed buffer zones and preservation zones that will alleviate the adverse impacts of the development.

(3) A statement which addresses the plans for mitigating the adverse environmental impacts. The replacement or restoration of areas which are considered to be environmentally significant shall be addressed. This replacement or restoration statement shall include type, size and amount of materials and/or vegetation.

(4) A statement which includes any other means by which the developer plans to lessen the environmental impacts.

(5) Any other items that may be requested by the City.

(d) The Planning Commission shall consider the environmental plan when deciding on the preliminary plat. (Ord. 100-93. Passed 7-6-93.)

TITLE THREE - Zoning

Chap. 1121. Title, Interpretation and Validity.
Chap. 1122. Intent and Purpose.
Chap. 1123. Definitions.
Chap. 1125. Administration.
Chap. 1127. Compliance, Enforcement and Penalty.
Chap. 1129. Zoning Certificates.
Chap. 1131. Variances.
Chap. 1133. Zoning or Rezoning.
Chap. 1135. Districts and Zoning Map.
Chap. 1136. ER-1 Estate Residential Districts.
Chap. 1137. ER-2 Estate Residential Districts.
Chap. 1139. SF-1 Residential Districts.
Chap. 1141. SF-2 Residential Districts.
Chap. 1143. SF-3 Residential Districts.
Chap. 1145. R-4 Residence Districts.
Chap. 1147. MR-1 Residential Districts.
Chap. 1149. AR Multi-Family Residence Districts.
Chap. 1150. Olde Gahanna District.
Chap. 1151. Planned Districts.
Chap. 1152. Overlay Districts.
Chap. 1153. General Commercial Districts.
Chap. 1154. Restricted Institutional District.
Chap. 1155. OCT Office, Commerce and Technology District.
Chap. 1157. Planned Industrial Park Districts.
Chap. 1159. Prohibited Land Use and Development.
Chap. 1161. Nonconforming Uses.
Chap. 1163. Parking Regulations.
Chap. 1165. Signs.
Chap. 1167. General Development Standards, Additional Use, Height and Area Regulations.
Chap. 1169. Procedure for Authorizing a Conditional Use.
Chap. 1171. Fences.
Chap. 1173. Residential Portable Temporary Storage Units and Construction Waste Receptacles.
Chap. 1175. Bed and Breakfast Inns.
Chap. 1177. Home Occupations.
Chap. 1179. Satellite Earth Station.
Chap. 1181. Personal Wireless Service Facilities.

CHAPTER 1121
Title, Interpretation and Validity

1121.01 Title.
1121.02 Interpretation.
1121.03 Validity.
1121.04 Effective date.

CROSS REFERENCES

Compliance with provisions required - see P. & Z. 1127.01
Amendments to Zoning Ordinance - see P. & Z. 1133.01 et seq.
Rules for intepretation of district boundaries - see P. & Z. 1135.04

1121.01 TITLE.

Title Three of Part Eleven - Planning and Zoning Code (Chapters 1121 through 1179) shall be known and may be cited and referred to as the Zoning Ordinance of the Municipality of Gahanna. (Ord. 0123-2007. Passed 6-18-07.)

1121.02 INTERPRETATION.

In interpreting and applying the provisions of this Zoning Ordinance, such provisions shall be held to be the minimum requirements for the promotion of public health, safety, convenience, comfort, prosperity and general welfare. Wherever the regulations of this Zoning Ordinance require a greater width or size of yards or open spaces, a lower height of building or less number of stories, a greater percentage of lot to be left unoccupied, a lower density of population, a more restricted use of land or impose other higher standards than are required in any other ordinance or regulation, private deed restriction or private covenant, the provisions of this Zoning Ordinance shall govern. However, if the requirements of the other ordinance, regulation, private deed restriction or private covenant is more restrictive, then those requirements shall govern.
(Ord. 4-58. Passed 4-29-58.)

1121.03 VALIDITY.

If any section, subsection, sentence, clause or phrase of this Zoning Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Zoning Ordinance. All ordinances or parts of ordinances of the Municipality, in conflict with any regulation, provision, amendment or supplement of this Zoning Ordinance are to the extent of such conflict hereby repealed.
(Ord. 4-58. Passed 4-29-58.)

1121.04 EFFECTIVE DATE.

This Zoning Ordinance is declared to be in force at the earliest date allowed by law.
(Ord. 4-58. Passed 4-29-58.)

CHAPTER 1122
Intent and Purpose

1122.01 Purpose.
1122.02 Implementation.
1122.03 Objective.
1122.04 Effective date.

CROSS REFERENCES
Interpretation - see P. & Z. 1121.02
Variances - see P. & Z. Ch. 1131

1122.01 PURPOSE.
The City Zoning Ordinances are established with the purpose of promoting and protecting the public health, safety, comfort, convenience and general welfare of the people.
(Ord. 62-82. Passed 7-6-82.)

1122.02 IMPLEMENTATION.
The fulfillment of this purpose is to be accomplished by seeking:
(a) To encourage and facilitate orderly, efficient and appropriate growth and development.
(b) To establish population densities to prevent or reduce congestion and to secure economy in the cost of providing water supply and sewerage systems, streets and highways, fire and police protection, schools, parks and recreation facilities, and other governmental services.
(c) To zone all properties with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the City.
(d) To protect residential, business, commercial and industrial areas alike from harmful encroachment by incompatible uses and to ensure that land allocated to a class of uses shall not be usurped by other uses inappropriate to the class.
(e) To avoid the inappropriate development of lands and provide for adequate drainage, curbing of erosion and reduction of flood damage.
(f) To foster a more rational pattern of relationship between residential, business, commercial and manufacturing uses for the mutual benefit of all.
(Ord. 62-82. Passed 7-6-82.)

1122.03 OBJECTIVE.

The standards and requirements contained in the Planning and Zoning Code and the district mapping reflected on the Official Zoning Map of the City are intended to further the implementation of the objectives of the Comprehensive Master Plan for the City, as well as protect all desirable existing structures and uses.
(Ord. 62-82. Passed 7-6-82.)

1122.04 EFFECTIVE DATE.

This chapter is declared to be in force at the earliest period allowed by law.
(Ord. 62-82. Passed 7-6-82.)

CHAPTER 1123
Definitions

1123.01 Definitions generally; interpretation.
1123.02 Accessory building.
1123.03 Accountability.
1123.04 Alley.
1123.05 Alterations, structural.
1123.06 Apartment unit.
1123.07 Attached dwelling.
1123.08 Basement.
1123.09 Building.
1123.10 Building, height of.
1123.11 Cluster housing.
1123.12 Condominium.
1123.13 Court.
1123.14 Court, inner.
1123.15 Court, outer.
1123.16 Dwelling.
1123.17 Dwelling, multiple.
1123.18 Dwelling unit.
1123.19 Efficiency dwelling unit.
1123.20 Family.
1123.21 Family care home.
1123.22 Fence.
1123.23 Floor area of a building.
1123.24 Garage facility.
1123.25 Garage, public.
1123.26 Garage, two-car.
1123.27 Garden apartment.
1123.28 Grade.
1123.28A Hardware cloth.
1123.29 Home occupation.
1123.30 Hospital.
1123.31 Hospital, nursing, rest and convalescent home; home for substance abusers.
1123.32 Hotel, motor hotel, inn.
1123.33 Institution.
1123.34 Kennel or other animal shelters.
1123.35 Lodging house. (Repealed)
1123.36 Lot.
1123.37 Lot, corner.
1123.38 Lot, width of.
1123.39 Motel.
1123.40 Multi-family.
1123.40A No Build Zone.
1123.41 Nonconforming use.
1123.42 Parking space.
1123.43 Patio house.
1123.44 Plat.
1123.44A Preservation Zone.
1123.45 Quadruplex.
1123.46 Retail filling station.
1123.47 Rooming house. (Repealed)
1123.48 Semi-detached.
1123.49 Sign.
1123.50 Story.
1123.51 Story, half.
1123.52 Street.
1123.53 Structure.
1123.54 Townhouse.
1123.55 Trailer.
1123.56 Triplex.
1123.57 Two-family dwelling.
1123.58 Use.
1123.59 USTEB.
1123.60 Yard.
1123.61 Yard, front.
1123.62 Yard, rear.
1123.63 Yard, side.
1123.64 Zero lot line.
1123.65 Zoning Ordinance.

CROSS REFERENCES

Subdivision Ordinance definitions - see P. & Z. Ch. 1101
Planned Unit Development District definitions - see P. & Z. 1151.15
USTEB provisions - see P. & Z. 1167.15 et seq.
Accessory USTEB - see P. & Z. 1167.19
Fence classifications and further definition - see P. & Z. 1171.01

1123.01 DEFINITIONS GENERALLY; INTERPRETATION.

(a) Words not particularly defined herein, shall be defined as found in The Latest Illustrated Book of Development Definitions, 2004, by Harvey S. Moskowitz and Carl G. Lindbloom, published by Rutgers University. Words not particularly defined therein shall be defined as found in the Dictionary of Architecture and Construction, 2006, edited by Cyril M. Harris, published by McGraw Hill. Words not particularly defined therein shall be defined as found in Webster's New Universal Unabridged Dictionary.

(b) Except where specifically defined herein, all words used in this Zoning Ordinance shall carry their customary meanings. Words used in the present tense include the future; the plural includes the singular; the word "lot" means the word "plot"; the word "shall" is intended to be mandatory; "occupied" or "used" shall be considered as though followed by the words "or intended, arranged or designed to be used or occupied".
(Ord. 0162-2006. Passed 8-21-06.)

1123.02 ACCESSORY BUILDING.

"Accessory building" means a subordinate building, either attached to or separate from the main building, the use of which is incidental to that of the main building or to the main use of the premises. (Ord. 21-90. Passed 2-20-90.)

1123.03 ACCOUNTABILITY.

"Accountability" means that a governmental agency is legally responsible for the welfare of the clientele of a family care home and as such can exercise control over the operator of such facilities in order to ensure that the provisions of Section 1153.01(b)(6) are being met and that adequate operational and occupancy standards are being maintained.
(Ord. 21-90. Passed 2-20-90.)

1123.04 ALLEY.

"Alley" means a public thoroughfare which affords only a secondary means of access to abutting property and is not intended for general circulation.
(Ord. 21-90. Passed 2-20-90.)

1123.05 ALTERATIONS, STRUCTURAL.

"Structural alterations" means any change in the supporting members of a building, such as bearing walls, columns, beams or girders.
(Ord. 21-90. Passed 2-20-90.)

1123.06 APARTMENT UNIT.

"Apartment unit" means one or more rooms with private bath and kitchen facilities comprising an independent self-contained dwelling unit in a building containing more than two dwelling units. (Ord. 21-90. Passed 2-20-90.)

1123.07 ATTACHED DWELLING.

"Attached dwelling" means a one-family dwelling attached to two or more one-family dwellings by common vertical walls.
(Ord. 21-90. Passed 2-20-90.)

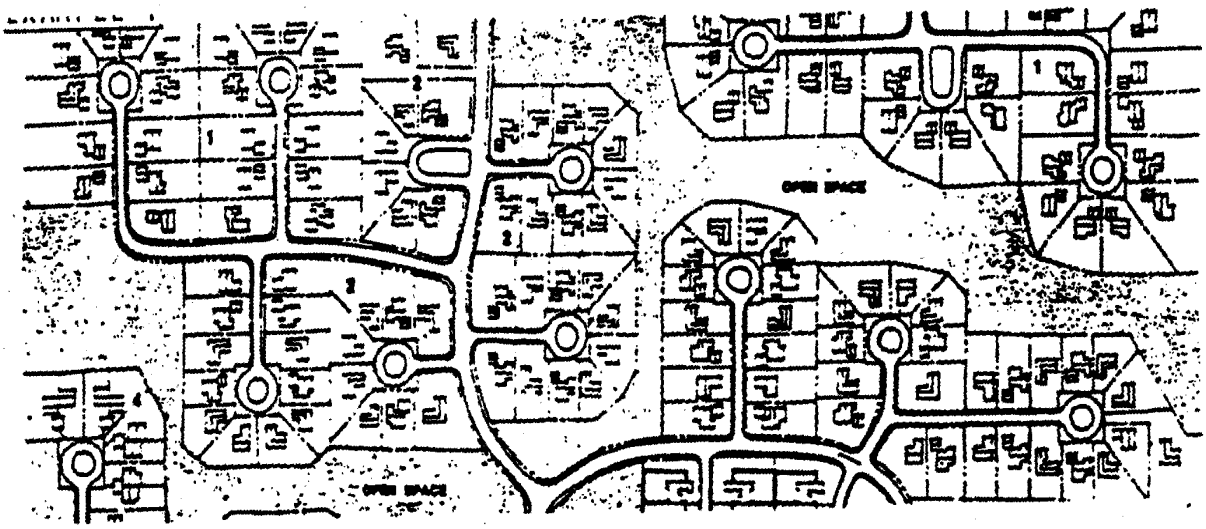
1123.08 BASEMENT.
"Basement" means a story having more than one-half of its height below the grade.
(Ord. 21-90. Passed 2-20-90.)

1123.09 BUILDING.
"Building" means any structure having a roof supported by columns or walls and intended for the shelter, housing, or enclosure of any individual, animal, process, equipment, goods, or materials of any kind. (Ord. 0024-2007. Passed 2-20-07.)

1123.10 BUILDING, HEIGHT OF.
"Height of building" means the vertical distance from the grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the mean height level between eaves and ridge for gable, hip and gambrel roofs.
(Ord. 21-90. Passed 2-20-90.)

1123.11 CLUSTER HOUSING.
"Cluster housing" means a development design technique that concentrates buildings in specific areas on the site to allow the remaining land to be used for recreation, common open space, and preservation of environmentally sensitive features. (See Example 1)

EXAMPLE 1



(Ord. 21-90. Passed 2-20-90.)

1123.12 CONDOMINIUM.

"Condominium" means a building, or group of buildings, in which units are owned individually, and the structure, common areas, and facilities are owned by all the owners on a proportional, undivided basis.

A "condominium" has common areas and facilities and there is an association of owners organized for the purpose of maintaining, administering, and operating the common areas and facilities. It is a legal form of ownership of real estate and not a specific building style. The purchaser has title to his or her interior space in the building and an undivided interest in parts of the interior, the exterior, and other common elements. The property is identified in a master deed and recorded on a plat with the local jurisdiction. The common elements usually include the land underneath and surrounding the building, certain improvements on the land, and such items as plumbing, wiring, and major utility systems, the interior areas between walls, the public interior spaces, exterior walls, streets and recreational facilities.
(Ord. 21-90. Passed 2-20-90.)

1123.13 COURT.

"Court" means an unoccupied, open space, other than a yard, on the same lot with a building, which is bounded on two sides by the walls of such building.
(Ord. 21-90. Passed 2-20-90.)

1123.14 COURT, INNER.

"Inner court" means a court enclosed on all sides by exterior walls of a building or by exterior walls and lot lines on which walls are allowable.
(Ord. 21-90. Passed 2-20-90.)

1123.15 COURT, OUTER.

"Outer court" means a court enclosed on not more than three sides by exterior walls and lot lines on which walls are allowable, with one side or end open to a street, driveway, alley or yard. (Ord. 21-90. Passed 2-20-90.)

1123.16 DWELLING.

"Dwelling" means a structure or portion thereof which is used exclusively for human habitation. (Ord. 21-90. Passed 2-20-90.)

1123.17 DWELLING, MULTIPLE.

"Multiple dwelling" means a building used or designed as a residence for two or more families living independently of each other and doing their own cooking therein, including apartment houses, apartment hotels, flats and group houses.
(Ord. 21-90. Passed 2-20-90.)

1123.18 DWELLING UNIT.

"Dwelling unit" means one or more rooms, designed, occupied or intended for occupancy as separate living quarters, with cooking, sleeping and sanitary facilities provided within the dwelling unit, for the exclusive use of a single family maintaining a household.
(Ord. 21-90. Passed 2-20-90.)

1123.19 EFFICIENCY DWELLING UNIT.

"Efficiency dwelling unit" means a dwelling unit consisting of not more than one habitable room together with kitchen or kitchenette and sanitary facilities.
(Ord. 21-90. Passed 2-20-90.)

1123.20 FAMILY.

"Family" means one or more persons occupying a single dwelling unit, provided that unless all members are related by blood, marriage, adoption, guardianship, or foster parent contract, no such family shall contain over five persons, but further provided that domestic servants employed on the premises may be housed on the premises without being counted as family or families. (Ord. 128-95. Passed 9-19-95.)

1123.21 FAMILY CARE HOME.

"Family care home", "family model home", "group home", "adult family facility" or "community residence" means a dwelling unit that provides room and board, personal care and habilitation services and supervision for individuals, exclusive of staff, who are mentally retarded, developmentally disabled, physically handicapped or aged (over sixty years of age) persons, who are able to be integrated into a family type setting and who do not require institutional care or treatment. This category shall be licensed by and/or has accountability to the State of Ohio or any other governmental agency that regulates the type of use involved. This category does not include nursing homes, hospitals, rest homes, boarding or lodging houses, homes with up to three foster children, half-way houses for individuals released from incarceration, or facilities for drug abuse rehabilitation programs. "Family care homes" are permitted uses in all residential zoning districts within the City.
(Ord. 128-95. Passed 9-19-95.)

1123.22 FENCE.

"Fence" means an artificially constructed barrier of any material or combination of materials erected to enclose, screen, or separate areas.
(Ord. 0024-2007. Passed 2-20-07.)

1123.23 FLOOR AREA OF A BUILDING.

"Floor area of a building" means the sum of the gross horizontal areas of the several floors of a building on the same lot in all commercial and industrial districts. In residential districts, the minimum net floor area for living quarters shall be computed by using the area of all floors of those stories in a dwelling having more than one-half their height above grade. The second floor in each case qualifying for living quarters shall have access thereto by a permanent built-in stairway. In computing the minimum net floor area for living quarters, rooms for garage purposes, outside vestibules and open or closed porches or verandas shall not be included, and the term "living quarters", as used herein, means that portion of the building which is constructed with ceiling and walls finished on the inside in accordance with the Municipal Building Code.
(Ord. 21-90. Passed 2-20-90.)

1123.24 GARAGE FACILITY.

A private garage is a building or portion of a building not more than the specified square footage allowed in each residential zoning district and used for the storage of motor driven vehicles in which no business or industry connected directly or indirectly with the repair or servicing of motor vehicles is carried on.
(Ord. 18-96. Passed 2-6-96.)

1123.25 GARAGE, PUBLIC.

"Public garage" means any garage, not a private garage, which is used for the storage, repair, rental, servicing or supplying of gasoline or oil to motor vehicles.
(Ord. 21-90. Passed 2-20-90.)

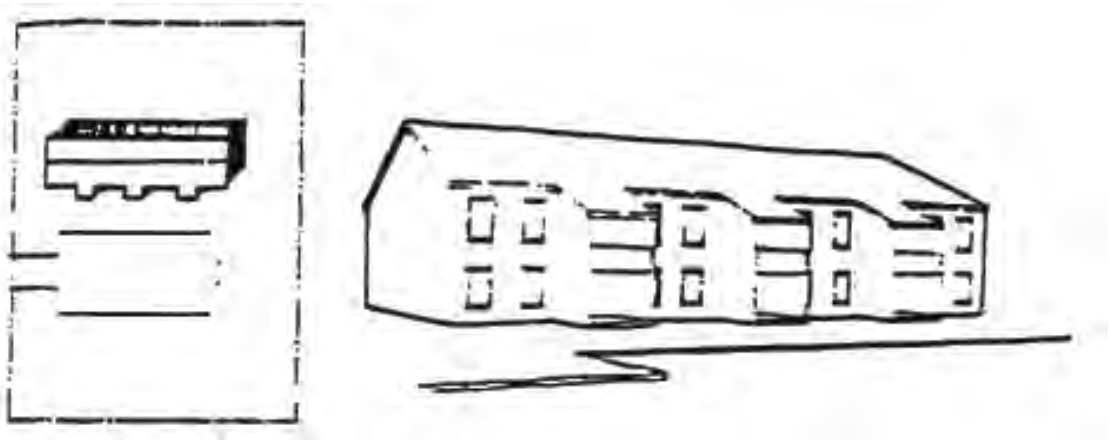
1123.26 GARAGE, TWO-CAR.

"Garage, two-car" means a residential garage having minimum inside to inside dimensions, measured from face of foundation to face of foundation and having usable floor space of not less than nineteen feet wide by twenty feet long.
(Ord. 0088-2000. Passed 5-15-00.)

1123.27 GARDEN APARTMENT.

"Garden apartment" means a multi-family dwelling containing more than two dwelling units. Access is usually from a common hall, although individual entrances can be provided. Dwellings can be located on top of each other.
(See Example 2)

EXAMPLE 2



DWELLING, GARDEN APARTMENT

(Ord. 21-90. Passed 2-20-90.)

1123.28 GRADE.
"Grade" means the average level of the finished surface of the ground adjacent to the exterior walls of the building. (Ord. 21-90. Passed 2-20-90.)

1123.28A HARDWARE CLOTH.
"Hardware cloth" means plain weave square mesh cloth of relatively light wire galvanized after weaving or welding.
(Ord. 0024-2007. Passed 2-20-07.)

1123.29 HOME OCCUPATION.
"Home occupation" means an accessory use of single family dwelling units for legitimate businesses, professions, trades or vocations conducted within enclosed single family dwelling units, which is clearly incidental and secondary to residential occupancy and does not change the residential character thereof. (Refer to Chapter 1177.)
(Ord. 166-93. Passed 7-20-93.)

1123.30 HOSPITAL.
"Hospital" means a building used for the diagnosis, treatment or other care of human ailments, unless otherwise specified. (Ord. 21-90. Passed 2-20-90.)

1123.31 HOSPITAL, NURSING, REST AND CONVALESCENT HOME; HOME FOR SUBSTANCE ABUSERS.
"Hospital", "nursing home", "rest home", "convalescent home", "home for substance abusers" means a building or part of a building used for a hospital, the nursing and care of convalescents, aged people, and/or substance abusers, which must meet the provisions for the same found in the Ohio Revised Code and any proper and legal operations promulgated thereunder. (Ord. 21-90. Passed 2-20-90.)

1123.32 HOTEL, MOTOR HOTEL, INN.
"Hotel", "motor hotel" and "inn" means a building, or a part of a building, in which guest rooms are offered for public hire to any given individual for no more than thirty-five days in a calendar year, and where a general kitchen and dining room are provided within the building or in any accessory building.
(Ord. 21-90. Passed 2-20-90.)

1123.33 INSTITUTION.
"Institution" means a building occupied by a nonprofit corporation or a nonprofit establishment for public use. (Ord. 21-90. Passed 2-20-90.)

1123.34 KENNEL OR OTHER ANIMAL SHELTERS.
"Kennel or other animal shelters" means the keeping of more than five animals at least three months of age for pleasure, profit, breeding or exhibiting.
(Ord. 21-90. Passed 2-20-90.)

1123.35 LODGING HOUSE.
(EDITOR'S NOTE: Section 1123.35 was repealed by Ordinance 67-71, passed September 20, 1971.)

1123.36 LOT.
"Lot" means a parcel of land occupied or capable of being occupied by one building, and the accessory buildings or uses customarily incident to it, including such open spaces as are required by the Zoning Ordinance.
(Ord. 21-90. Passed 2-20-90.)

1123.37 LOT, CORNER.
"Corner lot" means a lot abutting upon two or more streets at their intersections, or upon two parts of the same street, and in either use forming an interior angle of 135 degrees or less as measured at the center line of the road or the interior right-of-way line as applicable.
(Ord. 21-90. Passed 2-20-90.)

1123.38 LOT, WIDTH OF.
"Width of lot" means the mean width measured at the building line and at right angles to its depth. (Ord. 21-90. Passed 2-20-90.)

1123.39 MOTEL.
"Motel" means a group of one or more buildings concentrated upon a limited area, each building containing ten or more guest rooms offered for public hire, which may or may not have in conjunction therewith and upon the same property a general kitchen and dining room.
(Ord. 21-90. Passed 2-20-90.)

1123.40 MULTI-FAMILY.
"Multi-family" means a dwelling containing more than two dwelling units.
(Ord. 21-90. Passed 2-20-90.)

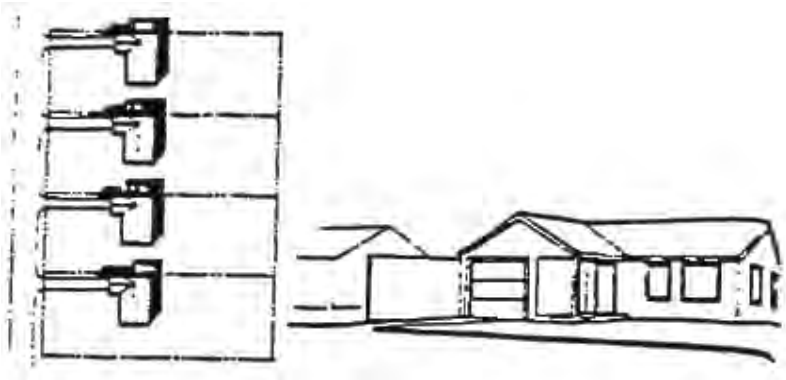
1123.40A NO BUILD ZONE.
“No Build Zone” means a designated area platted by a developer, either residential or commercial, which generally prohibits the placement of residential or commercial buildings, structures, specific types of fences, and storage buildings. Plat notes must be referenced to obtain specific information regarding any subdivision containing a No Build Zone.
(Ord. 0024-2007. Passed 2-20-07.)

1123.41 NONCONFORMING USE.
"Nonconforming use" means a building, structure or use of land existing at the time of enactment of this Zoning Ordinance, which does not conform to the regulations of the district or zone in which it is situated. (Ord. 21-90. Passed 2-20-90.)

1123.42 PARKING SPACE.
"Parking space" means the area of 200 square feet required for parking one automobile, which in this Zoning Ordinance is held to be an area ten feet wide and twenty feet long, not including passageways. (Ord. 21-90. Passed 2-20-90.)

1123.43 PATIO HOUSE.
"Patio house" means a one-family dwelling on a separate lot with open space setbacks on three sides and with a court. Patio homes may be attached to similar houses on adjacent lots and still meet this definition. Also known as zero lot lines. (See Example 3)

EXAMPLE 3



DWELLING, PATIO HOUSE

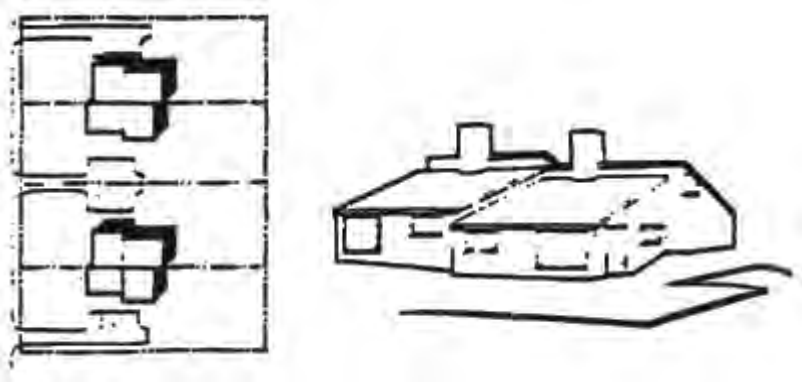
(Ord. 21-90. Passed 2-20-90.)

1123.44 PLAT.
"Plat" means a map, plan or layout of a subdivision indicating the location and boundaries of individual properties. (Ord. 21-90. Passed 2-20-90.)

1123.44A PRESERVATION ZONE.
"Preservation Zone" means a natural area that protects aesthetic appearance and/or environmental significance. These natural areas include, but are not limited to, woodlands, wetlands, ravines, flood plains, streams, lakes, ponds, and/or steep slopes, and can provide effective buffers between different or same land uses. No permanent or temporary structure, building, or fence shall ever be placed upon, in, or under an area designated as a "preservation zone." (Ord. 0024-2007. Passed 2-20-07.)

1123.45 QUADRUPLEX.
"Quadruplex" means four attached dwellings in one structure in which each unit has two open space enclosures and shares one or two walls with adjoining unit or units. (See Example 4)

EXAMPLE 4



DWELLING, QUADRUPLEX

(Ord. 21-90. Passed 2-20-90.)

1123.46 RETAIL FILLING STATION.

"Retail filling station" means a building or buildings, premises or a portion thereof arranged, intended or designed to be used in the supplying to individual vehicles for their own use only, oil, grease, gasoline or other liquid fuels, with other customary incidental services, the storage facilities of which used shall not be in excess of two tank cars, or a total storage capacity of 30,000 gallons. A "retail filling station" is the same as a "gasoline service station".
(Ord. 21-90. Passed 2-20-90.)

1123.47 ROOMING HOUSE.

(EDITOR'S NOTE: Section 1123.47 was repealed by Ordinance 67-71, passed September 20, 1971.)

1123.48 SEMI-DETACHED.

"Semi-detached" means a one-family dwelling attached to one other one-family dwelling by a common vertical wall, and each dwelling located on a separate lot. The semi-detached dwelling is part of a two-family structure with the dwelling units side-by-side as opposed to one on top of the other. The semi-detached dwelling also could be the end unit of a townhouse row, a patio house, and a duplex. (Also can be considered a "twin single". One unit could be owner-occupied and the other a rental, or both could be rental properties with separate owners). (Ord. 21-90. Passed 2-20-90.)

1123.49 SIGN.

"Sign" means any device for visual communication that is used for the purpose of bringing the subject thereof to the attention of the public, but not including any flag, badge or insignia of any government or government agency, or of any civic, charitable, religious, patriotic, fraternal or similar organization.
(Ord. 21-90. Passed 2-20-90.)

1123.50 STORY.

"Story" means that part of a building between the surface of a floor (whether or not counted for purposes of computing floor area ratios) and the ceiling immediately above.
(Ord. 21-90. Passed 2-20-90.)

1123.51 STORY, HALF.

"Half story" means a story under a gable, hip or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than two feet above the floor of such story. (Ord. 21-90. Passed 2-20-90.)

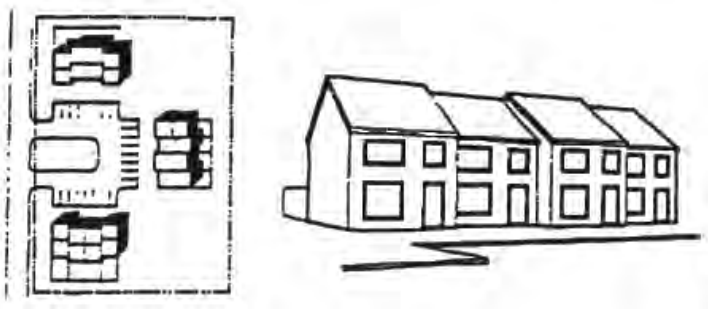
1123.52 STREET.

"Street" means a public way which affords principal means of access to abutting properties. (Ord. 21-90. Passed 2-20-90.)

1123.53 STRUCTURE.
"Structure" means a combination of materials, other than a fence, that form a construction for use, occupancy, or ornamentation whether installed on, above, or below the surface of land or water. (Ord. 0024-2007. Passed 2-20-07.)

1123.54 TOWNHOUSE.
"Townhouse" means a one-family dwelling in a row of at least three such units in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one or more common fire resistant walls. Townhouses usually have separate utilities such as individual hot water and heating systems, separate electric meters, etc. However, in some condominium situations, the condominium association may arrange for bulk purchase of certain utilities and distribute it to individual dwelling units. Consequently, the definition normally would not contain a requirement for separate utility systems. (See Example 5)

EXAMPLE 5



DWELLING, TOWNHOUSE

(Ord. 21-90. Passed 2-20-90.)

1123.55 TRAILER.
"Trailer" means a vehicle used for living or sleeping purposes, which stands on wheels or rigid supports. (Ord. 21-90. Passed 2-20-90.)

1123.56 TRIPLEX.
"Triplex" means a dwelling containing three dwelling units, each of which has direct access to the outside or to a common wall.
(Ord. 21-90. Passed 2-20-90.)

1123.57 TWO-FAMILY DWELLING.

"Two-family dwelling" means a structure on a single lot containing two dwelling units, each of which is totally separated from the other by an unpierced wall extending from ground to roof or an unpierced ceiling and floor extending from exterior wall to exterior wall, except for a common stairwell exterior to both dwelling units. This definition includes the duplex dwelling, (typically a rental property).
(Ord. 21-90. Passed 2-20-90.)

1123.58 USE.

"Use" means the specific purpose for which land or a building is designed, arranged, intended or for which it is or may be occupied or maintained. The term "permitted use" or its equivalent shall not be deemed to include any nonconforming use.
(Ord. 21-90. Passed 2-20-90.)

1123.59 USTEB.

"USTEB" means "use, building or structure" in the sense of all three words used together.
(Ord. 21-90. Passed 2-20-90.)

1123.60 YARD.

"Yard" means an unoccupied space, open to the sky, on the same lot with a building or structure. (Ord. 21-90. Passed 2-20-90.)

1123.61 YARD, FRONT.

"Front yard" means a yard extending across the full width of the lot and lying between the right-of-way line of the lot and the nearest wall of the building. The depth of a front yard shall be measured at right angles to the right-of-way line of the lot.
(Ord. 21-90. Passed 2-20-90.)

1123.62 YARD, REAR.

"Rear yard" means a yard extending across the full width of the lot and lying between the rear line of the lot and the nearest wall of the main building. The depth of a rear yard shall be measured at right angles to the rear line of the lot. On both corner lots and interior lots, the rear yard shall in all cases be the opposite end of the lot from the front yard.
(Ord. 21-90. Passed 2-20-90.)

1123.63 YARD, SIDE.

"Side yard" means an open, unoccupied space on the same lot with the building, situated between the building and the side line of the lot and extending from the front yard to the rear yard. (Ord. 21-90. Passed 2-20-90.)

1123.64 ZERO LOT LINE.

"Zero lot line" means the location of a building on a lot in such a manner that one or more of the building's sides rest directly on a lot line.
(Ord. 21-90. Passed 2-20-90.)

1123.65 ZONING ORDINANCE.

"Zoning Ordinance" means Ordinance 4-58, passed April 29, 1958, as amended, which is codified as Chapters 1121 through 1167 of this Part Eleven - Planning and Zoning Code.
(Ord. 21-90. Passed 2-20-90.)

CHAPTER 1125
Administration

1125.01 Authority of Planning Commission.
1125.02 Powers and duties of Planning Commission.
1125.03 Powers of Council.

CROSS REFERENCES
Planning Commission - see CHTR. Art. XI; Ohio R.C. Ch. 713
Council may amend districting or zoning - see Ohio R.C. 713.10
Council to hold public hearing - see Ohio R.C. 713.12
Compliance, enforcement of Zoning Ordinance - see P. & Z. 1127.01 et seq.

1125.01 AUTHORITY OF PLANNING COMMISSION.
In accordance with the Municipal Charter and the applicable code sections of the Ohio Revised Code, the Planning Commission is hereby delegated the authority to administer the provisions of this Zoning Ordinance as provided in this chapter.
(Ord. 254-97. Passed 12-16-97.)

1125.02 POWERS AND DUTIES OF PLANNING COMMISSION.
The powers and duties of the Planning Commission shall be as follows:
(a) To make interpretations of this Zoning Ordinance and its accompanying "Zoning Map of Municipality of Gahanna, Ohio."
(b) To grant or deny zoning certificates and certificates of appropriateness when the question of issuance of such certificate referred to it by the Zoning Administrator, or when the provisions of this Zoning Ordinance indicate that it shall consider such questions and to set forth in such certificates, regulations and standards for the use of any land or structures which the Planning Commission deems necessary to carry out the full intent of this Zoning Ordinance.
(c) To permit exceptions to and variations (variances) from the district or other regulations in the classes of cases or situations specified in this Zoning Ordinance. In permitting such exceptions or variations, the Planning Commission may establish conditions precedent to the granting thereof which it deems necessary to accomplish the purposes of this Zoning Ordinance.
(d) To recommend to Council the approval or denial of applications to amend this Zoning Ordinance and/or its accompanying Zoning Map.
(e) To recommend to Council an amendment or change in the number, shape, area or regulations of or within any district or provision of this Zoning Ordinance.
(Ord. 254-97. Passed 12-16-97.)

1125.03 POWERS OF COUNCIL.

In applying the provisions of this Zoning Ordinance, the Planning Commission and Council are both subject to the Charter provisions of Article XI, Sections 11.04, 11.05 and 11.06. In addition thereto, anyone who has made an application to the Planning Commission for a change in zoning and has been turned down thereon, may request that the requested change in zoning be forwarded to Council to be taken up by Council at public hearing, as set forth in Article XI, Sections 11.04, 11.05 and 11.06 of the Charter. All other appeals shall be taken to the Board of Zoning and Building Appeals, in accordance with Article XII.
(Ord. 254-97. Passed 12-16-97.)

CHAPTER 1127
Compliance, Enforcement and Penalty

1127.01 Compliance required.
1127.02 Compliance with district requirements.
1127.03 Yards.
1127.04 Lots.
1127.05 Construction prior to Zoning Ordinance.
1127.06 Authority of Planning and Zoning Administrator.
1127.07 Violations of Zoning Ordinance; remedies.
1127.08 Appeal of administrative orders.
1127.09 Application to titles or Departments of City government.
1127.10 Fees and permits.
1127.99 Penalty.

CROSS REFERENCES
Appeals from zoning decisions - see CHTR. 12.03; Ohio R.C. 713.11
Violation of zoning ordinances - see Ohio R.C. 713.13
Amendment to Zoning Ordinance - see P. & Z. 1133.01 et seq.
Compliance with district regulations - see P. & Z. 1135.03

1127.01 COMPLIANCE REQUIRED.
Except as hereinafter provided, no building or part thereof shall be moved, erected, converted, enlarged, reconstructed or structurally altered, nor shall any building or land be used or occupied which does not comply with all the district regulations established by this Zoning Ordinance for the district in which the building or land is located.
(Ord. 134-97. Passed 7-1-97.)

1127.02 COMPLIANCE WITH DISTRICT REQUIREMENTS.
Except as hereinafter provided, no building shall hereafter be erected or altered to exceed the height; to accommodate or house a greater number of families; to occupy a greater percentage of lot area or to have narrower or smaller rear yards, front yards, inner or outer courts than is specified herein for the district in which such building is located.
(Ord. 134-97. Passed 7-1-97.)

1127.03 YARDS.
Except as hereinafter provided, no part of a yard or other open space required about any building for the purpose of complying with the provisions of this Zoning Ordinance shall be included as a part of a yard or other open space similarly required for another building.
(Ord. 134-97. Passed 7-1-97.)

1127.04 LOTS.
Except as hereinafter provided, every building hereafter erected or structurally altered shall be located on a lot as defined in Sections 1123.36 and 1123.37.
(Ord. 134-97. Passed 7-1-97.)

1127.05 CONSTRUCTION PRIOR TO ZONING ORDINANCE.

Except as hereinafter provided, nothing contained in this Zoning Ordinance shall require any change in the plans, construction, size or designed use of a building for which a valid permit has been issued or lawful approval given before the effective date of this Zoning Ordinance (April 29, 1958), provided, however, construction under such permit or approval was started within two months and ground story framework, including structural parts of the second floor, if any, was completed within one year after the effective date of this Zoning Ordinance.
(Ord. 134-97. Passed 7-1-97.)

1127.06 AUTHORITY OF PLANNING AND ZONING ADMINISTRATOR.

It shall be the duty of the Planning and Zoning Administrator to enforce the provisions of this Zoning Ordinance. He/she shall be appointed by the Director of Planning and Development. (Ord. 0123-2007. Passed 6-18-07.)

1127.07 VIOLATIONS OF ZONING ORDINANCE; REMEDIES.

In the event of the violation of any section or part of this Zoning Ordinance, or imminent threat thereof, the Municipality or the owner of any contiguous or neighboring property who would be especially damaged by such violation, in addition to any other remedies provided by law, may institute a suit for injunction to prevent or terminate such violation.
(Ord. 134-97. Passed 7-1-97.)

1127.08 APPEAL OF ADMINISTRATIVE ORDERS.

The Board of Zoning and Building Appeals shall have the power to overrule any official action of the Planning and Zoning Administrator when, in its opinion, such action has been contrary to the intent and spirit of this Zoning Ordinance and for such purposes may make null and void any zoning certificate issued or any action taken by such Planning and Zoning Administrator by notifying such Planning and Zoning Administrator and the principal interested party or parties in writing. (Ord. 0123-2007. Passed 6-18-07.)

1127.09 APPLICATION TO TITLES OR DEPARMENTS OF CITY GOVERNMENT.

All references in this Zoning Ordinance to officers or departments existing under City government shall also refer to those officials or departments succeeding to the same or similar function under city or charter government. (Ord. 0123-2007. Passed 6-18-07.)

1127.10 FEES AND PERMITS

(a) Any person desiring to do or to cause to be done any work for any zoning item for which a fee is required by the Development Fee Schedule set forth in Section 148.12 in Part One of these Codified Ordinances, shall obtain a permit with the Division of Building and Zoning Regulation prior to commencement of such work.

(b) Any person desiring to do or to cause to be done any work for which a permit is required by the Zoning Code shall, at the time the permit is issued, pay all required fees as established in the Development Fee Schedule and comply with all requirements set forth in Section 148.12 in Part One of these Codified Ordinances. (Ord. 0123-2007. Passed 6-18-07.)

1127.99 PENALTY.

Any person, firm or corporation violating any regulations, provision, amendment or supplement of this Zoning Ordinance, or failing to obey any lawful order of the Zoning Administrator issued in pursuance thereof, shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be fined not more than one hundred dollars ($100.00). Each and every day during which such illegal location, erection, construction, enlargement, change, maintenance or use continues may be deemed a separate offense. (Ord. 134-97. Passed 7-1-97.)

CHAPTER 1129
Zoning Certificates

1129.01 Zoning certificates.
1129.02 Submission of plat.
1129.03 Change of use; variance.
1129.04 Continuance of authorized nonconforming uses.
1129.05 Record of zoning certificates on file; copies.
1129.06 Zoning certificate fee.

CROSS REFERENCES
Variances - see P. & Z. Ch. 1131
Nonconforming uses - see P. & Z. Ch. 1161
Zoning certificate required for signs - see P. & Z . 1165.11

1129.01 ZONING CERTIFICATES.
No building shall hereafter be located, constructed, reconstructed, enlarged or structurally altered, nor shall any work be started upon the same, until a zoning certificate has been issued by the Planning and Zoning Administrator, which certificate shall state that the proposed building and use comply with all the provisions of this Zoning Ordinance and which certificate shall state any additional regulations and standards for the use of the land and for structures in that district which the Planning Commission deems necessary to carry out the full intent of this Zoning Ordinance.
(Ord. 0123-2007. Passed 6-18-07.)

1129.02 SUBMISSION OF PLAT.
No zoning certificate shall be issued by the Planning and Zoning Administrator until the applicant for such certificate has submitted a plat of the area upon which the applicant's use or structure is proposed. Such plat shall show the type of proposed use, structural dimensions at the ground, lot dimensions, side, front and rear yard setbacks and a signed statement that such applicant will conform with all zoning regulations then in force for such area.
(Ord. 0123-2007. Passed 6-18-07.)

1129.03 CHANGE OF USE; VARIANCE.
No land shall hereafter be occupied or used and no building hereafter located, constructed, reconstructed, enlarged or structurally altered shall be occupied or used, in whole or in part, for any purpose except that of agriculture, in accordance with the terms of this Zoning Ordinance, until a zoning certificate is issued by the Planning and Zoning Administrator stating that the building and use comply with the provisions of this Zoning Ordinance. No change of use shall be made in any building or part thereof now or hereafter located, constructed, reconstructed, enlarged or structurally altered except for agriculture or single-family dwelling purposes, without a zoning certificate being issued therefor by the Planning and Zoning Administrator. No zoning certificate shall be issued to make a change, unless the changes are in conformity with the provisions of this Zoning Ordinance, or unless a variance has been granted by the Planning Commission.
(Ord. 0123-2007. Passed 6-18-07.)

1129.04 CONTINUANCE OF AUTHORIZED NONCONFORMING USES.

Nothing in this chapter shall prevent the continuance of a nonconforming use as hereinbefore authorized, unless a discontinuance is necessary for the safety of life or property.
(Ord. 4-58. Passed 4-29-58.)

1129.05 RECORD OF ZONING CERTIFICATES ON FILE; COPIES.

A record of all zoning certificates shall be kept on file in the office of the Planning and Zoning Administrator.
(Ord. 0123-2007. Passed 6-18-07.)

1129.06 ZONING CERTIFICATE FEE.

(a) The fee for a zoning certificate shall be as established in the Development Fee Schedule set forth in Section 148.12 in Part One of these Codified Ordinances.

(b) Such zoning certificate fees as are required in this chapter shall be paid to the Planning and Zoning Administrator, who shall deliver the same to the Director of Finance.
(Ord. 0123-2007. Passed 6-18-07.)

CHAPTER 1131
Variances

1131.01 Granted under certain conditions.
1131.02 Application; fee.
1131.03 Public hearing advertisement.
1131.04 Public hearing.
1131.05 Reasons for granting to be specified.
1131.06 Conditions precedent to granting.
1131.07 Granting of variance.
1131.08 Frequency of applications.

CROSS REFERENCES
Subdivision Ordinance variances - see P. & Z. 1103.03
Zoning Certificate variances - see P. & Z. 1129.03
Sign variances - see P. & Z. 1165.12
Lot size variances - see P. & Z. 1167.04

1131.01 GRANTED UNDER CERTAIN CONDITIONS.

In accordance with Ohio Revised Code 713.11, the Planning Commission may in appropriate cases and subject to appropriate conditions and safeguards, vary the strict application of the terms of this Zoning Ordinance in harmony with its general purpose and intent and in accordance with the specific rules contained herein.
(Ord. 104-97. Passed 5-20-97.)

1131.02 APPLICATION; FEE.

Written application for a variance shall be made to the Planning and Zoning Administrator. Each application for a variance shall be accompanied by a payment as established in the Development Fee Schedule set forth in Section 148.12 in Part One of these Codified Ordinances.
(Ord. 0123-2007. Passed 6-18-07.)

1131.03 PUBLIC HEARING ADVERTISEMENT.

Before approving or denying the application before it, the Planning Commission shall hold at least one public hearing on such application, notice of which shall include place, time, date and nature of such applied for in a newspaper of general circulation in the Municipality during the calendar week prior to the public hearing. Notice of said hearing shall also be mailed by ordinary mail to the street addresses of contiguous property owners of the property for which said hearing is being held. The names and addresses of all property owners entitled to notice of the public hearing shall be furnished by the applicant.
(Ord. 0150-2011. Passed 8-1-11.)

1131.04 PUBLIC HEARING.

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

(a) There are special circumstances or conditions applying to the land, building or use referred to in the application.

(b) The granting of the variance is necessary for the preservation and enjoyment of substantial property rights.

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

(Ord. 0150-2011. Passed 8-1-11.)

1131.05 REASONS FOR GRANTING TO BE SPECIFIED.

The applicant for any such variation granted by the Planning Commission, after a duly advertised hearing, shall be sent a record of action.

(Ord. 0150-2011. Passed 8-1-11.)

1131.06 CONDITIONS PRECEDENT TO GRANTING.

In granting any variance, under the provisions of this chapter, the Planning Commission shall designate such conditions in connection therewith as will, in its opinion, secure substantially the objectives of this Zoning Ordinance or provisions in the application of which the variance is granted, as to light, air, character of the neighborhood, and generally, the public health, safety, comfort, convenience and general welfare. Said conditions shall become a condition precedent to the variance granted by the Planning Commission.

(Ord. 0150-2011. Passed 8-1-11.)

1131.07 GRANTING OF VARIANCE.

If it finds those conditions set forth in Section 1131.04 to be applicable to the property in question, the Planning Commission shall, after specifying such conditions as it deems necessary, direct the Planning and Zoning Administrator to issue to the applicant a zoning certificate which contains the conditions of the variance.

(Ord. 0150-2011. Passed 8-1-11.)

1131.08 FREQUENCY OF APPLICATIONS.

Application for a variance for any property may be submitted only once in any twelve month period with the following exceptions:

(a) If there is a zoning district change made on abutting property or property within 200 feet of subject property;

(b) If through the action of a public body the use of abutting property or property within 200 feet of the subject property has been changed;

(c) If through destruction, demolition or removal of structures the economic use of abutting property within 200 feet of the subject property has been changed; or

(d) If a procedural error occurred in processing the application which was the fault of the City and not the applicant.

(e) If the application and/or submitted material is not identical to the previous application.

(Ord. 0150-2011. Passed 8-1-11.)

CHAPTER 1133
Zoning or Rezoning

1133.01 Application to amend Zoning Ordinance; fee.
1133.02 Posting of property; publication of notice.
1133.03 Public hearing.
1133.04 Decision of Planning Commission.
1133.05 Council action.
1133.06 Council may initiate amendments.
1133.07 Department of Planning and Development amendments.
1133.08 Zoning of annexed territory.
Figure 1. Zoning Change Sign.

CROSS REFERENCES
Council may amend districting or zoning - see Ohio R.C. 713.10
Council to hold public hearing - see CHTR. 11.05
Creation of nonconforming use by amendment - see P. & Z. 1161.03
Flood plain zoning - see P. & Z. 1191.18

1133.01 APPLICATION TO AMEND ZONING ORDINANCE; FEE.

A written application to request a zoning change or initial zoning upon annexation shall be made to the Planning and Zoning Administrator, who shall transmit the same to the Planning Commission. Each such application shall be accompanied by a payment as established in the Development Fee Schedule set forth in Section 148.12 in Part One of these Codified Ordinances. If the application is denied by the Planning Commission and if the applicant does appeal same to Council as per Section 1125.03, no additional fee shall be required for such appeal. See also Section 1133.08.
(Ord. 0151-2011. Passed 8-1-11.)

1133.02 POSTING OF PROPERTY; PUBLICATION OF NOTICE.

The Commission shall hold at least one public hearing and notice shall be published in one or more newspapers of general circulation within the City twice during the two weeks prior to the public hearing and shall state the place, time, date and purpose of such hearing. Further, the Clerk shall send notification by ordinary mail of the place, time, date and purpose of the public hearing to the property owners contiguous to and directly across the street from the subject property to the street addresses of such owners. The failure of delivery of such notice shall not invalidate any such zoning or rezoning. The names and addresses of all owners entitled to notice of the public hearing shall be furnished by the applicant.

The applicant shall be responsible for posting one sign per public street frontage of the property or properties proposed for a zoning change. The sign(s) shall be consistent with diagram in Figure 1, Zoning Change Sign, attached to original Ordinance 135-97. The information on the sign(s) shall be approved by the Zoning Department prior to the installation of the sign(s). The sign(s) shall be installed within seven days after the zoning change application is submitted to the City and shall be removed within seven days after final Council action on the zoning or rezoning. New zonings on annexation shall not be required to be posted only if the proposed zoning is in accordance with Section 1133.08(a).
(Ord. 0151-2011. Passed 8-1-11.)

1133.03 PUBLIC HEARING.

(a) (1) Before submitting its recommendations concerning the application before it to Council, the Planning Commission shall hold at least one public hearing on such application.

(2) At such hearing, the applicant shall present a statement addressing the following criteria and adequate evidence in such form as the Planning Commission, and subsequently City Council, may require, aiding the Commission in its deliberation on the issue. The development department staff shall provide an administrative report that includes comments from both the Zoning Division and the Economic Development Division.

(b) In deciding on the change, the Planning Commission shall consider, among other criteria, the following elements of the application including but not limited to:

(1) Consistency with the goals, policies and comprehensive land use plan of the City of Gahanna, including any corridor plans, or subarea plans.

(2) Compatibility of the site's physical, geological, hydrological, and other environmental features with the potential uses allowed in the proposed zoning district.

(3) Availability of sites elsewhere in the City that are already zoned for the proposed use.

(4) The compatibility of all the potential uses allowed in the proposed zoning district with the surrounding uses and zoning in terms of land suitability, impacts on the environment, density, nature of use, traffic impacts, aesthetics, infrastructure, and potential influence (a five percent or more material reduction) in the value of existing abutting lands or approved developments.

(5) The capacity of City infrastructure and services to accommodate the uses permitted in the requested district without compromising the "health, safety, and welfare" of its citizens.

(6) The apparent demand for the types of uses permitted in the requested zoning district in the City in relation to the amount of land in the City currently zoned to accommodate the demand.

(Ord. 0151-2011. Passed 8-1-11.)

1133.04 DECISION OF PLANNING COMMISSION.

(a) After public hearing and consideration of the case, if the Planning Commission is in favor of the applicant's request to change, it shall submit its recommendation to Council in writing, and shall accompany the same by an ordinance.

(b) If the Planning Commission decides against the proposed change or supplement, nothing further shall be done, unless within fourteen days from the date of the decision the applicant files a request with the Clerk of Council to forward the recommendation to Council in the nature of an appeal. In that case, Sections 11.05 and 11.06 of Article XI of the Municipal Charter shall be followed. Any request to Council after the fourteen day period shall be considered a new request and shall be referred to the Planning Commission as required by Charter.
(Ord. 0151-2011. Passed 8-1-11.)

1133.05 COUNCIL ACTION.
Before any ordinance may be passed, Council shall carry out the requirements set forth in Sections 11.05 and 11.06 of Article XI of the Municipal Charter.
(Ord. 0151-2011. Passed 8-1-11.)

1133.06 COUNCIL MAY INITIATE AMENDMENTS.
In this connection, attention is called to Section 11.04 of Article XI of the Municipal Charter, which completely covers the matter and needs no implementation by ordinance.
(Ord. 980393. Passed 10-5-98.)

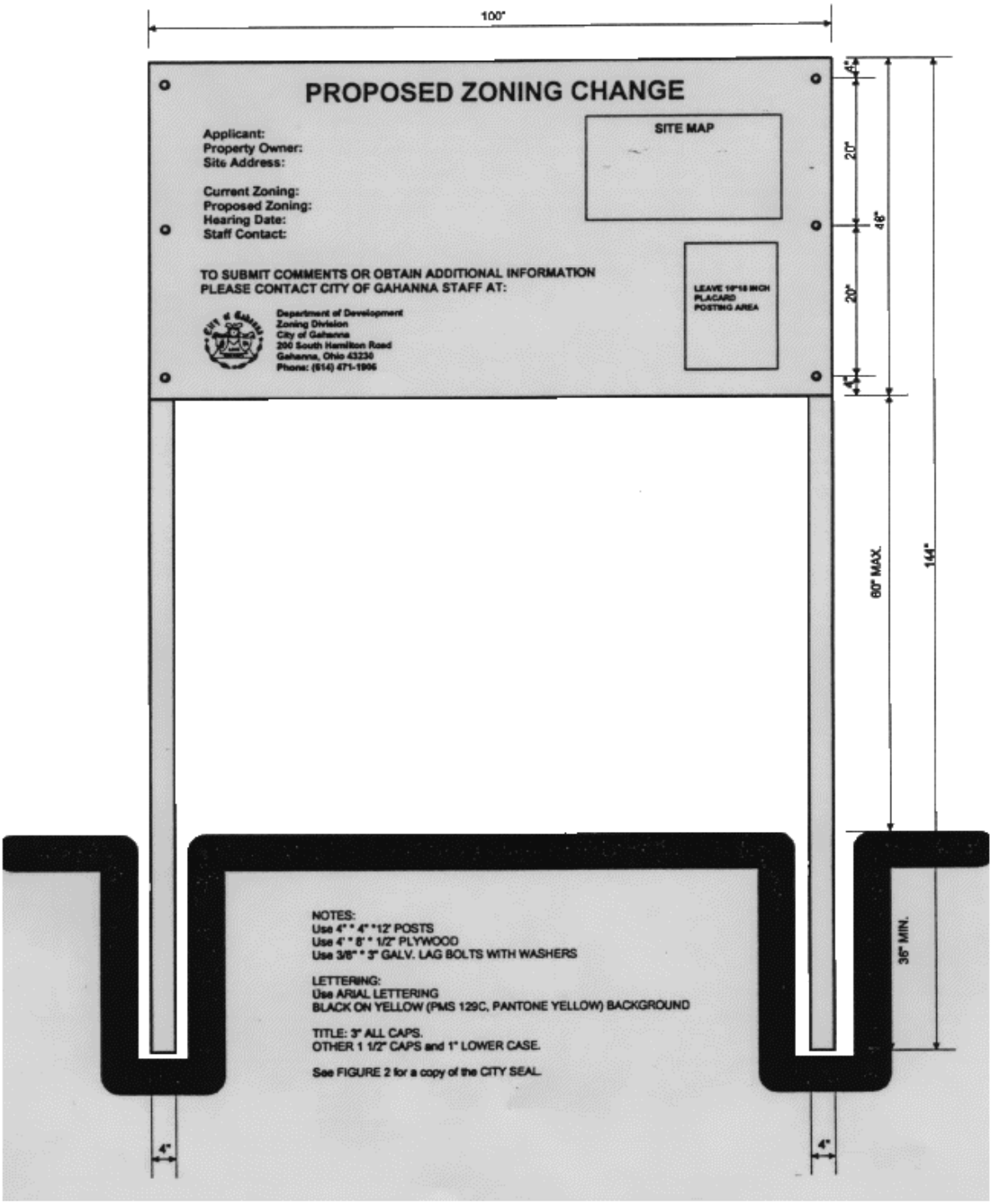
1133.07 DEPARTMENT OF PLANNING AND DEVELOPMENT AMENDMENTS.
The Department of Planning and Development may initiate zoning or rezoning changes. Proposed changes shall be submitted to the Planning Commission for its review and recommendation prior to being acted upon by Council.
(Ord. 0151-2011. Passed 8-1-11.)

1133.08 ZONING OF ANNEXED TERRITORY.
(a) All newly annexed territory being accepted by Council after January 1, 1993, shall immediately upon acceptance be subject to the zoning classification, regulations and restrictions, as hereinafter set forth in this section:

(1) All territory annexed to the City containing five or more acres shall be zoned Estate Residential 1 (ER-1) District.
(2) All territory annexed to the City containing one acre or more but less than five acres shall be zoned Estate Residential 2 (ER-2).
(3) All territory annexed to the City containing less than one acre shall be zoned to the most appropriate single family category based on the size of the lot - SF-1, SF-2, OR SF-3.

(b) The owner(s) may file, prior to acceptance of the annexed property by Council, a zoning application with the Planning and Zoning Administrator for such newly annexed territory for any zoning category included in the Zoning Code. Such filing shall be in accordance with the provisions of this chapter. If a zoning application under this subsection is filed, the requirements of subsection (a) hereof do not apply.

(c) Subsequent zoning applications shall be submitted in the manner prescribed by this chapter. (Ord. 0123-2007. Passed 6-18-07.)


100"
PROPOSED ZONING CHANGE
Applicant:
Property Owner:
Site Address:
Current Zoning:
Proposed Zoning:
Hearing Date:
Staff Contact:
SITE MAP
TO SUBMIT COMMENTS OR OBTAIN ADDITIONAL INFORMATION
PLEASE CONTACT CITY OF GAHANNA STAFF AT:
Department of Development
Zoning Division
City of Gahanna
200 South Hamilton Road
Gahanna, Ohio 43230
Phone: (614) 471-1996
LEAVE 10"15 INCH PLACARD POSTING AREA
4"
20"
48"
20"
4"
60" MAX.
144"
36" MIN.
NOTES:
Use 4" * 4" *12' POSTS
Use 4' * 8' * 1/2" PLYWOOD
Use 3/8" * 3" GALV. LAG BOLTS WITH WASHERS
LETTERING:
Use ARIAL LETTERING
BLACK ON YELLOW (PMS 129C, PANTONE YELLOW) BACKGROUND
TITLE: 3" ALL CAPS.
OTHER 1 1/2" CAPS and 1" LOWER CASE.
See FIGURE 2 for a copy of the CITY SEAL.
4"
4"

CHAPTER 1135
Districts and Zoning Map

1135.01 Districts established.
1135.02 Zoning Map adopted.
1135.03 Compliance with district regulations.
1135.04 Rules for interpretation of district boundaries.

CROSS REFERENCES
Basis of districts - see Ohio R.C. 713.10
Compliance with district regulations required - see P. & Z. 1127.02
Listing of Zoning Map changes - see PRELIM.

1135.01 DISTRICTS ESTABLISHED.

For the purpose of regulating and restricting the general location of buildings and other structures and of premises to be used for trade, industry, residence and other specified uses within the Municipality; for the purpose of regulating the height of buildings and other structures hereafter erected or altered; for the purpose of regulating the bulk and location of buildings and other structures hereafter erected or altered, including the percentage of lot occupancy, setback building lines, and the area of yards, courts and other open spaces, the Municipality is hereby divided into zoning districts as follows, and as shown on the Zoning Map on file with the Clerk of Council:

ER-1 District - Estate Residential District
ER-2 District - Estate Residential District
SF-1 District - Single Family Residential District
SF-2 District - Single Family Residential District
SF-3 District - Single Family Residential District
R-4 District - Single Family Residential District
MR-1 District - Two-Family Residential District
AR District - Multi-Family Residential District
PRD District - Planned Residential District
SCPD District - Select Commercial Planned District
PCD District - Planned Corporate Mixed Use District
PID District - Planned Industrial District
PRCD - Planned Residential Commercial Mixed Use District

ROD District - Residential Overlay District
L District - Limited Overlay District
SO District - Suburban Office and Institutional District
NC District - Neighborhood Commercial District
CC District - Community Commercial District
CC-2 District - Community Commercial (Modified) District
CS District - Community Service District
PCC District - Planned Commercial Center District
CX-1, Neighborhood Commercial, Mixed Use District
OG District - Olde Gahanna District
Olde Gahanna Single Family Residential
Olde Gahanna Mixed Use Neighborhood
Olde Gahanna Recreation
OCT Office, Commerce & Technology District
PIPD District - Planned Industrial Park District
RI District - Restricted Institutional District.
(Ord. 0213-2011. Passed 12-19-11.)

1135.02 ZONING MAP ADOPTED.

Such districts as are bounded and described on a "Zoning Map of the City of Gahanna, Ohio" dated June 30, 1996, certified by the Clerk of Council and which is on file in the office of the Clerk of Council is adopted and is hereby made a part of this Zoning Code. Furthermore, the Clerk of Council shall from time to time, whenever the zoning is changed in the City, amend the Map accordingly, correct the same and so certify.
(Ord. 11-2002. Passed 2-4-02.)

1135.03 COMPLIANCE WITH DISTRICT REGULATIONS.

Use, height, location, area and other regulations permitted under Ohio R.C. 713.06 to 713.15, shall be as set forth in this Zoning Ordinance as regulations for each district or zone or as hereinafter set forth in this Zoning Ordinance.
(Ord. 11-2002. Passed 2-4-02.)

1135.04 RULES FOR INTERPRETATION OF DISTRICT BOUNDARIES.

Where uncertainty exists with respect to the boundaries of any of the districts as shown on the Zoning Map, the following rules shall apply:

(a) Where district boundaries are indicated as approximately following the center lines of streets or highways, street lines or highway right-of-way lines, such center lines, street lines or highway right-of-way lines shall be construed to be such boundaries.

(b) Where district boundaries are so indicated that they approximately follow the lot lines, such lot lines shall be construed to be such boundaries.

(c) Where district boundaries are so indicated that they are approximately parallel to the center lines or street lines of streets, or the center lines or right-of-way lines of highways, such district boundaries shall be construed as being parallel thereto and at such distance therefrom as indicated on the Zoning Map. If no distance is given, such dimension shall be determined by the use of the scale shown on the Zoning Map.

(d) Where the boundary of a district follows a stream, lake, or other body of water, the boundary line shall be deemed to be at the limit of the jurisdiction of the Municipality, unless otherwise indicated.

(e) In unsubdivided property, the district boundary lines on the maps accompanying and made a part of this Zoning Ordinance shall be determined by dimensions, notes on the maps or by the use of the scale appearing on the maps.

(Ord. 11-2002. Passed 2-4-02.)

CHAPTER 1136
ER-1 Estate Residential Districts

1136.01 Purpose.
1136.02 Land use limitations.
1136.03 Permitted uses.
1136.04 Conditional uses.
1136.05 Height regulations.
1136.06 Dwelling dimensions and lot coverages.
1136.07 Required lot area.
1136.08 Yard requirements.
1136.09 Off-street parking.
1136.10 Water and sewer standards.
1136.11 Public improvement requirements.

CROSS REFERENCES

District established - see P. & Z. 1135.01
Signs - see P. & Z. Ch. 1165
Additional use, height and area provisions - see P. & Z. Ch. 1167
Conditional use authorization procedure - see P. & Z. Ch. 1169
Fences - see P. & Z. Ch. 1171

1136.01 PURPOSE.

ER-1 Estate Residential District zoning is intended to recognize rural land uses are important elements of the City's character, economy and future. ER-1 Estate District zoning is intended to promote and protect rural land uses currently within the City and to identify land which appears appropriate for such development. The development standards established under this Zoning District are intended to promote attractiveness, order and a healthful, safe environment while providing the opportunity to satisfy individual housing tastes and preferences. (Ord. 44-89. Passed 5-2-89.)

1136.02 LAND USE LIMITATIONS.

(a) Minimum lot size shall be sufficient to allow single family dwelling development without creating a need for central sanitary sewer and/or water supply systems.

(b) The minimum lot size within an ER-1 Estate Residential District shall be five acres unless the land configuration or geological factors which influence the installation and operation of nonpublicly operated sanitary sewer and/or potable water supply systems require a larger minimum lot size.

(c) All components of nonpublicly operated sanitary sewer and/or water supply systems are to be located entirely upon and within the perimeter of the lot they are intended to serve unless such system is licensed and accepted by health authorities having jurisdiction for providing sanitary sewer and/or potable water service to multiple lots.
(Ord. 44-89. Passed 5-2-89.)

1136.03 PERMITTED USES.

In a single-family dwelling zoning district designated as ER-1, no dwellings or land shall be used or changed in use, and no building shall be hereinafter located, erected or structurally altered, unless otherwise provided for in this Zoning Ordinance, except as follows:

(a) Detached, one-family dwelling; or

(b) Customary accessory uses and buildings provided such uses and buildings are incidental to the principal use and do not include any activity commonly conducted as a business. Any accessory building shall be located on the same lot as the principal building.

(Ord. 44-89. Passed 5-2-89.)

1136.04 CONDITIONAL USES.

(a) In a single-family dwelling district designated as ER-1, the following uses shall be permitted upon approval by the Planning Commission:

(1) Parks, playgrounds and play fields open to the public without a fee or recreation areas operated by membership organizations for the benefit of their membership and not for a profit;

(2) Customary agricultural operations, including the sale of produce raised on the premises provided no storage of manure or other odor or dust producing substance is permitted. The harboring or housing of farm animals shall not be permitted within 200 feet of any property line;

(3) Operation of a farm market for sale of agricultural products in association with an agricultural conditional use provided at least fifty percent (50%) of gross income from the farm market is derived from produce raised on a farm owned and/or operated by the market operator in a normal crop year;

(4) Facilities for the storage, sorting or preliminary processing of agricultural products produced or grown on the premises provided such operations are not in conflict with provisions of Chapter 1159 and facilities for such storage, sorting or processing are not located within 200 feet of any property line;

(5) Stables or other facilities for the care or boarding of animals provided any building or structure which is related to such use is not located within 200 feet of any property line except for open fencing;

(6) Veterinarian offices and related animal care facilities;

(7) Kennels, excluding those required by State licensed DVMs in the practice of animal medicine and those required by the City in the administration of local, County and State code enforcement. The term “kennel” as used herein means the keeping of five or more animals who are at least three months of age for pleasure, profit, breeding or exhibiting.

(b) All other uses not specifically mentioned in this section and herein are prohibited.

(c) Variance to any of the compliance requirements for a conditional use shall require approval by Council with an affirmative recommendation from the Planning Commission.

(Ord. 12-2002. Passed 2-4-02.)

1136.05 HEIGHT REGULATIONS.

No building shall exceed thirty-five feet in height as measured from the first floor level to the top of the highest ridge, nor more than two stories.
(Ord. 44-89. Passed 5-2-89.)

1136.06 DWELLING DIMENSIONS AND LOT COVERAGES.

(a) Each dwelling hereinafter erected or structurally altered in an ER-1 District shall have a ground floor area, exclusive of open porches and garages as follows:

(1) Not less than 1,400 square feet per one-story or ranch type dwelling;

(2) Not less than 800 square feet ground floor area per one and one-half story dwelling;

(3) Two-story dwellings not including basements, open porches and garages, shall have a total living area of not less than 1,700 square feet; and

(4) Split level residences, not including basements, open porches and garages shall have a total living area of not less than 1,500 square feet.

(b) All dwellings and accessory buildings shall cover not more than twenty percent (20%) of any lot. (Ord. 44-89. Passed 5-2-89.)

1136.07 REQUIRED LOT AREA.

(a) Each dwelling, structure or other building permitted herein shall be located on a lot having an area of not less than five acres and each lot shall have a frontage of not less than 250 feet on a dedicated and improved public street, provided the street on which the lot fronts is noncurving and extends to an intersection with other public streets in both directions or is located entirely along the noncurving portion of a cul-de-sac.

(b) When the road upon which a lot fronts is curving or at the end of a cul-de-sac, the chord distance along the right-of-way may be reduced to 150 feet, provided the lot width at the minimum building line is 250 feet.

(c) For corner lots, the chord distance along the right-of-way shall not be less than 270 feet. (Ord. 44-89. Passed 5-2-89.)

1136.08 YARD REQUIREMENTS.

Each lot shall have a front, rear and two side yards of not less than the following depths or widths:

(a) The depth of the front yard shall be equal to or greater than the minimum distance between the building setback line and the street right-of-way line. In no case shall this distance be less than seventy-five (75') feet.

(b) The depth of the rear yard shall be not less than seventy-five (75') feet measured from the rear property line. A permitted unattached accessory building or structure shall be located to the rear of the dwelling and shall not exceed fifteen feet (15') in height. A permitted attached accessory building or structure shall be treated as an addition and may project into the rear yard a distance of not more than ten feet (10').

(c) Each side yard width shall be not less than fifty feet (50') in width.

(d) Where conditional uses are permitted, each side yard width shall be not less than fifty feet (50') in width unless a greater dimension is required for such use by this code.

(e) No permitted accessory building or structure, or fence other than decorative open fences, as defined in Section 1171.01(d), of a height no greater than forty-eight (48") inches, shall be erected in any area designated as a "no build zone".
(Ord. 0026-2007. Passed 2-20-07.)

1136.09 OFF-STREET PARKING.

Each residence shall have garage facilities to accommodate a minimum of two automobiles, however, such facility shall not be greater in square footage than 800 square feet or one-third (1/3) of the total floor area as defined in Section 1123.23, which structure shall be located on the same lot as the dwelling. For driveway width, refer to Chapter 1163.
(Ord. 19-96. Passed 2-6-96.)

1136.10 WATER AND SEWER STANDARDS.

(a) The developer of residential lots or acreage intended to be served by nonpublicly operated sanitary sewer and/or water supply systems shall ensure treatment and disposal of sanitary waste and generation of underground water supply can be accomplished without degrading the environment.

(b) The City and appropriate health authority may find land unsuitable for development without central water and sewer service based upon the following criteria:

(1) The land encompasses federally-designated floodplains and/or floodplain soils as designated by the U.S.D.A. Soil Survey of Franklin County, Ohio or applicable national flood insurance program or City maps which depict floodplains subject to regulation;

(2) Location of individual household wastewater treatment and disposal systems on hillsides with slopes containing a severe grade causing a condition unacceptable for systems utilizing soil absorption; or

(3) Soil groups to be developed with soil absorption systems are not fully capable of adequately handling the on-site treatment and disposal of sanitary effluent, as determined by the appropriate health authority.

(c) Individual site limitations shall be sufficiently addressed as follows:

(1) Each individual building site shall be located and designed to provide adequate surface drainage to an acceptable outlet and soil conditions shall be adequate to provide acceptable permeability if individual wastewater treatment and disposal systems utilizing soil absorption are to be used;

(2) Test wells of a required number and location shall be drilled to ensure an adequate supply of underground water without negatively impacting existing wells; and

(3) Compliance with City Subdivision Regulations.
(Ord. 44-89. Passed 5-2-89.)

1136.11 PUBLIC IMPROVEMENT REQUIREMENTS.

The City Engineer may be authorized and permitted to alter certain public improvement requirements as outlined in the City Subdivision Regulations for property that is zoned ER-1, and for which a preliminary plat application has been submitted for approval. Proposed alterations shall be approved by the Planning Commission at the time of preliminary plat approval and by Council at the time of final plat approval.
(Ord. 44-89. Passed 5-2-89.)

CHAPTER 1137
ER-2 Estate Residential Districts

1137.01 Purpose.
1137.02 Land use limitations.
1137.03 Permitted uses.
1137.04 Conditional uses.
1137.05 Height regulations.
1137.06 Dwelling dimensions and lot coverages.
1137.07 Required lot area.
1137.08 Yard requirements.
1137.09 Off-street parking.
1137.10 Water and sewer standards.
1137.11 Public improvement requirements.

CROSS REFERENCES

District established - see P. & Z. 1135.01
Signs - see P. & Z. 1165.03
Additional use, height and area provisions - see P. & Z. Ch. 1167
Conditional use authorization procedure - see P. & Z. Ch. 1169
Fences - see P. & Z. Ch. 1171

1137.01 PURPOSE.

ER-2 Estate Residential District zoning is provided to recognize and identify those sections of the City with low density residential development and land which appears appropriate for such development.
(Ord. 45-89. Passed 5-2-89.)

1137.02 LAND USE LIMITATIONS.

(a) One acre parcels permitted by this District do not provide space for intensive agricultural activities.

(b) Parcels that are one and a half areas in size or less require access to public water and sewer services. Parcels larger than one and a half acres in size shall meet land suitability requirements described herein if they are to be developed without access to public water and sewer service. (Ord. 45-89. Passed 5-2-89.)

1137.03 PERMITTED USES.

In a single-family dwelling zoning district designated as ER-2, no dwellings or land shall be used or changed in use, and no building shall be hereinafter located, erected or structurally altered, unless otherwise provided for in this Zoning Ordinance, except as follows:

(a) Detached, one-family dwelling.

(b) Customary accessory uses and buildings, provided such uses and buildings are incidental to the principal building use and do not include any activity commonly conducted as a business. Any accessory building shall be located on the same lot with the principal building.

(Ord. 13-2002. Passed 2-4-02.)

1137.04 CONDITIONAL USES.

(a) In a single-family dwelling district designated as ER-2, the following uses shall be permitted upon approval by the Planning Commission:

(1) Public parks, public playgrounds and recreation areas operated by membership organizations for the benefit of their membership and not for a profit;

(2) Customary agricultural operations, including the sale of produce raised on the premises, provided such premises is over one acre in area and provided no storage of manure or other odor or dust producing substances is permitted. The harboring or housing of farm animals shall not be permitted within 200 feet of any property line;

(3) Kennels, excluding those required by State licensed DVMs in the practice of animal medicine and excluding those required by the City in the administration of local, County and State code enforcement.

The term "kennel" as used herein means the keeping of five or more animals who are at least three months of age for pleasure, profit, breeding or exhibiting.

(b) All other uses not specifically mentioned in this section and herein are prohibited.

(Ord. 13-2002. Passed 2-4-02.)

1137.05 HEIGHT REGULATIONS.

No building shall exceed thirty-five feet in height, as measured from the first floor level to the top of the highest ridge, nor more than two stories.

(Ord. 45-89. Passed 5-2-89.)

1137.06 DWELLING DIMENSIONS AND LOT COVERAGES.

(a) Each dwelling hereinafter erected or structurally altered in an ER-2 District shall have a ground floor area, exclusive of open porches and garages as follows:

(1) Not less than 1,800 square feet per one-story or ranch type dwelling;

(2) Not less than 1,200 square feet ground floor area per one and one-half story dwelling;

(3) Two-story dwellings, not including basements, open porches and garages, shall have a total living area of not less than 2,400 square feet; and

(4) Split-level residences, not including basements, open porches and garages, shall have a total living area of not less than 1,800 square feet.

(b) All dwellings and accessory buildings shall cover not more than twenty-five percent (25%) of any lot. (Ord. 45-89. Passed 5-2-89.)

1137.07 REQUIRED LOT AREA.

(a) Each dwelling, structure or other building permitted herein shall be located on a lot having an area of not less than one acre and each lot shall have a frontage of not less than 150 feet on a dedicated and improved public street, provided the street on which the lot fronts is noncurving and extends to an intersection with other public streets in both directions or is located entirely along the noncurving portion of a cul-de-sac.

(b) When the road upon which a lot fronts is curving or at the end of a cul-de-sac, the chord distance along the right-of-way may be reduced to eighty-five feet, provided the lot width at the minimum building line is 150 feet.

(c) For corner lots, the chord distance along the right-of-way shall not be less than 170 feet. (Ord. 45-89. Passed 5-2-89.)

1137.08 YARD REQUIREMENTS.

Each lot shall have a front, rear and two side yards of not less than the following depths or widths:

(a) The depth of the front yard shall be equal to or greater than the minimum distance between the building setback line and the street right-of-way line. In no case shall this distance be less than fifty feet (50').

(b) The depth of rear yard shall be not less than fifty feet (50') measured from the rear property line. A permitted unattached accessory building or structure shall be located to the rear of the dwelling and shall not exceed fifteen feet (15') in height. A permitted attached accessory building or structure shall be treated as an addition and may project into the rear yard a distance of not more than ten feet (10'). A minimum of forty feet (40') to the rear property line shall be maintained from an attached accessory use building or structure.

(c) Each side yard width shall be not less than twenty feet (20') in width.

(d) No permitted accessory building or structure or fence other than decorative open fences, as defined in Section 1171.01(d), of a height no greater than forty-eight inches (48"), shall be erected in any area designated as a "No-Build Zone".

(Ord. 0027-2007. Passed 2-20-07.)

1137.09 OFF-STREET PARKING.

Each residence shall have garage facilities to accommodate a minimum of two automobiles, however, such facility shall not be greater in square footage than 800 square feet or one-third (1/3) of the total floor area as defined in Section 1123.23, which structure shall be located on the same lot as the dwelling. For driveway width, refer to Chapter 1163.
(Ord. 20-96. Passed 2-6-96.)

1137.10 WATER AND SEWER STANDARDS.

(a) The developer of residential lots intended to be served by individual wastewater treatment and disposal systems shall ensure treatment and disposal of sanitary waste and generation of underground water supply can be accomplished without degrading the environment.

(b) The City and appropriate health authority may find land unsuitable for development without central water and sewer service based upon the following criteria:

(1) The land encompasses federally-designated floodplains and/or floodplain soils as designated by the U.S.D.A. Soil Survey of Franklin County, Ohio or applicable national flood insurance program or City maps which depict floodplains subject to regulation;

(2) Location of individual household wastewater treatment and disposal systems on hillsides with slopes containing a severe grade causing a condition unacceptable for systems utilizing soil absorption; or

(3) Soil groups to be developed with soil absorption systems are not fully capable of adequately handling the on-site treatment and disposal of sanitary effluent, as determined by the appropriate health authority.

(c) Individual site limitations shall be sufficiently addressed as follows:

(1) Each individual building site shall be located and designed to provide adequate surface drainage to an acceptable outlet and soil conditions shall be adequate to provide acceptable permeability if individual wastewater treatment and disposal systems utilizing soil absorption are to be used.

(2) Test wells of a required number and location shall be drilled to ensure an adequate supply of underground water without negatively impacting existing wells.

(3) Compliance with City Subdivision Regulations.
(Ord. 45-89. Passed 5-2-89.)

1137.11 PUBLIC IMPROVEMENT REQUIREMENTS.

The City Engineer may be authorized and permitted to alter certain public improvement requirements as outlined in the City Subdivision Regulations for property that is zoned ER-2 and for which a preliminary plat application has been submitted for approval. Proposed alterations shall be approved by the Planning Commission at the time of preliminary plat approval and by Council at the time of final plat approval.
(Ord. 45-89. Passed 5-2-89.)

CHAPTER 1139
SF-1 Residential Districts

1139.01 Purpose.
1139.02 Land use limitations.
1139.03 Permitted uses.
1139.04 Conditional uses.
1139.05 Height regulations.
1139.06 Dwelling dimensions and lot coverages.
1139.07 Required lot area.
1139.08 Yard requirements.
1139.09 Off-street parking.

CROSS REFERENCES
District established - see P. & Z. 1135.01
Signs - see P. & Z. 1165.03
Additional use, height and area provisions - see P. & Z. Ch. 1167
Conditional use authorization procedure - see P. & Z. Ch. 1169
Fences - see P. & Z. Ch. 1171

1139.01 PURPOSE.
SF-1 Residential District zoning is provided to recognize and identify sections of the City with low density residential development and land which appears appropriate for such development. (Ord. 66-89. Passed 6-20-89.)

1139.02 LAND USE LIMITATIONS.
(a) Lots and developments zoned under this District shall be served by centralized water and sanitary sewer service.

(b) Land zoned under the SF-1 District shall be appropriate to this type of development in terms of character and density of development.

(c) Land zoned as SF-1 is to be within an area where the general public welfare is best served by the provisions of a SF-1 District in maintaining the ability to provide essential services and facilities for a healthful and desirable residential environment.
(Ord. 66-89. Passed 6-20-89.)

1139.03 PERMITTED USES.
In a single-family dwelling zoning district designated as an SF-1 District, no dwellings or land shall be used or changed in use, and no building shall be hereinafter located, erected or structurally altered, unless otherwise provided for in this Zoning Ordinance, except as follows:
(a) Detached, one-family dwelling.

(b) Customary accessory uses and buildings, provided such uses and buildings are incidental to the principal building use and do not include any activity commonly conducted as a business. Any accessory building shall be located on the same lot with the principal building.
(Ord. 14-2002. Passed 2-4-02.)

1139.04 CONDITIONAL USES.

(a) In a single-family dwelling district designated as an SF-1 District, the following uses shall be permitted upon approval of the Planning Commission:

(1) Public parks, public playgrounds and recreation areas operated by membership organizations for the benefit of their membership and not for a profit.

(b) All other uses not specifically mentioned in this section and herein are prohibited.

(c) Variance to any of the compliance requirements for a conditional use shall require approval by Council with an affirmative recommendation from the Planning Commission.
(Ord. 14-2002. Passed 2-4-02.)

1139.05 HEIGHT REGULATIONS.

No building shall exceed thirty-five feet in height as measured from the first floor level to the top of the highest ridge, nor more than two stories.
(Ord. 66-89. Passed 6-20-89.)

1139.06 DWELLING DIMENSIONS AND LOT COVERAGES.

(a) Each dwelling hereafter erected or structurally altered in an SF-1 District shall have a ground floor area, exclusive of open porches and garages, as follows:

(1) Not less than 1,600 square feet per one-story or ranch type dwelling;
(2) Not less than 1,000 square feet ground floor area for a one and one-half story dwelling;
(3) Two-story dwellings, not including basements, open porches and garages, shall have a total living area of not less than 2,000 square feet; and
(4) Split-level residences, not including basements, open porches and garages, shall have a total living area of not less than 1,800 square feet.

(b) All dwellings and accessory buildings shall cover not more than thirty percent (30%) of any lot. (Ord. 66-89. Passed 6-20-89.)

1139.07 REQUIRED LOT AREA.

(a) Each dwelling, structure or other building permitted herein shall be located on a lot having an area of not less than 20,000 square feet and each lot shall have frontage of not less than 100 feet on a dedicated and improved public street, provided the street on which the lot fronts is noncurving and extends to an intersection with other public streets in both directions or is located entirely along the noncurving portion of a cul-de-sac.

(b) When the road upon which a lot fronts is curving or at the end of a cul-de-sac, chord distance along the right-of-way may be reduced to seventy feet, provided lot width at the minimum building line is 100 feet.

(c) For corner lots, the chord distance along the right-of-way shall not be less than 114 feet. (Ord. 66-89. Passed 6-20-89.)

1139.08 YARD REQUIREMENTS.

Each lot shall have a front, rear and two side yards of not less than the following depths or widths:

(a) The depth of the front yard shall be equal to or greater than the minimum distance between the building setback line and the street right-of-way line. In no case shall this distance be less than forty feet (40').

(b) The depth of rear yard shall be not less than forty feet (40') measured from the rear property line. A permitted unattached accessory building or structure shall be placed no closer than twenty-five feet (25') to the rear property line and shall not exceed fifteen feet (15') in height. A permitted attached accessory building or structure shall be treated as an addition and may project into the rear yard a distance of not more than ten feet (10'). A minimum of thirty feet (30') to the rear property line shall be maintained from an attached accessory use building or structure.

(c) Each side yard shall be not less than fifteen feet (15') in width.

(d) No permitted accessory building or structure or fence other than decorative open fences, as defined in Section 1171.01(d), of a height no greater than forty-eight inches (48") shall be erected in any area designated as a “No-Build Zone”. (Ord. 0028-2007. Passed 2-20-07.)

1139.09 OFF-STREET PARKING.

Each residence shall have garage facilities to accommodate a minimum of two automobiles, however, such facility shall not be greater in square footage than 800 square feet or one-third (1/3) of the total floor area as defined in Section 1123.23, which structure shall be located on the same lot as the dwelling. For driveway width, refer to Chapter 1163.
(Ord. 21-96. Passed 2-6-96.)

CHAPTER 1141
SF-2 Residential Districts

1141.01 Purpose.
1141.02 Land use limitations.
1141.03 Permitted uses.
1141.04 Conditional uses.
1141.05 Height regulations.
1141.06 Dwelling dimensions and lot coverages.
1141.07 Required lot area.
1141.08 Yard requirements.
1141.09 Off-street parking.

CROSS REFERENCES
District established - see P. & Z. 1135.01
Signs - see P. & Z. 1165.03
Additional use, height and area provisions - see P. & Z. Ch. 1167
Conditional use authorization procedure - see P. & Z. Ch. 1169
Fences - see P. & Z. Ch. 1171

1141.01 PURPOSE.
SF-2 Residential District zoning is provided to recognize and identify sections of the City with moderately low density residential development and land which appears appropriate for such development. (Ord. 46-89. Passed 5-2-89.)

1141.02 LAND USE LIMITATIONS.
(a) Lots and developments zoned under this District shall be served by centralized water and sanitary sewer service.

(b) Land zoned under the SF-2 District shall be appropriate to this type of development in terms of character and density of development.

(c) Land zoned as SF-2 is to be within an area where the general public welfare is best served by the provisions of a SF-2 District in maintaining the ability to provide essential services and facilities for a healthful and desirable residential environment.
(Ord. 46-89. Passed 5-2-89.)

1141.03 PERMITTED USES.
In a single-family dwelling zoning district designated as an SF-2 District, no dwellings or land shall be used or changed in use, and no building shall be hereinafter located, erected or structurally altered, unless otherwise provided for in this Zoning Ordinance, except as follows:
(a) Detached, one-family dwelling.

(b) Customary accessory uses and buildings, provided such uses and buildings are incidental to the principal building use and do not include any activity commonly conducted as a business. Any accessory building shall be located on the same lot with the principal building.
(Ord. 15-2002. Passed 2-4-02.)

1141.04 CONDITIONAL USES.

(a) In a single-family dwelling district designated as an SF-2 District, the following uses shall be permitted upon approval of the Planning Commission:

(1) Public parks, public playgrounds and recreation areas operated by membership organizations for the benefit of their membership and not for a profit.

(b) All other uses not specifically mentioned in this section and herein are prohibited.

(c) Variance to any of the compliance requirements for a conditional use shall require approval by Council with an affirmative recommendation from the Planning Commission.
(Ord. 15-2002. Passed 2-4-02.)

1141.05 HEIGHT REGULATIONS.

No building shall exceed thirty-two feet in height as measured from the first floor level to the top of the highest ridge, nor more than two stories.
(Ord. 46-89. Passed 5-2-89.)

1141.06 DWELLING DIMENSIONS AND LOT COVERAGES.

(a) Each dwelling hereafter erected or structurally altered in an SF-2 District shall have a ground floor area, exclusive of open porches and garages, as follows:

(1) Not less than 1,500 square feet per one-story or ranch type dwelling;
(2) Not less than 1,000 square feet ground floor area for a one and one-half story dwelling;
(3) Two-story dwellings, not including basements, open porches and garages, shall have a total living area of not less than 2,000 square feet; and
(4) Split-level residences, not including basements, open porches and garages, shall have a total living area of not less than 1,600 square feet.

(b) All dwellings and accessory buildings shall cover not more than thirty percent (30%) of any lot. (Ord. 46-89. Passed 5-2-89.)

1141.07 REQUIRED LOT AREA.

(a) Each dwelling, structure or other building permitted herein shall be located on a lot having an area of not less than 15,000 square feet and each lot shall have frontage of not less than ninety feet on a dedicated and improved public street, provided the street on which the lot fronts is noncurving and extends to an intersection with other public streets in both directions or is located entirely along the noncurving portion of a cul-de-sac.

(b) When the road upon which a lot fronts is curving or at the end of a cul-de-sac, chord distance along the right-of-way may be reduced to sixty feet, provided lot width at the minimum building line is ninety feet.

(c) For corner lots, the chord distance along the right-of-way shall not be less than 105 feet. (Ord. 46-89. Passed 5-2-89.)

1141.08 YARD REQUIREMENTS.

Each lot shall have a front, rear and two side yards of not less than the following depths or widths:

(a) The depth of the front yard shall be equal to or greater than the minimum distance between the building setback line and the street right-of-way line. In no case shall this distance be less than forty feet (40').

(b) The depth of rear yard shall be not less than twenty-five feet (25') measured from the rear property line. A permitted unattached accessory building or structure shall be placed no closer than ten feet (10') to the rear property line and shall not exceed fifteen feet (15') in height. A permitted attached accessory building or structure shall be treated as an addition and may project into the rear yard a distance of not more than ten feet (10'). A minimum of fifteen feet (15') to the rear property line shall be maintained from an attached accessory use building or structure.

(c) Each side yard shall be not less than ten feet (10') in width.

(d) No permitted accessory building or structure or fence other than decorative open fences, as defined in Section 1171.01(d), of a height no greater than forty-eight inches (48") shall be erected in any area designated as a “No-Build Zone”. (Ord. 0029-2007. Passed 2-20-07.)

1141.09 OFF-STREET PARKING.

Each residence shall have garage facilities to accommodate a minimum of two automobiles, however, such facility shall not be greater in square footage than 800 square feet or one-third (1/3) of the total floor area as defined in Section 1123.23, which structure shall be located on the same lot as the dwelling. For driveway width, refer to Chapter 1163.
(Ord. 22-96. Passed 2-6-96.)

CHAPTER 1143
SF-3 Residential Districts

1143.01 Purpose.
1143.02 Land use limitations.
1143.03 Permitted uses.
1143.04 Conditional uses.
1143.05 Height regulations.
1143.06 Dwelling dimensions and lot coverages.
1143.07 Required lot area.
1143.08 Yard requirements.
1143.09 Off-street parking.

CROSS REFERENCES
District established - see P. & Z. 1135.01
Signs - see P. & Z. 1165.03
Additional use, height and area provisions - see P. & Z. Ch. 1167
Conditional use authorization procedure - see P. & Z. Ch. 1169
Fences - see P. & Z. Ch. 1171

1143.01 PURPOSE.
SF-3 Residential District zoning is provided to recognize and identify sections of the City with medium density residential development and land which appears appropriate for such development. (Ord. 47-89. Passed 5-2-89.)

1143.02 LAND USE LIMITATIONS.
(a) Lots and developments zoned under this District shall be served by centralized water and sanitary sewer service.

(b) Land zoned under the SF-3 District shall be appropriate to this type of development in terms of character and density of development.

(c) Land zoned as SF-3 is to be within an area where the general public welfare is best served by the provisions of a SF-3 District in maintaining the ability to provide essential services and facilities for a healthful and desirable residential environment.
(Ord. 47-89. Passed 5-2-89.)

1143.03 PERMITTED USES.
In a single-family dwelling zoning district designated as an SF-3 District, no dwellings or land. shall be used or changed in use, and no building shall be hereinafter located, erected or structurally altered, unless otherwise provided for in this Zoning Ordinance, except as follows:
(a) Detached, one-family dwelling.

(b) Customary accessory uses and buildings, provided such uses and buildings are incidental to the principal building use and do not include any activity commonly conducted as a business. Any accessory building shall be located on the same lot with the principal building.
(Ord. 16-2002. Passed 2-4-02.)

1143.04 CONDITIONAL USES.

(a) In a single-family dwelling district designated as an SF-3 District, the following uses shall be permitted upon approval of the Planning Commission:

(1) Public parks, public playgrounds and recreation areas operated by membership organizations for the benefit of their membership and not for a profit.

(b) All other uses not specifically mentioned in this section and herein are prohibited.

(c) Variance to any of the compliance requirements for a conditional use shall require approval by Council with an affirmative recommendation from the Planning Commission.
(Ord. 16-2002. Passed 2-4-02.)

1143.05 HEIGHT REGULATIONS.

No building shall exceed thirty feet in height as measured from the first floor level to the top of the highest ridge, nor more than two stories.
(Ord. 47-89. Passed 5-2-89.)

1143.06 DWELLING DIMENSIONS AND LOT COVERAGES.

(a) Each dwelling hereafter erected or structurally altered in an SF-3 District shall have a ground floor area, exclusive of open porches and garages, as follows:

(1) Not less than 1,400 square feet per one-story or ranch type dwelling;
(2) Not less than 800 square feet ground floor area for a one and one-half story dwelling;
(3) Two-story dwellings, not including basements, open porches and garages, shall have a total living area of not less than 1,700 square feet; and
(4) Split-level residences, not including basements, open porches and garages, shall have a total living area of not less than 1,500 square feet.

(b) All dwellings and accessory buildings shall cover not more than forty percent (40%) of any lot. (Ord. 47-89. Passed 5-2-89.)

1143.07 REQUIRED LOT AREA.

(a) Each dwelling, structure or other building permitted herein shall be located on a lot having an area of not less than 11,000 square feet and each lot shall have frontage of not less than eighty feet on a dedicated and improved public street, provided the street on which the lot fronts is noncurving and extends to an intersection with other public streets in both directions or is located entirely along the noncurving portion of a cul-de-sac.

(b) When the road upon which a lot fronts is curving or at the end of a cul-de-sac, chord distance along the right-of-way may be reduced to fifty-five feet, provided lot width at the minimum building line is eighty feet.

(c) For corner lots, the chord distance along the right-of-way shall not be less than 100 feet. (Ord. 47-89. Passed 5-2-89.)

1143.08 YARD REQUIREMENTS.

Each lot shall have a front, rear and two side yards of not less than the following depths or widths:

(a) The depth of the front yard shall be equal to or greater than the minimum distance between the building setback line and the street right-of-way line. In no case shall this distance be less than thirty-five feet (35').

(b) The depth of rear yard shall be not less than twenty-five feet (25') measured from the rear property line. A permitted unattached accessory building or structure shall be placed no closer than ten feet (10') to the rear property line and shall not exceed fifteen feet (15') in height. A permitted attached accessory building or structure shall be treated as an addition and may project into the rear yard a distance of not more than ten feet (10'). A minimum of fifteen feet (15') to the rear property line shall be maintained from an attached accessory use building or structure.

(c) Each side yard shall be not less than seven and one-half feet (7.5') in width.

(d) No permitted accessory building or structure or fence other than decorative open fences, as defined in Section 1171.01(d), of a height no greater than forty-eight inches (48") shall be erected in any area designated as a “No-Build Zone”. (Ord. 0030-2007. Passed 2-20-07.)

1143.09 OFF-STREET PARKING.

Each residence shall have garage facilities to accommodate a minimum of two automobiles, however, such facility shall not be greater in square footage than 800 square feet or one-third (1/3) of the total floor area as defined in Section 1123.23, which structure shall be located on the same lot as the dwelling. For driveway width, refer to Chapter 1163.
(Ord. 23-96. Passed 2-6-96.)

CHAPTER 1145
R-4 Residence Districts

1145.01 Permitted uses.
1145.02 Conditional uses.
1145.03 Height regulations.
1145.04 Dwelling dimension; lot coverage.
1145.05 Required lot area.
1145.06 Yard requirements.
1145.07 Future R-4 Residence zoning, rezoning prohibited.

CROSS REFERENCES

District established - see P. & Z. 1135.01
Signs - see P. & Z. 1165.03
Additional use, height and area regulations - see P. & Z. Ch. 1167
Fences - see P. & Z. Ch. 1171

1145.01 PERMITTED USES.

In a single-family dwelling district designated as an R-4 District, no dwellings or land shall be used or changed in use and no building shall be hereinafter located, erected or structurally altered, unless provided in this Zoning Ordinance, except for the following use:

(a) Detached one-family dwelling.

(b) Customary accessory uses and buildings, provided such uses and buildings are incidental to the principal use and do not include any activity commonly conducted as a business. Any accessory building shall be located on the same lot with the principal building and shall meet the lot requirements hereinafter set forth.

(Ord. 17-2002. Passed 2-4-02.)

1145.02 CONDITIONAL USES.

(a) In a single-family dwelling district designated as an R-4 District, the following uses will be permitted only after approval of the Planning Commission:

(1) Public parks, public playgrounds and recreation areas operated by membership organizations for the benefit of their membership and not for profit.

(b) All other uses not specifically mentioned in this section and herein are prohibited.

(c) Variance to any of the compliance requirements for a conditional use shall require approval by Council with an affirmative recommendation from the Planning Commission.

(Ord. 17-2002. Passed 2-4-02.)

1145.03 HEIGHT REGULATIONS.

No building shall exceed twenty-five feet in height, nor more than two stories.
(Ord. 11-62. Passed 4-2-62.)

1145.04 DWELLING DIMENSION; LOT COVERAGE.

Each dwelling hereafter erected or structurally altered in an R-4 District shall have a ground floor area, exclusive of open porches and garages, of not less than 1,000 square feet per one-story or ranch type dwelling and not less than 800 square feet ground floor area per one-and-one-half story dwelling. For two-story dwellings and/or split-level residences, not including basements, open porches and garages, the total living area shall be not less than 1,400 square feet. Each dwelling may have garage facilities to accommodate automobiles, however, such facility shall not be greater in square footage than 800 square feet or one-third (1/3) of the total floor area as defined in Section 1123.23. All dwellings and accessory buildings shall cover not more than forty percent (40%) of any lot.
(Ord. 24-96. Passed 2-6-96.)

1145.05 REQUIRED LOT AREA.

(a) Each dwelling structure or other building permitted herein shall be located on a lot having an area of not less than 7,200 square feet and each lot shall have a frontage of not less than sixty feet on a dedicated public street, provided the street on which the lot fronts is straight.

(b) When the road upon which a lot fronts is curving or at the end of a cul-de-sac, the chord distance along the right of way may be reduced to forty-five feet, provided the lot width at the minimum building line is sixty feet.
(Ord. 4-58. Passed 4-29-58.)

1145.06 YARD REQUIREMENTS.

Each lot shall have a front, rear and two side yards of not less than the following depths or widths:

(a) Depth of front yards shall be not less than twenty-five feet (25') measured from the right-of-way line of the street or streets upon which it fronts.

(b) Depth of the rear yard shall be not less than twenty-five feet (25') measured from the rear property line. A permitted unattached accessory "USTEB" shall be located to the rear of the dwelling. An unattached accessory "USTEB" may be placed no closer than five feet (5') to the rear property line and shall not exceed fifteen feet (15') in height. A permitted attached accessory "USTEB" shall be treated as an addition. However, an attached accessory "USTEB" may project into the rear yard a distance of not more than ten feet (10').

(c) Each side yard width shall be not less than five feet (5').
(Ord. 0031-2007. Passed 2-20-07.)

1145.07 FUTURE R-4 RESIDENCE ZONING, REZONING PROHIBITED.

After the effective date of this section, (Ordinance 30-65, passed August 2, 1965), no further property in the Municipality shall be zoned or rezoned an R-4 Residence District.
(Ord. 30-65. Passed 8-2-65.)

CHAPTER 1147
MR-1 Residential District

1147.01 Purpose.
1147.02 Land use limitations.
1147.03 Permitted uses.
1147.04 Conditional uses.
1147.05 Height regulations.
1147.06 Dwelling dimension and lot coverage.
1147.07 Required lot area.
1147.08 Yard requirements.
1147.09 Off-street parking.
1147.10 Supplementary requirements.

CROSS REFERENCES
District established - see P. & Z. 1135.01
Signs - see P. & Z. 1165.03
Additional use, height and area regulations - see P. & Z. Ch. 1167
Conditional use authorization procedure - see P. & Z. Ch. 1169

1147.01 PURPOSE.
(a) MR-1 Residential District Zoning is provided to recognize and identify areas of the City of Gahanna with higher density level residential development and land which appears appropriate for such development. (Ord. 184-89. Passed 12-5-89.)

1147.02 LAND USE LIMITATIONS.
(a) Lots and developments zoned under this district shall be served by centralized water and sanitary sewer service.

(b) Land zoned under the MR-1 District shall be appropriate to this type of development in terms of character and density of development.

(c) Land zoned as MR-1 is to be within an area where the general public welfare is best served by the provisions of a MR-1 District in maintaining the ability to provide essential services and facilities for a healthful and desirable residential environment.
(Ord. 184-89. Passed 12-5-89.)

1147.03 PERMITTED USES.
(a) In a two-family dwelling zoning district designated as MR-1, no land or dwellings shall be used or changed in use, and no building shall be hereinafter located, erected or structurally altered, unless otherwise provided for in this Zoning Ordinance, except as follows:
(1) Detached, two-family dwelling.

(2) Customary accessory uses and buildings, provided such uses and buildings are incidental to the principal building use and do not include any activity commonly conducted as a business. Any accessory building shall be located on the same lot with the principal building.
(Ord. 18-2002. Passed 2-4-02.)

1147.04 CONDITIONAL USES.

(a) In a two-family dwelling district designated as an MR-1 District, the following uses will be permitted upon approval of the Planning Commission:

(1) Detached single family dwellings complying with the standards set forth under Chapter 1145 of this Zoning Code;

(2) Public parks, public playgrounds and recreation areas operated by membership organizations for the benefit of their membership and not for a profit.

(b) All other uses not specifically mentioned in this section and herein are prohibited.

(c) Variance to any of the compliance requirements for a conditional use shall require approval by Council with an affirmative recommendation from the Planning Commission.
(Ord. 18-2002. Passed 2-4-02.)

1147.05 HEIGHT REGULATIONS.

No building shall exceed thirty feet in height as measured from the first floor level to the top of the highest ridge, nor more than two stories.
(Ord. 184-89. Passed 12-5-89.)

1147.06 DWELLING DIMENSION AND LOT COVERAGE.

(a) Each dwelling hereafter erected or structurally altered in an MR-1 District shall have a ground floor area, exclusive of open porches and garages, as follows:

(1) Each single story two-family dwelling hereafter erected or structurally altered in an MR-1 District shall have a ground floor area, exclusive of open porches and garage areas, of not less than 1,100 feet per dwelling unit.

(2) Each multi-story two-family dwelling hereafter erected or structurally altered in an MR-1 District shall have a ground floor area of not less than 600 square feet of living area per dwelling unit, and a total living area of not less than 1,200 square feet per dwelling unit, both exclusive of open porches and garage areas.

(b) All dwellings and accessory buildings shall cover not more than thirty percent (30%) of any lot. (Ord. 184-89. Passed 12-5-89.)

1147.07 REQUIRED LOT AREA.

(a) Each dwelling structure or other building permitted herein shall be located on a lot having an area of not less than 9,000 square feet, and each lot shall contain a frontage and a width of not less than seventy-five feet for each two-family dwelling structure.

(b) When the road upon which a lot fronts is curving or at the end of a cul-de-sac, the chord distances along the right of way may be reduced to fifty-five feet, provided the lot width at the minimum building line is seventy-five feet.

(c) For corner lots, the chord distance along the right-of-way shall not be less than one hundred feet. (Ord. 184-89. Passed 12-5-89.)

1147.08 YARD REQUIREMENTS.

Each lot shall have a front, rear and two side yards of not less than the following depths or widths:

(a) The depth of the front yard shall be equal to or greater than the minimum distance between the building setback line and the street right-of-way line. In no case shall this distance be less than thirty feet (30').

(b) The rear yard depth shall be not less than thirty feet (30') measured from the rear property line. A permitted unattached accessory building or structure shall be placed no closer than twenty feet (20') to the rear property line and shall not exceed fifteen feet (15') in height. A permitted attached accessory building or structure shall be treated as an addition and may project into the rear yard a distance of not more than ten feet (10'). A minimum of twenty feet (20') to the rear property line shall be maintained from an attached accessory building or structure.

(c) Each side yard shall be not less than ten feet (10') in width.

(d) No permitted accessory building or structure or fence other than decorative open fence, as defined in Section 1171.01(d), of a height no greater than forty-eight inches (48") shall be erected in any area designated as a “No-Build Zone”. (Ord. 0032-2007. Passed 2-20-07.)

1147.09 OFF-STREET PARKING.

(a) Each dwelling unit in a two-family residential structure shall have a minimum of two off-street parking spaces, one of which shall be in a garage located on the same lot as the dwelling and sized to accommodate a minimum of one automobile. Such facility shall not be greater in square footage than one-third (1/3) of the total floor area as defined in Section 1123.23.

(b) Each single car garage in a two-family residential structure shall have a driveway from the street to the garage which has a minimum width of ten feet. If a two car garage is provided, or if two single car garages are immediately adjacent separated only by a common wall, the minimum drive width shall be eighteen feet. The driveway surface area located between the street right-of-way and the garage entry shall not be used for one of the required parking spaces.

(c) Open parking or storage of any trailer, boat, recreational vehicle, airplane or glider, in excess of forty-eight hours shall not be permitted within an MR-1 Residential District.

Each residence shall have garage facilities to accommodate a minimum of two automobiles, however, such facility shall not be greater in square footage than 800 square feet or one-third (1/3) of the total floor area as defined in Section 1123.23, which structure shall be located on the same lot as the dwelling. For driveway width, refer to Chapter 1163.
(Ord. 25-96. Passed 2-6-96.)

1147.10 SUPPLEMENTARY REQUIREMENTS.

(a) Each dwelling unit within a two-family residential structure shall contain a full basement. (Ord. 184-89. Passed 12-5-89.)

CHAPTER 1149
AR Multi-Family Residential District

1149.01 Permitted uses.
1149.02 Conditional uses.
1149.03 Development standards.

CROSS REFERENCES
District established - see P. & Z. 1135.01
Signs - see P. & Z. 1165.03
Additional use, height and area regulations - see P. & Z. Ch. 1167
Conditional use authorization procedure - see P. & Z. Ch. 1169

1149.01 PERMITTED USES.

Land and buildings in the AR Multi-Family Residential District shall be used only for the following purposes:

(a) Buildings containing not less than three nor more than eight dwelling units.

(Ord. 83-89. Passed 10- 17-89.)

1149.02 CONDITIONAL USES.

The following uses and standards shall be allowed in the AR Multi-Family Residential District subject to approval in accordance with Chapter 1169, Procedure For Authorizing A Conditional Use.

(a) Dwelling Buildings.
  (1) Buildings containing more than eight or less than three dwelling units.
  (2) The location and arrangement of two or more permitted residential buildings on the same lot. Where more than one residential building is permitted on the same lot, the Planning Commission may require development and recording of a subdivision plat in accord with the subdivision ordinance.
  (3) An additional average of six dwelling units per acre may be added as a conditional use making a total average density of eighteen units per acre.
  (4) Buildings exceeding two full stories above grade level may be approved as a conditional use.

(b) Flexible Arrangement of Buildings. Arrangement of buildings in accordance with the provisions of Chapter 1167, General Development Standards, Additional Use, Height and Area Regulations, if permitted by the Planning Commission as a conditional provision.

(c) Accessory Uses. Accessory buildings and uses in association with permitted dwellings, provided such uses and buildings are incidental to the principal use and do not include any activity commonly conducted as a business, and as specified in Chapter 1167, General Development Standards, Additional Use, Height and Area Regulations.

(d) Child Care. Child care or day school facilities as an accessory use to the permitted dwelling buildings provided such facilities comply with all licensing and facility requirements established by the State of Ohio:

(1) Outdoor play areas shall be fully enclosed by fencing complying with this Zoning Code and property deed restrictions in effect.

(2) Outdoor play areas shall be sized and arranged to provide a minimum of 200 square feet of active play area per child attending the child care or day school facility.

No child care or day school facility shall be operated within any dwelling unit.
(Ord. 83-89. Passed 10-17-89.)

1149.03 DEVELOPMENT STANDARDS.

In addition to the provisions of Chapter 1163, Parking Regulations; Chapter 1167, General Development Standards, Additional Use, Height and Area Regulations, the following standards for arrangement and development of land and buildings shall be required in the AR Multi-Family Residential District:

(a) Lot Area and Coverage.

(1) The minimum required lot area within an AR Multi-Family Residential District shall be determined by the number of dwelling units on the basis of a minimum lot area of 8,000 square feet plus 1,200 square feet for each dwelling unit or common use area excluding interior building circulation spaces.

(2) For each permitted use or conditional use, the lot area shall be adequate to meet the sanitation requirements of the City, but shall not be less than that prescribed for such use.

(3) One principal use shall be permitted on a lot, and such lot shall not be covered more than thirty-five percent (35%) by principal building and associated buildings.

(b) Lot Width.

(1) The minimum required lot width within an AR Residential District shall be determined by the number of dwelling units on the basis of a minimum lot width of seventy-five feet plus ten feet for each dwelling unit.

(2) For a conditional use, the lot width shall be adequate to meet the development standards of the AR Multi-Family Residential District.

(c) Front Yard. There shall be a front yard of at least twenty-five feet.

(d) Side Yard.

(1) For dwellings and accessory buildings, there shall be a total side yard of twenty feet or more. Each side yard shall be a minimum of ten feet.

(2) For a conditional use, except dwellings, and accessory buildings thereto, there shall be a side yard on each side of a building of twenty-five feet or more, making a total of fifty feet of side yards.

(e) Rear Yard. There shall be a rear yard of at least twenty-five feet.

(f) Density. There shall be a maximum average density of twelve dwelling units per acre in the AR District. The maximum average density as a conditional use shall be eighteen units per acre.

(g) Height Regulations. No building shall exceed two full stories above grade level unless approved as a conditional use. Where four feet or more of a story are below grade level, such story is not included in the two-story limitation.

(h) Public Streets. The Planning Commission may require the dedication of a street or streets as part of a subdivision plat in the AR District where more than one residential building is permitted.

(i) Dwelling Dimensions. Each multi-family building shall provide a minimum of 600 square feet of living floor area, exclusive of area consumed by walls, chases and nonhabitable space, for each single floor unit plus 100 square feet of living floor area for each bedroom. If a dwelling unit is more than one floor, an additional 100 square feet or more shall be provided for vertical circulation within the dwelling unit.

(j) Open Space. A minimum of fifteen percent (15%) of the developable area of subject parcels (total area minus right-of-way and perimeter screen) shall be permanently assigned and devoted to common usable open space for the residents of the development during the life of the development. The area must be of a shape and location that will permit the installation of such uses as swimming pools, community buildings, tot lots, playground equipment, etc., and not separated by drives or parking lots.

(k) Screening Provisions. A permanent fifteen-foot landscaped buffer shall be installed and maintained along the perimeter of the development where such development abuts or is adjacent to any parcels zoned residential or containing a residential land use. Landscaping shall be comprised of shrubs, trees, ground cover, and earthen mounds that together provide a suitable screen with a minimum height of six feet. Pre-existing natural features and topography are suitable screening elements and their use is encouraged. This buffer is required in addition to the fifteen percent (15%) open space requirement.

(l) Relationship of Main Buildings to Each Other, AR District Boundary and Parking. For purposes of this chapter, the longest dimensions of a building shall be considered its front and rear, and thus shall have front and rear yards, respectively. If the building is square, or nearly square with an overall dimensional variance between the sides of two percent (2%) or less, the building side with the principle public exposure shall be considered the front side with the opposite side identified as the rear.

(1) The distance between the ends of two buildings which are the shorter sides of a building shall be a minimum of twenty feet.

(2) If the front or rear of a main building is adjacent to the side yard of another main building, the side yard of the other main building shall be a minimum of fifteen feet.

(3) No end of a main building shall be closer than fifteen feet to the boundary of an AR District.

(4) The corners of two main buildings shall not be closer than sixteen feet.

(5) No parking shall be closer than twenty-five feet to the front or rear of a main building.

(m) Garage Facilities. Each multi-family building may have garage facilities to accommodate automobiles, however, such facility shall not be greater in square footage than one third of the total floor area of each residential unit.

(1) Each dwelling unit in a two-family residential structure shall have a minimum of two off-street parking spaces, one of which shall be in a garage located on the same lot as the dwelling and sized to accommodate a minimum of one automobile. Such facility shall not be greater in square footage than one third of the total floor area as defined in Section 1123.23.

(2) Each single car garage in a two-family residential structure shall have a driveway from the street to the garage which has a minimum width of ten feet. If a two car garage is provided, or if two single car garages are immediately adjacent separated only by a common wall, the minimum drive width shall be eighteen feet. The driveway surface area located between the street right-of-way and the garage entry shall not be used for one of the required parking spaces.

(3) Open parking or storage of any trailer, boat, recreational vehicle, airplane or glider, excess of forty-eight hours shall not be permitted within an MR-1 Residential District.

Each residence shall have garage facilities to accommodate a minimum of two automobiles, however, such facility shall not be greater in square footage than 800 square feet or one third of the total floor area as defined in Section 1123.23, which structure shall be located on the same lot as the dwelling. For driveway width, refer to Chapter 1163.

(Ord. 26-96. Passed 2-6-96.)

CHAPTER 1150
Olde Gahanna District

1150.01 Purpose.
1150.02 Definitions.
1150.03 Olde Gahanna Zoning Districts created.
1150.04 Olde Gahanna Single Family District.
1150.05 Olde Gahanna Mixed Use Neighborhood District.
1150.06 Olde Gahanna Recreation District.
1150.07 Olde Gahanna Recreation requirements.
1150.08 General development and improvement standards.
1150.09 New construction.
1150.10 Site planning.
1150.11 Signs.
1150.12 Variances required.
1150.13 Action on applications to be recorded.
1150.14 Appeal of denied applications.
1150.99 Penalty.

CROSS REFERENCES
Noise regulations - see GEN. OFF. Ch. 559
Signs - see P. & Z. Ch. 1165
Design Review - see P. & Z. Ch.1197

1150.01 PURPOSE.

The City of Gahanna hereby establishes the "Olde Gahanna District" in order to designate it as a special area of the City because of its unique character, history, existing mixed uses, as the original part of Gahanna, in a style so as to preserve history and existing residential uses within the Olde Gahanna District, taking into consideration the lot sizes and general character that defines the area, including, but not limited to, narrow sidewalks and streets.
(Ord. 0211-2011. Passed 12-27-11.)

1150.02 DEFINITIONS.

(a) "Building addition": A part added to a building, either by being built so as to form one architectural whole with it, or by being joined with it in some way, as by a passage, and so that one is a necessary adjunct or appurtenance of the other or so that both constitute the same building.

(b) "Building frontage, primary": Building frontage that abuts a street listed as a primary street as later defined.

(c) "Building frontage, secondary": Building frontage that abuts an alley or a street not listed as a primary street.

(d) "Building frontage, rear": The wall or plane opposite the primary building frontage. For a building on a corner lot, the building rear is the wall or plane opposite the wall or plane containing the principal building entrance.

(e) "Building setback line" The line beyond which no building or parts thereof shall project, except as otherwise provided in this chapter.

(f) "District": Portions of the territory of the City of Gahanna, within which certain uniform regulations and requirements or various combinations thereof apply under the provisions of this chapter.

(g) "Driveway": any access corridor leading from a public right-of-way to a parking lot, aisle, parking circulation area, garage, off-street parking space or loading space.

(h) "Drive-thru": A building or portion thereof that by design permits customers to receive goods or services while remaining in a motor vehicle.

(i) "Façade, primary": The exterior face of a building which is the architectural front that faces a primary street, sometimes distinguished from the other faces by elaboration of architectural or ornamental details.

(j) "Historic building": Any building or structure that is historically or architecturally significant per the criteria of the National Register of Historic Places.

(k) "Parapet": A low guarding wall at any point of sudden drop, as at the edge of a terrace, roof, battlement, balcony, etc.

(l) "Primary street list": All or portions of the following streets within the Olde Gahanna Zoning Districts: Granville Street, Mill Street, North High Street, Walnut Street, Carpenter Road, Town Street, Short Street, South High Street, Clark Street, North Street, Shull Avenue, and Oklahoma Avenue.

(m) "Principal building": A building in which the principal use of the property is conducted.

(n) "Public-private setback zone": An area between a principal building and a public street right-of-way line utilized for seating, outdoor dining, public art and/or other pedestrian amenities.

(o) "Setback": The distance between the building and any lot line.
(Ord. 0211-2011. Passed 12-27-11.)

1150.03 OLDE GAHANNA ZONING DISTRICTS CREATED.

(a) Olde Gahanna Single-family Residential Zoning. There is hereby created Olde Gahanna Single-family Residential Zoning.

(1) North: Generally bounded by Carpenter Road on the north, to and including both sides of Shull Avenue on the east, to Town Street on the south, to Shepard Street on the west, to Walnut Street on the South, to Short Street on the west.

(2) South: Generally bounded by the East/West Alley north of Clark Street on the north, to Big Walnut Creek on the west, to Friendship Park on the south, to the Municipal Service Complex on the east.

(b) Olde Gahanna Mixed Use Neighborhood District. There is hereby created Downtown Mixed Use Neighborhood Zoning generally bounded by Big Walnut Creek to the west, south to the east/west alley north of Clark Street; Sycamore Run to the east to Ogden Alley then west to Shepard, then north on Shepard to Walnut, then west to High Short then north to Carpenter Road.

(c) Olde Gahanna Recreation. There is hereby created Olde Gahanna Recreation Zoning.

(1) Part A. Generally bounded by Ridenour Road on the west; Gahanna Municipal Golf Course to the north; Big Walnut Creek to the east, and U. S. Route No. 62 to the south; excepting out certain parcels as follows: 025-001900-80, 025-001900-90 and the Mifflin Township Cemetery.

(2) Part B. Generally bounded by Discovery Park on the north, including the following Tax ID Parcels: 025-000942-00, 025-000951-00, 025-000952-00, 025-000958-00, 025-000953-00 025-000869-00; Big Walnut Creek to the East, including Friendship Park, and City-owned property north of Friendship Park west of Sycamore Run.

(Ord. 0211-2011. Passed 12-27-11.)

1150.04 OLDE GAHANNA SINGLE FAMILY DISTRICT.

(a) Permitted Uses. In the single-family dwelling area designated in this chapter, no dwellings or land shall be used or changed in use and no building shall be hereinafter located, erected or structurally altered, except:

(1) A detached one-family dwelling.

(2) Customary accessory uses and buildings, provided such uses and buildings are incidental to the principal building use and do not include any activity commonly conducted as a business. Any accessory building shall be located on the same lot with the principal building.

A. A permitted unattached accessory building or structure shall be located to the rear of the dwelling and shall be placed no closer than five feet (5') to the rear property line and shall not exceed fifteen feet (15') in height. A permitted attached accessory building or structure shall be treated as an addition and may project into the rear yard a distance of not more than ten feet (10').

(b) Conditional Uses:

(1) In a single-family residential area of this chapter only those uses approved by Planning Commission shall be allowed as a conditional use as determined on a case by case basis.

(c) Height Regulations. No building shall exceed twenty-five feet in height, nor contain more than two stories.

(d) Dwelling Dimension; Lot Coverage. Each single family dwelling hereafter erected or structurally altered shall have a ground floor area, exclusive of open porches and garages, of not less than 1,000 square feet per one-story or ranch type dwelling and not less than 800 square feet ground floor area per one-and-one-half story dwelling. For two-story dwellings and/or split-level residences, not including basements, open porches and garages, the total living area shall be not less than 1,400 square feet. Each dwelling may have garage facilities to accommodate automobiles, however, such facility shall not be greater in square footage than 800 square feet. All dwellings and accessory buildings shall cover not more than forty percent (40%) of any lot.

(e) Required Lot Area.

(1) Each dwelling structure or other building permitted herein shall be located on a lot having an area of not less than 7,200 square feet and each lot shall have a frontage of not less than sixty feet on a dedicated public street, provided the street on which the lot fronts is straight.

(2) When the road upon which a lot fronts is curving or at the end of a cul-de-sac, the chord distance along the right of way may be reduced to forty-five feet, provided the lot width at the minimum building line is sixty feet.

(f) Yard Requirements. Each lot shall have a front, rear and two side yards of not less than the following depths or widths:

(1) Depth of front yards shall be not less than twenty-five feet measured from the right-of-way line of the street or streets upon which it fronts.

(2) Depth of the rear yard shall be not less than twenty-five feet measured from the rear property line.

(3) Each side yard width shall be not less than five feet.

(G) Demolition or Removal of Existing Structures. No primary building or structure or significant accessory structure within the district shall be demolished or removed until a Certificate of Appropriateness with respect to such demolition or removal has been submitted, reviewed and approved by the Planning Commission. Evidence must be submitted by the applicant that one or more of the following conditions exists:

(1) That the building contains no features of special architecture or is not a historical building or culturally significant or is not consistent in design and style with other structures within the district.

(2) That there exists no viable economic use for the building in its current state or as it might be restored or that there is not a feasible and prudent alternative to demolition and that the approval of the demolition is necessary for the preservation and enjoyment of substantial property rights.

(3) That the applicant has a definite plan for redevelopment of the site which meets the standards of this Code and the proposed redevelopment will not materially affect adversely the health or safety of persons residing or working in the district where the demolition will occur and will not be materially detrimental to the public welfare or injurious to property or improvements in such neighborhood.

No action will be taken by the Planning Commission in such cases where the City's Chief Building Official has determined the demolition will abate a nuisance or eliminate an unsafe building condition. (Ord. 0211-2011. Passed 12-27-11.)

1150.05 OLDE GAHANNA MIXED USE NEIGHBORHOOD DISTRICT.

The purpose of this district is to recognize the unique characteristics, history, existing uses and potential of the original part of Gahanna. Thus, special provisions and procedures have been developed and incorporated in the provisions of this zoning category:

(a) Permitted Uses. Only the uses included under the following listed numbers or as otherwise specified in this district shall be permitted in the Olde Gahanna Mixed Use Neighborhood District:

RETAIL TRADE

442	FURNITURE AND HOME FURNISHINGS STORES
443	ELECTRONIC AND APPLIANCE STORES
445	FOOD AND BEVERAGE STORES
446	HEALTH AND PERSONAL CARE STORES
448	CLOTHING AND CLOTHING ACCESSORIES STORES
451	SPORTING GOODS, HOBBY AND MUSICAL INSTRUMENT STORES
452	GENERAL MERCHANDISE STORES
453	MISCELLANEOUS STORE RETAILERS

INFORMATION

5111	NEWSPAPER, PERIODICAL, BOOK, AND DIRECTORY PUBLISHERS
51211	MOTION PICTURE AND VIDEO PRODUCTION
512131	MOTION PICTURE THEATERS (EXCEPT DRIVE-INS)
5191	OTHER INFORMATION SERVICES

FINANCE AND INSURANCE

5221	DEPOSITORY CREDIT INTERMEDIATION
5222	NONDEPOSITORY CREDIT INTERMEDIATION
523	SECURITIES, COMMODITY CONTRACTS, AND OTHER FINANCIAL INVESTMENTS AND RELATED ACTIVITIES
524	INSURANCE CARRIERS AND RELATED ACTIVITIES
525	FUNDS, TRUSTS, AND OTHER FINANCIAL VEHICLES

REAL ESTATE AND RENTAL AND LEASING

531	REAL ESTATE
5322	CONSUMER GOODS RENTAL

PROFESSIONAL, SCIENTIFIC AND TECHNICAL SERVICES

5411	LEGAL SERVICES
5412	ACCOUNTING, TAX PREPARATION, BOOKKEEPING, AND PAYROLL SERVICES
5413	ARCHITECTURAL, ENGINEERING, AND RELATED SERVICES
5414	SPECIALIZED DESIGN SERVICES
5415	COMPUTER SYSTEMS DESIGN AND RELATED SERVICES
5416	MANAGEMENT, SCIENTIFIC, AND TECHNICAL CONSULTING SERVICES
5417	SCIENTIFIC RESEARCH AND DEVELOPMENT SERVICES
5418	ADVERTISING, PUBLIC RELATIONS AND RELATED SERVICES
5419	OTHER PROFESSIONAL, SCIENTIFIC AND TECHNICAL SERVICES

MANAGEMENT OF COMPANIES AND ENTERPRISES

5511	MANAGEMENT OF COMPANIES AND ENTERPRISES

ADMINISTRATIVE AND SUPPORT AND WASTE MANAGEMENT AND REMEDIATION SERVICES

5611	OFFICE ADMINISTRATIVE SERVICES
5612	FACILITIES SUPPORT SERVICES
5613	EMPLOYMENT SERVICES
5614	BUSINESS SUPPORT SERVICES
5615	TRAVEL ARRANGEMENT AND RESERVATION SERVICES
5616	INVESTIGATION AND SECURITY SERVICES
5617	SERVICES TO BUILDINGS AND DWELLINGS

HEALTH CARE AND SOCIAL ASSISTANCE

6211	OFFICES OF PHYSICIANS
6212	OFFICES OF DENTISTS
6213	OFFICES OF OTHER PRACTITIONERS

ARTS, ENTERTAINMENT AND RECREATION

712	MUSEUMS, HISTORICAL SITES, AND SIMILAR INSTITUTIONS

ACCOMMODATIONS AND FOOD SERVICES

7221	FULL-SERVICE RESTAURANTS
7222	LIMITED-SERVICE EATING PLACES
7223	SPECIAL FOOD SERVICES
7224	DRINKING PLACES

OTHER SERVICES (EXCEPT PUBLIC ADMINISTRATION)

8112	ELECTRONIC AND PRECISION EQUIPMENT REPAIR AND MAINTENANCE
8114	PERSONAL AND HOUSEHOLD GOODS REPAIR AND MAINTENANCE
8121	PERSONAL CARE SERVICES
8123	DRYCLEANING AND LAUNDRY SERVICES
8129	OTHER PERSONAL SERVICES

RELIGIOUS, GRANTMAKING, CIVIC, PROFESSIONAL, AND SIMILAR ORGANIZATIONS

8132	GRANTMAKING AND GIVING SERVICES
8133	SOCIAL ADVOCACY ORGANIZATIONS
8134	CIVIC AND SOCIAL ORGANIZATIONS
8141	PRIVATE HOUSEHOLDS

RESIDENTIAL	SINGLE FAMILY, TWO FAMILY, MULTI-FAMILY

(b) Conditional Uses. The following may be considered, but must first be approved by Planning Commission:

DRIVE-IN FACILITY	DRIVE-IN OR OUTDOOR SERVICE FACILITIES DEVELOPED IN ASSOCIATION WITH ANOTHER PERMITTED OR CONDITIONAL USE
441	MOTOR VEHICLE AND PARTS DEALERS
447	GASOLINE STATIONS
622	HOSPITALS
623	NURSING AND RESIDENTIAL CARE FACILITIES
6241	INDIVIDUAL AND FAMILY SERVICES
721	ACCOMMODATIONS
8111	AUTOMOTIVE REPAIR AND MAINTENANCE
8131	RELIGIOUS ORGANIZATIONS IF NOT PRIMARY USE

(Ord. 0026-2015. Passed 3-2-15.)

1150.06 OLDE GAHANNA RECREATION DISTRICT.

The purpose of this District is to preserve natural green spaces and to provide active and passive family-oriented recreational activities:

(a) Permitted Uses.

	Public parks.
	Public golf courses.
	Public sports fields.
	Public swimming pools.
	Public water craft.

(b) Conditional Uses.

713910	Private Golf Courses.
713940	Private Swimming Pools.
	Outdoor Entertainment Space.
7999	Amusement and Recreation Services.
813410	Civic, social and fraternal organizations.

(Ord. 0211-2011. Passed 12-27-11.)

1150.07 OLDE GAHANNA RECREATION REQUIREMENTS.

All applications, whether permitted or conditional, require approval of a final development plan and certificate of appropriateness. The wide variety of uses within this district requires individual assessment of each application.
(Ord. 0211-2011. Passed 12-27-11.)

1150.08 GENERAL DEVELOPMENT AND IMPROVEMENT STANDARDS.

(a) The following are subject to the requirements of this code:

(1) New placement, new construction, or reconstruction of a principal building and/or accessory building.

(2) The expansion of a principal building's gross floor area by 25% or more.

(3) The construction or installation of new parking lots, fences, landscaping and accessory structures on properties.

(4) The installation of new on-site lighting shall comply with this Code.

(5) The standards and requirements may be waived for historic buildings, as designated by the national register of historic buildings, if it would result in an unacceptable modification of the original, historic appearance of the building as determined by the Planning Commission.

(6) New signage.

(7) Ordinary repairs and maintenance, and in-kind replacement of materials that result in no visual change to the property are exempt from this Code.

(b) Demolition or Removal of Existing Structures. No primary building or structure or significant accessory structure within the District shall be demolished or removed until a Certificate of Appropriateness with respect to such demolition or removal has been submitted, reviewed and approved by the Planning Commission. Evidence must be submitted by the applicant that one or more of the following conditions exists:

(1) That the building contains no features of special architecture or is not a historic building or culturally significant or is not consistent in design and style with other structures within the district.

(2) That there exists no economic use for the building in its current state or as it might be restored or that there is not a feasible and prudent alternative to demolition and that the approval of the demolition is necessary for the preservation and enjoyment of substantial property rights.

(3) That the applicant has a definite plan for redevelopment of the site which meets the standards of this code and the proposed redevelopment will not materially affect adversely the health or safety of persons residing or working in the district where the demolition will occur and will not be materially detrimental to the public welfare or injurious to property or improvements in such neighborhood.

No action will be taken by the Planning Commission in such cases where the City's Chief Building Official has determined the demolition will abate a nuisance or eliminate an unsafe building condition.

(c) All commercially used property within the Mixed Use District shall comply with the following standards:

(1) Intensity of Use. No minimum lot size is required except where specifically required in this section; however, lot size shall be adequate to provide the yard space required by these Development Standards and, to promote redevelopment, where possible, lot aggregation is encouraged.

(2) Lot Width. No minimum lot width is required except where specifically required in this section; however, all lots shall abut a street, public pedestrian access, and/or right of way, and have adequate width to provide the yard space required by these Development Standards.

(3) Side Yard. A side yard shall be required adjacent to a residential zoning district and as otherwise required in this section. These required side yards shall be not less than one-fourth of the sum of the height and depth of the building, but in no case shall be less than fifteen feet, and such yard shall be landscaped. Parking spaces, drives or service areas shall be in addition to such yard requirements.

(4) Rear Yard. A rear yard shall be required adjacent to a residential zoning district and as otherwise required in this section. These required rear yards shall be not less than one-fourth of the sum of the height and width of the building except when adjacent to a dedicated alley having not less than twenty feet of right of way. A use to be serviced from the rear shall have a service court, alleyway or combination thereof, and is encouraged to be enclosed by a solid wall or fence of materials complementary to or compatible with the building construction materials.

(5) Height. All buildings and structures shall conform to Federal Aviation Administration and Port Columbus Airport Zoning Regulations height limitation, whichever may be more restrictive.

(6) Building Line. No building may be placed closer than ten feet to the street curb in order to provide for a minimum ten feet wide pedestrian walkway; or project further toward the street than the established building line, whichever is greater except for an upper story, which may project beyond the building line a distance of no greater than fifty percent (50%) of the sidewalk width, provided there is a minimum clear space of ten feet above an established sidewalk elevation.

(d) All property with a two family use shall comply with the standards herein:

(1) Height Regulations. No building shall exceed thirty (30) feet in height as measured from the first floor level to the top of the highest ridge, nor more than two stories

(2) Dwelling Dimension and Lot Coverage.

A. Each single story two-family dwelling erected shall have a ground floor area, exclusive of open porches and garage areas, of not less than one thousand one hundred (1,100) feet per dwelling unit.

B. Each multi-story two-family dwelling erected shall have a ground floor area of not less than six hundred (600) square feet of living area per dwelling unit, and a total living area of not less than twelve hundred (1,200) square feet per dwelling unit, both exclusive of open porches and garage areas.

C. All dwellings and accessory buildings shall cover not more than thirty percent (30%) of any lot.

(3) Required Lot Area.

A. Each dwelling structure or other building permitted herein shall be located on a lot having an area of not less than 9,000 square feet, and each lot shall contain a frontage and a width of not less than seventy-five feet for each two-family dwelling structure.

B. When the road upon which a lot fronts is curving or at the end of a cul-de-sac, the chord distances along the right of way may be reduced to fifty-five feet, provided the lot width at the minimum building line is seventy-five feet.

C. For corner lots, the chord distance along the right-of-way shall not be less than one hundred feet.

(4) Yard Requirements. Each lot shall have a front, rear and two side yards of not less than the following depths or widths:

A. The depth of the front yard shall be equal to or greater than the minimum distance between the building setback line and the street right-of-way line. In no case shall this distance be less than thirty feet (30').

B. The rear yard depth shall be not less than thirty feet (30') measured from the rear property line. A permitted unattached accessory building or structure shall be placed no closer than twenty feet (20') to the rear property line and shall not exceed fifteen feet (15') in height. A permitted attached accessory building or structure shall be treated as an addition and may project into the rear yard a distance of not more than ten feet (10'). A minimum of twenty feet (20') to the rear property line shall be maintained from an attached accessory building or structure.

C. Each side yard shall be not less than ten feet (10') in width.

(5) Off-street Parking.

A. Each dwelling unit in a two-family residential structure shall have a minimum of two off-street parking spaces, one of which shall be in a garage located on the same lot as the dwelling and sized to accommodate a minimum of one automobile. Such facility shall not be greater in square footage than 400 square feet. For driveway width, refer to Chapter 1163.

B. Each single car garage in a two-family residential structure shall have a driveway from the street to the garage which has a minimum width of ten feet. If a two car garage is provided, or if two single car garages are immediately adjacent separated only by a common wall, the minimum drive width shall be eighteen feet. The driveway surface area located between the street right-of-way and the garage entry shall not be used for one of the required parking spaces.

(e) All property with a multi-family use shall comply with the standards herein:

(1) Lot Area. For each multi-family building, there shall be a lot area not less than eight thousand (8,000) square feet per multi-family building. For each dwelling unit more than two in a building, there shall be not less than twelve hundred (1,200) square feet of additional lot area per additional dwelling unit.

(2) Lot Coverage. Lots shall have thirty-five percent (35%) open space.

(3) Lot Width. For a two-family dwelling, there shall be a lot width of seventy-five (75') feet or more at the front line of the dwelling, and for each dwelling unit more than two, there shall be required an additional five (5') feet of lot width, and such lot shall have access to and abut on a public right of way for a distance of forty feet or more.

(4) Front Yard. There shall be a minimum of a twenty-five (25') foot front yard except where it fronts on a street right of way in which case it shall be a minimum of ten (10') feet.

(5) Side Yard. For dwellings or associated accessory buildings, there shall be a total of side yards of fifteen (15') feet or more with a minimum of eight (8') feet on one side. If there are no windows in that side yard, there can be a zero side yard.

(6) Rear Yard. For main buildings, there shall be a rear yard of twenty-five (25') feet or more.

(7) Density. Any density more than eighteen (18) units per acre or which exceeds this average maximum density of eighteen (18) units per acre shall require a conditional use.

(8) Dwelling Dimensions. Each single-story, two-family dwelling hereafter erected or structurally altered shall have a ground floor area, exclusive of open porches and garages, of not less than eight hundred (800) square feet of living area per dwelling unit. Each multi-story, two-family dwelling hereafter erected or structurally altered shall have a ground floor area, exclusive of open porches and garages, of not less than five hundred (500) square feet of living area per dwelling unit, and a total living area of not less than nine hundred (900) square feet per dwelling unit.

Each multi-family building containing more than two residential units shall contain not less than six hundred (600) square feet of living area per dwelling unit, exclusive of open porches and garages, for an efficiency unit. There shall be a minimum of one hundred (100) square feet added for each separate bedroom. If a dwelling unit is on more than one floor, it shall contain a minimum of one hundred (100) additional square feet.

(9) Relationship of Main Buildings to Each Other. The front and rear yard of a building shall be determined with respect to the lot configuration. Generally, the longest dimensions of a building shall be used to consider its front and rear. The distance between the ends of two buildings, which are the shorter sides of a building, shall be a minimum of twenty (20') feet if there are windows in the ends of the buildings. This distance may be reduced to sixteen (16') feet in the absence of windows. If the front or rear of a main building is adjacent to the side yard of another main building, the side yard of the other main building shall be a minimum of fifteen (15') feet. (Ord. 0211-2011. Passed 12-27-11.)

1150.09 NEW CONSTRUCTION.

Any new construction in these special downtown zoning districts shall emphasize urban design in context with pedestrian amenities and natural features. It shall conform to community development goals and recommendations directed in Chapter 1197 of the Codified Ordinances of Gahanna. Buildings, projected uses, and landscaping shall integrate with the surrounding natural features. Project plans shall contribute to a creative, eclectic architectural style that expands Olde Gahanna's unique character and sense of place.

New building projects shall be sensitive to historic preservation and have similar massing and building form as that of neighboring buildings. Projects shall have good context by successfully relating to and enhancing adjacent structures and open spaces. Projects shall encourage pedestrian safety, activities, and accessibility. All potentially visible building facades shall be addressed architecturally and functionally. For creekside projects, special emphasis shall be placed on creating functional, people-oriented facades along Big Walnut Creek.
(Ord. 0211-2011. Passed 12-27-11.)

1150.10 SITE PLANNING.

The following are site plan requirements for the Olde Gahanna District, excluding single family:

(a) Building Setbacks:

(1) The building setback is fifteen (15) feet from the right of way line. A minimum of fifty (50%) percent of the building frontage must be sited at the building setback line.

(2) Building side yard setback shall be five (5) feet from the property line. This includes accessory structures or any building addition.

(b) Parking Setbacks:

(1) Parking, stacking and circulation aisles are not permitted between the principal building and a street right of way line. Parking shall be located to the side or rear of the building.

(2) Rear and side yard setbacks for all parking lots are five (5) feet from edge of pavement to property line unless there is a cross access agreement with adjoining property.

(c) Driveways, Curb Cuts, Access Points:

(1) A driveway shall be designed so that vehicles are not required to back out into traffic.

(2) All driveways and drive aisles shall be in compliance with Chapter 1163.

(3) Driveways and entrances to parking lots shall be perpendicular to the right of way. If Planning Commission would determine that a right in right out drive is necessary, no variance is required but shall be made a part of any final development plan.

(4) Sidewalk materials shall be continued across access drives to define pedestrian areas or provide a visual cue for drivers crossing a pedestrian zone.

(5) More than one curb cut on a development will not be permitted unless the City Engineer determines that an additional curb cut provides for the appropriate traffic flow. Corner lots may have one curb cut per frontage.

(d) Parking Lots and Interior Circulation:

(1) A parking lot shall be designed so that pedestrian circulation is taken into consideration. Pedestrian pathways shall be delineated with markings, crosswalks and/or different materials, so as to direct foot traffic and separate it from primary access drives.

(2) The required number of off street parking spaces may be reduced by up to fifty (50%) percent by the Planning Commission as part of the final development plan. Factors to be considered include, but are not limited to, public, permit or shared parking; transit service, pedestrian traffic and accessibility; elimination of arterial curb cuts; hours of operation, peak use comparisons, and existing/proposed land use.

(3) An adequate area to park one bicycle for each ten (10) vehicular parking spaces is required. However, a minimum of one (1) space shall be required. A secure locking post or mechanism must be provided.

(e) Drive thru Facilities:

(1) Drive thru pickup windows and coverings are prohibited on primary building frontages and shall be located to the rear or side of the principal building.

(2) Drive thru windows shall be designed as an integral part of the structure they serve and building materials including canopies, awnings, support posts, shall match the materials and color scheme of the building.

(f) Landscaping and Screening:

(1) Artificial plant material shall not be permitted to meet the minimum landscaping requirements as set forth herein.

(2) Tree plantings, landscaping, and screening are required along street frontages and in the interior of parking lots.

(3) Deciduous trees shall be a minimum of two (2") inches in caliper, as measured four (4') feet from top of soil level. All deciduous trees shall have a clear branchless zone from ground to canopy of six (6') feet at maturity. Ornamental trees shall be a minimum of one and a half (1.5") inches in caliper, as measured four (4') feet from top of soil level.

(4) Hedges and shrubs may be deciduous or evergreen but shall be installed at a minimum of twenty four (24") inches in height with an expected height of thirty (30") inches within three (3) years when used as screening.

(5) Interior landscape islands in parking lots shall comply with Chapter 1163.

(6) All off street parking shall be screened to a minimum height of thirty (30") inches with a continuous row of shrubs or masonry wall. Shrubs shall achieve an overall opacity of seventy-five (75%) percent when in leaf within three (3) years of being planted. Such row of shrubs cannot exceed two hundred (200') lineal feet without incorporating one or more of the following changes in treatment:

A. A masonry pier/column with a minimum height of forty-two (42") inches.

B. Access drive, which is compliant with all standards herein

C. A thirty (30") inch high solid masonry or stone wall.

D. A forty two (42") inch high decorative metal tube or solid metal bar fence located behind the street right of way line with or without masonry pier supports.

(7) Shade trees shall not be planted within fifteen (15') feet of parking lot light fixtures.

(8) All plants and landscaped areas shall be maintained in a healthy condition. All dead plant material shall be replaced no later than the next planting season and shall be replaced in kind.

(9) Grounds are to be maintained in a healthy condition free of rubbish and weeds. Lawns must be kept in a mowed condition.

(g) Patios and Outdoor Activity Areas:

(1) Chain link fencing is not permitted. Fences or walls that exceed two hundred (200') feet in length shall incorporate columns, insets, landscape pockets or changes in materials.

(2) Walls and fences shall be constructed from durable materials such as stone, brick, wood, or metal with natural finishes, or a combination of these materials.

(3) Walls or fences may not exceed a height of forty two (42") inches. Accent columns or other wall articulations are permitted provided that these elements do not fall within sight triangles for both pedestrian and vehicular circulation.

(h) Service/storage Areas/dumpsters:

(1) All service areas such as dumpsters and loading areas shall be located to the rear of the principal structure.

(2) The materials and colors selected for the enclosure's screening shall complement those on the principal buildings structure.

(i) Site Lighting:

(1) Site lighting fixtures shall not exceed twenty (20') feet above grade.

(2) In parking lots, lights shall be placed in landscaped parking lot islands or on a solid base to protect both lights and vehicles,

(3) The average foot candle shall be one (1) foot. The average horizontal illumination level on the ground shall not exceed two (2) foot. The light level along a property line adjacent to a residentially zoned or used property shall not exceed an average intensity of one quarter (1/4) foot candle.

(4) Exterior building illumination shall be from concealed sources. Strobe or flashing lights are not permitted. The maximum illumination of any vertical surface shall not exceed four (4') foot candles. Holiday light displays are not subject to the standards herein.

(5) Security lighting shall be from full cutoff type fixtures, shielded and aimed so that illumination is directed to the designated areas with the lowest possible illumination level to effectively allow surveillance.

(6) High pressure sodium fixtures shall not be permitted for parking lot lighting.

(j) Maintenance:

(1) Owners shall maintain their buildings, drive, parking lots, fencing and screening and other structures located upon their property in good and sufficient repair and shall keep such premises painted, windows glazed, pavement swept and true to line and grate in good repair. Drainage areas and intakes are to be kept clean, and free of dumpsters.

(2) Buildings that are vacant for any reason must be kept secured in order to prevent entry by vandals and must meet all other maintenance requirements.

(3) Obsolete poles and or/wiring shall be removed within six months of the time their use is discontinued. Poles shall be maintained in a vertical position. (Ord. 0211-2011. Passed 12-27-11.)

1150.11 SIGNS.

(a) A-Frame, Menu Boards, or Sandwich Boards. A-frame menu boards or sandwich boards are permitted in addition to a primary sign. A-frame, menu boards or sandwich boards will be permitted for each front facade of the building that the establishment occupies. Such boards shall be displayed only during hours of operation.

(b) All signs shall be governed by the existing regulations of Chapter 1165, plus these additional standards:

(1) Signs shall not cover windows, roof shapes, or dominate trim. Storefronts shall not have more than three types of signage and not more than one of each of the following types: a wall sign, a monument sign and a projecting sign.

(2) No homemade lettered signs shall be permitted, with the exception of a-frames, menu boards or sandwich boards.

(3) Materials. Signs should be made of wood, materials that resemble wood, or iron. Metal supports may be used as long as they are encased in wood, stone, brick or materials that resemble same for appearance purposes. Handcrafted signs are encouraged. Sign materials shall coordinate and complement those of the building.

(4) Plastic panels and vinyl are not permitted.

(5) Creative use of neon is encouraged.

(6) Signs may be lit from exterior sources, provided that the light source is cut-off so as to only illuminate the sign face. Ground-mounted light sources must be screened from public view, preferably with landscaping.

(7) Wall mounted light sources shall be architecturally decorative.

(8) Internal illumination is acceptable when the letters themselves or the background is lit.

(9) Umbrella signs are allowed on outdoor patios and may include signage. Graphics and color on any umbrella signage shall be uniform.

(10) Prohibited signs are those listed in Chapter 1165.

(11) Directory Signs. Directory signs are encouraged in those instances where there is more than one business on any one property in the area. Such directory sign shall be approved by the Planning Commission.

(12) Monument Signs:

A. One (1) monument sign is allowed per parcel and should be placed perpendicular to the street.

B. The overall sign area must not exceed twenty-five (25) square feet.

C. Ground-mounted monument signs shall be placed at least five (5') feet back from the right-of-way line to ensure clear visibility for vehicles and pedestrians.

D. The sign height must not exceed five (5') feet above average grade.

E. The background materials shall be opaque and non-reflective.

F. The base of the monument sign shall be constructed of natural materials.

(13) Wall Signs:

A. Only one (1) wall sign is permitted per storefront per tenant.

B. For multiple storefront buildings, a consistent theme shall be created for the entire building so that signs of similar size, proportion, and materials are used for each store.

C. The top edge of the sign shall not project above the eaves of the building.

D. The sign must not cover or obscure any architectural feature or detail of the building on to which it is placed. Architectural features or details may not be removed from the building to accommodate a sign without the permission of Planning Commission.

(14) Projecting Signs:

A. A maximum of one (1) projecting sign is allowed per tenant space frontage at the ground level of a building.

B. For multiple storefront buildings, a consistent sign theme shall be created for the entire building so that signs of similar size, proportion, and materials are used for each store.

(15) Awning Signs:

A. The maximum letter height shall not exceed seventy-five (75%) percent of the height of the valance flap/shed area.

B. The shape of the awning should relate to the window or door opening; barrel shaped awnings should be used with arched windows while rectangular awnings should be used to complement rectangular windows.

C. Awning color should complement the color and material of the building to which it is attached.

(Ord. 0211-2011. Passed 12-19-11.)

1150.12 VARIANCES REQUIRED.

(a) An application pursuant to this chapter in which the design under consideration would require a variance granted by the Planning Commission prior to construction shall not be considered until a final determination has been made on all required or requested variances under the procedures established in Chapter 1103 or 1131. If, during the course of a review, the Commission determines that a variance will be required in order to implement the proposal under consideration, it shall suspend further action on the application until such time as the variance has been approved by the Planning Commission or the application has been amended to eliminate the need for the variance.

(b) The Planning Commission shall not have the authority or power to grant an exception to any section of the Ohio Basic Building Code during the course of any review conducted under the provisions of this chapter.
(Ord. 0211-2011. Passed 12-19-11.)

1150.13 ACTION ON APPLICATIONS TO BE RECORDED.

The Planning Commission shall maintain a record of all applications for a certificate of appropriateness including all action taken on each application.
(Ord. 0211-2011. Passed 12-19-11.)

1150.14 APPEAL OF DENIED APPLICATIONS.

In the event an application for a Certificate of Appropriateness is denied by the Planning Commission, the applicant may, within twenty calendar days of date of denial, file a written appeal with the Clerk of Council. Such appeal shall be heard by the Board of Zoning and Building Appeals as prescribed under Chapter 147, Board of Zoning and Building Appeals of the Codified Ordinances. (Ord. 0211-2011. Passed 12-19-11.)

1150.99 PENALTY.

Any person, firm, partnership, corporation, or syndicate in violation of this chapter or failing to obey any lawful order of the Planning and Zoning Administrator issued in pursuance thereof shall be deemed guilty of a minor misdemeanor. Each day the violation continues or occurs may be considered a separate and new offense.
(Ord. 0211-2011. Passed 12-19-11.)

(EDITOR'S NOTE: The next printed page is page 127.)

CHAPTER 1151
Planned Districts

1151.01 Purpose and intent.
1151.02 Permitted uses.
1151.03 Conditional uses.
1151.04 Development standards.
1151.05 Procedure.
1151.06 Planning Commission action.
1151.07 Publication of notice and posting of property.
1151.08 Council action.
1151.09 Effect of approval of application, Outline Development Plan.
1151.10 Plat or final development plan.
1151.11 Submission of plat, final development plan; Planning Commission action.
1151.12 Variation from Outline Development Plan; Planning Commission action.
1151.13 Procedure upon approval by Planning Commission.
1151.14 Fees.
1151.15 Planned Unit Development Districts.
1151.16 Future PUD Planned Unit Development zoning, rezoning prohibited.

CROSS REFERENCES
Planned Industrial Park Districts - see P. & Z. Ch. 1157

1151.01 PURPOSE AND INTENT.

(a) Planned Districts shall include residential, commercial, corporate mixed-use, industrial and residential commercial mixed use subdistricts: Planned Residential District (PRD), Select Commercial Planned District (SCPD), Planned Corporate Mixed-Use District (PCD), Planned Industrial District (PID) and Planned Residential Commercial Mixed Use District (PRCD).

(b) It is the intent of the Planned Districts to promote the progressive development of land and construction thereon and to encourage imaginative architectural design and layout, flexibility in building styles and types, and sensitivity to the natural environment. Development shall be guided by the overall goals of quality and creativity, in terms of land use, layout and design, architecture and aesthetics.

(c) The Planned Districts are designed to guide development in an orderly, coordinated and comprehensive manner that preserves natural quality and beauty and provides supporting community facilities in the development of diverse, sound urban environments consistent with accepted land planning, landscape architecture practices and engineering principals. Such developments should:

(1) Provide a more useful pattern of open space and recreation areas.
(2) Preserve and utilize natural topography and geologic features, scenic vistas, trees and other vegetation, while preventing disruption of normal drainage patterns;
(3) Provide a more efficient pattern of development that reduces investments in utility lines, streets, and similar infrastructure; and
(4) Promotes a development pattern in harmony with the City's land use objectives and priorities.
(Ord. 36-93. Passed 2-16-93.)

1151.02 PERMITTED USES.

Land and buildings in the Planned Districts shall be used only for the following purposes as indicated under each specific subdistrict:

(a) Planned Residential District (PRD).
(1) Single-family residential structures and accessory uses and buildings in association with a permitted dwelling.

(b) Select Commercial Planned District (SCPD).
(1) Permitted uses found within the Neighborhood Commercial (NC), Community Commercial (CC), Community Service (CS) and Suburban Office and Institutional (SO) Districts.
(2) Sexually oriented businesses as defined and regulated in Chapter 771.
(3) 551 Motor Vehicle Dealers (New and Used).
552 Motor Vehicle Dealers (Used Cars Only).
553 Auto and Home Supply Stores.
559 Automotive Dealers, not elsewhere classified.

(c) Planned Corporate Mixed-Use District (PCD).
(1) Uses permitted under the Suburban Office and Institutional District (SO), Community Commercial District (CC), and the following permitted uses under Office, Commerce and Technology District: laboratory, warehouse, storage, and sales establishment.

(d) Planned Industrial District (PID).
(1) Uses permitted under the Office, Commerce and Technology District.

(e) Planned Residential Commercial Mixed Use District (PRCD).
(1) Uses permitted under the Estate Residential 1 District (ER-1), Estate Residential 2 District (ER-2), SF-1 Residential District, SF-2 Residential District, SF-3 Residential District, MR-1 Residential District, AR Multi-Family Residence District, Suburban Office District (SO), and the Community Commercial District (CC).
(Ord. 0147-2009. Passed 9-21-09.)

1151.03 CONDITIONAL USES.

The following uses may be allowed in the Planned Districts subject to approval in accordance with Chapter 1169:

(a) Planned Residential District (PRD).
(1) Two-family structures.
(2) Multi-family structures.
(3) Public parks, playgrounds, recreation and community center buildings and grounds; golf courses, public swimming pools, tennis courts and similar recreational uses all of a noncommercial nature.

(b) Select Commercial Planned District (SCPD).
(1) Hotels and motels.
(2) Conditional uses found within the Community Commercial District (CC).
(c) Planned Corporate Mixed-Use Districts (PCD).
(1) Permitted uses under Office, Commerce and Technology District only: chemicals, petroleum, coal and allied products, food and beverage products, wood and paper products, and printing, publishing and engraving.
(2) Hotels and motels.
(d) Planned Industrial District (PID).
(1) Permitted uses under the Community Commercial District (CC) and Suburban Office and Institutional District (SO) limited to twenty-five percent (25%) of the net developable site (gross site minus publicly dedicated streets and alleys).
(e) Planned Residential Commercial Mixed Use District (PRCD).
(1) Conditional uses found under the ER-1, ER-2, SF-1, SF-2, SF-3, MR-1, AR, SO and CC Districts.
(Ord. 0147-2009. Passed 9-21-09.)

1151.04 DEVELOPMENT STANDARDS.

(a) Minimum Lot Requirements. The minimum lot requirements of a parcel that can be zoned under the Planned Districts is the following:

	PRD	SCPD	PCD	PID	PRCD
Minimum Lot Area (Acres)	10	None	10	10	10
Minimum Lot Width (feet)	50	150	350	350	250

(1) Reductions in minimum lot area and minimum lot width can be granted by the Planning Commission if it is determined that such reduction is appropriate given the applicant's proposal and the character of the immediate area.
(2) For nonresidential uses, there shall be sufficient lot area and width to meet all parking and yard requirements, and all lots shall abut an improved public right-of-way.
(3) For nonresidential uses, parking areas shall be no closer to the main structure(s) than ten feet.
(4) PRD and PRCD individual home sites or clusters thereof shall be designated under the City's residential zoning districts and the development standards therein shall apply. A maximum of twenty-five percent (25%) of the total home sites may be designated and developed under the following minimum single family development standards:

Minimum lot area (square feet)	9,000
Minimum lot width (feet)	70
Minimum frontage (feet)	70
Minimum frontage, curve/cul-de-sac (feet)	55
Minimum front yard (feet)	30
Minimum side yard (feet)	8
Minimum rear yard (feet)	20

In addition, no more than forty percent (40%) of the total home sites may be designated under any one single family zoning district. As part of a conditional use request, no more than fifteen percent (15%) of the total home sites may be designated under the MR-1 and AR Districts.

(5) Under PRD and PRCD, adjacent single family homes may not have the identical facades relative to style, and all residential building setbacks shall be staggered.

(b) Site Development Standards. The following site development standards shall apply in the Planned District:

(1) The applicable sections of the Subdivision Regulations and the off-street parking, sign and landscaping regulations of this Zoning Code shall apply.

(2) The traffic and parking system shall meet the requirements relative to access as indicated in Chapter 1163. Access points shall be kept to a minimum to reduce traffic congestion and mitigate potential conflict points. Vehicular and pedestrian conflict points shall also be minimized.

(3) Under SCPD, PCD, PID and PRCD, relative to commercial and office uses, parking systems shall be so designed as to discourage single large unbroken paved lots for off-street parking and shall encourage smaller defined parking areas within the total parking system. Such defined parking areas should be delineated and accented by landscaped areas. Parking aisles, whenever possible, shall be oriented perpendicular to the building fronts.

(4) Under PRD and PRCD, the open space dedication requirement shall apply. Such dedication shall not include areas set aside within multi-family developments for the benefit of the residents only.

(5) Under PCD, SCPD and PRCD, all service and delivery shall be made to the rear of the structure(s) or use unless special design treatment or circumstances warrant an alternative, but only with the approval of the Planning Commission. These standards shall apply to commercial and office uses under the PID.

(6) Under PRD and PRCD, the location and arrangement of areas of various density shall be so designed as to balance higher density areas adjacent to open space and lower density areas.

(7) Under PRD and PRCD, private roads as a common easement may be used to provide access to clustered lots and/or structures in accordance with the following:

A. The easement shall not be counted as required open space.
B. The easement does not serve an area larger than two acres, except that such area will contain six dwellings or less.
C. Approved as a part of the Subdivision Plat as the most appropriate form of access to the lots and/or structures.

(8) Under PRD and PRCD, off-street parking shall be provided in accordance with Chapter 1163, except residential parking may be provided in group garages or parking lots within 150 feet of the dwellings served.

(9) Under SCPD, PCD, PID and PRCD, whenever multiple structures are to be located on the site and the site abuts a collector or arterial street, access onto the collector or arterial shall be via interior local streets or marginal access frontage roads. All uses within the SCPD, PCD, PID and PRCD shall derive their access from the interior streets within the district, unless specific exemptions are made as a part of the approved Development Plan. No more than two access drives shall be permitted. One additional access drive may be approved by the Planning Commission for each additional 200 feet of abutment above the first 350 feet if site constraints, land use characteristics, present traffic system and planned improvements warrant additional drives.

(10) Drainage and runoff from the proposed development shall not cause property damage. All drainage improvements shall be designed in conformance with the requirements of the City's Subdivision Regulations, Regulatory Flood Hazard Area, Chapter 1191, Stormwater Management Policy, Chapter 1193, and Soil Erosion and Sedimentation Policy, Chapter 1195 of the Codified Ordinances of Gahanna.

(11) Details regarding sanitary sewage collection and disposal and water supply techniques to be utilized shall be addressed in the Development Plan, together with letters of approval from the pertinent local, state and, if applicable, private agencies.

(12) Under SCPD, PCD, PID and PRCD, relative to commercial and office uses, no outside storage shall be permitted and no rubbish or debris of any kind shall be placed or permitted to accumulate on any portion of the parcel or lot so as to render any portion of the property unsanitary, unsightly or detrimental to the public health, safety or welfare.

(13) The following building height regulations shall apply:
A. Under PRD, residential buildings shall not exceed thirty feet in height as measured to the top of the highest ridge, nor more than two stories. Where four feet or more of a story are below grade level, such story is not included in the two-story limitation.
B. Under SCPD, PCD, PID and PRCD, all buildings shall conform to Federal Aviation Administration and Port Columbus Airport Regulations height limitations, whichever is greater.

(14) All nonresidential structures shall have at least a ten foot setback from the property line(s) except where they abut or are adjacent to residential zoning districts, a property with residential uses, or designated City parks, which shall be set back a minimum of fifty feet from the property line(s). Parking areas, access drives and other pavement areas shall be a minimum of ten feet from all property lines, twenty-five feet if adjacent to a residential zoning district, a property with residential uses, or designated City parks. For multifamily, commercial, office and manufacturing structures, open parking shall be permitted to extend toward the street right-of-way from the established building line a distance equal to forty percent (40%) of the required setback distance.

(15) Under PID, future expansion plans are to be indicated and may be held as a binding condition for approval by the Planning Commission.

(16) The applicant shall show sufficient control over the land to effectuate the development plan, and the project shall be developed as a unit with respect to design and construction.

(17) All utilities shall be placed underground.

(18) Effort should be made to preserve and protect all unique environmental features associated with a building site and to ensure that planning and design considerations resolve environmental impacts through mitigation. Natural drainage ways, wood lots, ravines and other noted natural features should be maintained.

(19) Under PRCD, if a structure or structures have both residential and commercial uses in them, the setbacks shall be the same as a nonresidential structure and shall meet Section 1151.04(b)(14). Therefore, for the purposes of this chapter, a mixed use structure shall be classified as a nonresidential structure.

(20) Under PRCD, when a property with a nonresidential structure abuts a residential zone or property with residential usage, a landscaped buffer zone is required. Such buffer zone shall be at least fifteen feet adjacent to all common boundaries except street frontage and shall include one tree for each forty feet of linear boundary, or fraction thereof, and a continuous six foot high planting, hedge, fence, wall or earth mound.

(21) Under PRCD, the development shall incorporate at least forty percent (40%) of the gross floor area of the structure(s) as residential usage. The PRCD District shall allow the integration of commercial and residential uses, but shall maintain a degree of residential ambiance. The design of the mixed use structure(s) shall be reviewed during the PRCD process. (Ord. 136-97. Passed 7-1-97.)

1151.05 PROCEDURE.

(a) Application. The applicant shall submit to the Planning Commission, on forms provided by the Planning and Zoning Administrator, an application signed by the owner or owners of the tract or tracts of land in question, in accordance with Section 1133.01, requesting that such tract or tracts (in the case of owners acting jointly) be zoned or rezoned to the Planned District, naming the sub-district to which such property is to be rezoned.

(b) Papers and Documents to Accompany Application. The application defined in subsection (a) hereof shall be accompanied by ten copies of an Outline Development Plan and a map(s) or other drawing(s) of the entire area for which such Planned District zoning or rezoning is requested. The Outline Development Plan drawn to scale shall be prepared by a registered architect, registered engineer and/or a registered landscape architect. Such Outline Development Plan shall contain the following information as a minimum and submission shall be in plan and text form:

(1) Property description, including property boundaries, area, topography and soils in detail suitable to determine terrain character and potential development problems, wooded areas or other surface features, and easements on the property;

(2) Selected uses shall be specified by area or specific building location, and an explanation regarding specific compatibility of each proposed use with the immediate area shall be attached;

(3) A survey map of the boundary of the area being requested for zoning map amendment;

(4) A preliminary drainage plan, showing topographical contours in two foot intervals, and general locations of proposed improvements;

(5) Significant stands of existing vegetation;

(6) Soil types found on the subject tract(s) based upon the applicable county soil survey;

(7) Existing roads, streets and easements within the subject tract. Off-site contour and easement locations shall be provided where necessary to determine special off-site circumstances as they relate to the development, or off-site features affected by the development;

(8) Names of professionals that prepared the Outline Development Plan;

(9) Proposed features, drawn to scale, including as a minimum:

A. Information that the development concept conforms to all applicable standards of the Planned District;

B. Proposed location and approximate size of all structures and ancillary uses;

C. The traffic and parking system shall be shown in detail indicating points of ingress and egress into the property, public and private drives, parking areas and pedestrian walkways;

D. A detailed parking layout, where applicable, shall be provided that includes the number of spaces provided by total number on-site and summed by row, access points (including width) and expected movement through and between separate parking lot areas, and expected pedestrian access routes from parking areas to buildings for PCD and PRCD;

E. An analysis of potential traffic impacts that will result from the proposed development following applicable transportation planning standards, techniques and references, with one outcome an estimate of street improvements necessitated by the development;

F. A list of specific restrictions applicable to the area being considered for zoning map amendment which are designed to fulfill the concept proposed, including prohibited uses;

G. Screening, landscaping and other provisions and other relevant sections. Information to be provided shall include type, quantity and location of all plantings and other landscaping materials to be shown on a detailed landscaping plan;

H. The proposed provision of all utilities, storm drainage collection, trash collection systems, and street lighting system shall be specifically detailed, including off-street parking areas;

I. Architectural renderings and accompanying narrative to discuss in detail the design treatment of all buildings and structures;

J. Under PID, a narrative shall be provided indicating the nature of all activities to be carried on and expected levels of noise, dust, smoke, glare, odor or vibration to result from the normal operation of the specific industrial activity. Future uses that are a change from approved uses and any internal expansions shall require the approval of the Planning Commission;

K. Proposed signage treatment in accordance with Chapter 1165;

L. Proposed schedule of site development; and

M. A detailed list of all deed restrictions and covenants.

(10) Any other additional information that in the opinion of the Planning Commission or City staff is pertinent to the review of the proposed amendment.

(Ord. 0128-2007. Passed 6-18-07.)

1151.06 PLANNING COMMISSION ACTION.

Upon the submission of the application, required papers, maps and documents accompanying the same and the fee to the Planning and Zoning Administrator , the Planning Commission shall, at its next regularly scheduled meeting, schedule a public hearing on such application and Outline Development Plan, such hearing to be held not later than sixty days after the date that it is scheduled. At such hearing, the applicant or his representative shall present a statement and adequate and sufficient evidence in such form as the Planning Commission may require, to aid the Commission in its deliberation on the application and the Outline Development Plan. Before approving an application for zoning or rezoning to a Planned District, the Planning Commission shall decide:

(a) That the proposed development is consistent in all respects with the purpose, intent and applicable standards of this chapter, and the general zoning, building, subdivision and other pertinent ordinances of the Municipality.

(b) That the proposed development is in conformity with a Master Plan, or portion thereof, as the same may apply to the tract in question.

(c) That the proposed development is not detrimental to the general welfare of the inhabitants of the Municipality.

(d) That the benefits, improved arrangement and the general design of the proposed development justify the deviation from other districts, as included in the Zoning Ordinance.

(Ord. 0128-2007. Passed 6-18-07.)

1151.07 PUBLICATION OF NOTICE AND POSTING OF PROPERTY.

(a) Notice of public hearing on an application for a planned zoning district shall be published in one or more newspapers of general circulation within the Municipality first at least fourteen days and second at least seven days in advance of the public hearing and shall state the place, time, date, and purpose of such hearing. Further, the Clerk of the Planning Commission shall send notification by ordinary mail of the public hearing to the contiguous property owners of the area described in the zoning change application.

(b) Drawings and related written materials which fully describe the design concept and platting of the proposed planned district shall be filed by the applicant with the Planning and Zoning Administrator and the Clerk of the Planning Commission prior to publication of the first notice of public hearing and shall be available for review and study by the general public until the time of such public hearing.

(c) Not less than fourteen days prior to the scheduled date of public hearing, the Planning and Zoning Administrator shall cause the property in question to be posted with a zoning notice stating the time and place of the scheduled public hearing, the identity of the applicant, the present zoning of the property and the requested zoning.

(Ord. 0128-2007. Passed 6-18-07.)

1151.08 COUNCIL ACTION.

(a) Within forty-five days after the public hearing, the Planning Commission shall forward the application and supporting matter, including the Outline Development Plan to Council, along with a written report recommending that the application and Outline Development Plan be approved, approved with modifications or disapproved. The report shall contain the findings of the Planning Commission as to conformity to criteria set forth in Section 1151.05(b) and the reasons for whatever recommendation is made to Council by the Planning Commission. In the event that the Planning Commission fails to forward its report within forty-five days after the public hearing, such failure shall be deemed to be an approval of the application and the Outline Development Plan, and it shall be forwarded automatically to Council as if it had been approved by the Planning Commission.

(b) At the next regularly scheduled Council meeting, the President of Council shall schedule a public hearing upon the application and Outline Development Plan, as submitted to Council by the Planning Commission. Not less than thirty days prior to the date scheduled for the public hearing by Council, the Clerk of Council shall cause notice of such hearing to be given in accordance with the Zoning Ordinance and the provisions of Article XI of the Charter.

(c) In the event the application and Outline Development Plan is approved by Council, or approved with modifications to the Outline Development Plan, Council shall cause the Zoning Map to be amended by ordinance to reflect the change to the Planned District.
(Ord. 36-93. Passed 2-16-93.)

1151.09 EFFECT OF APPROVAL OF APPLICATION, OUTLINE DEVELOPMENT PLAN.

(a) Within two years after the approval of the application to amend the Zoning Map by Council, the applicant shall be required to submit a plat or final development plan of the Planned District. Such plat or final development plan is to be submitted in accordance with all the applicable laws, ordinances and regulations of the Municipality.
(Ord. 36-93. Passed 2-16-93.)

1151.10 PLAT OR FINAL DEVELOPMENT PLAN.

No building or construction may be commenced within any Planned District, until the plat or final development plan has been approved by the Planning Commission under the following procedures:

The applicant shall file with the Planning Commission, within the time limits set forth in Section 1151.09, a plat or final development plan containing, in final form, the following information with respect to that area to be platted and developed:

(a) A map showing street systems, plot lines and plot designs, all of which must be in conformity with the requirements of the Subdivision Ordinance (Title One of this Part Eleven - Planning and Zoning Code) and amendments thereto.

(b) Areas proposed to be conveyed, dedicated or reserved for parks, parkways, playgrounds, school sites, public buildings and other similar public and semipublic places.

(c) A development schedule indicating the approximate date when development of the project can be expected to begin; the stages in which the project will be developed and the approximate date when development of each stage can be expected to begin; the anticipated rate of development, the approximate dates when each of the stages of the development will be completed, and the area location of common open space that will be provided at each stage of the development.

(d) Agreements, provisions or covenants which govern the use, maintenance and continued protection of the planned development and any of its common open areas.

(e) Fees as required in Section 1151.14(b).

(Ord. 36-93. Passed 2-16-93.)

1151.11 SUBMISSION OF PLAT, FINAL DEVELOPMENT PLAN; PLANNING COMMISSION ACTION.

The Planning Commission shall, within thirty days after the submission of a plat or final development plan, give its written approval of such plat or final development plan so long as it is consistent and in conformity with the Outline Development Plan and the standards of this chapter. Such approval shall be granted by the Planning Commission so long as the plat or final development plan are in conformity with the Outline Development Plan, and shall not be withheld unless the Planning Commission deems that there is a substantial variation from the Outline Development Plan.

(Ord. 36-93. Passed 2-16-93.)

1151.12 VARIATION FROM OUTLINE DEVELOPMENT PLAN; PLANNING COMMISSION ACTION.

(a) Minor variations from the approved Outline Development Plan shall be defined for the purposes of this chapter as any collective changes that affect no more than ten percent (10%) of the total gross site. Minor variations shall require approval of the Planning Commission before the plat or final development plan shall be considered for approval by the Planning Commission.

(b) Major variations from the approved Outline Development Plan shall be defined for the purposes of this chapter as any collective changes that affect more than ten percent (10%) of the total gross site, all use changes, and all changes to the development standards. Major variations shall require rejection of the plat or final development plan and resubmittal of a revised Outline Development Plan for consideration by the Planning Commission and Council by the procedure required in Section 1151.05.

(Ord. 36-93. Passed 2-16-93.)

1151.13 PROCEDURE UPON APPROVAL BY PLANNING COMMISSION.

In the event the plat or final development plan is approved by the Planning Commission under the same criteria as defined in Section 1151.06, such plat or final development plan shall be submitted to Council for approval in the same manner and under the same procedure as that prescribed in the Subdivision Ordinance (Title One of this Part Eleven - Planning and Zoning Code) and amendments thereto.

(Ord. 36-93. Passed 2-16-93.)

1151.14 FEES.

(a) The fee for filing an Outline Development Plan and the application for a Planned District shall be as established in the Development Fee Schedule set forth in Section 148.12 in Part One of these Codified Ordinances.

The fee for filing an amended or revised Outline Development Plan and the application for a Planned District shall be as established in the Development Fee Schedule set forth in Section 148.12 in Part One of these Codified Ordinances.

The fee is to be submitted with the application and accompanying documents, as set forth in this chapter.

(b) The fee for filing a plat or final development plan of fifty acres or less, shall be as established in the Development Fee Schedule set forth in Section 148.12 in Part One of these Codified Ordinances.

(Ord. 0128-2007. Passed 6-18-07.)

1151.15 PLANNED UNIT DEVELOPMENT DISTRICTS.

(a) District Added to Zoning Ordinance. The Planned Unit Development District is hereby added to the Zoning Ordinance to be known as PD District, varied zoning for tracts containing not less than twenty-five acres.

(b) Definitions.

(1) For the purposes of this chapter, the definitions contained in Chapter 1123 are hereby adopted and have the same meaning and intent in this chapter, unless the definitions contained in the Zoning Ordinance are in conflict with the definitions contained in this chapter, in which case the definitions contained in this chapter shall prevail.

(2) "Planned Development" means a group of structures for residential, commercial or governmental use, or any combination thereof, to be designated for construction as a unified project on tracts of twenty-five acres or more, under an Outline Development Plan, which plan is to be approved as provided hereafter in this chapter.

(3) "PD District" means a district or zone comprising twenty-five acres or more in which the uses stated in Section 1151.15 (c) will be permitted within a Planned Development.

(4) "Applicant" means the owner or owners, acting jointly, of land comprising twenty-five acres or more, proposed to be zoned or rezoned as a PD District. For purposes of this chapter, "owner" means and includes any public agency or public corporation, any individual, corporation, partnership, trustee, fiduciary or association holding either legal or equitable title.

(5) "Cluster housing" means a group of single-family houses, either on a single lot or each on its own lot, either attached or detached, forming a permanent open space, court or cul-de-sac and not conforming to regular front, side or rear yard requirements as set forth in other chapters of the Zoning Ordinance. For standards, refer to Section 1151.15 (q).

(6) "Garden apartments" means attached one or two-story dwellings, arranged in groups of two or more units and joined by a common wall. Each unit shall contain some private outdoor space. For standards, refer to Section 1151.15(q).

(7) "Medium rise apartments" means three or four-story multiple-dwelling building units, containing efficiency, one bedroom, two bedroom or three bedroom apartment units. For standards, refer to Section 1151.15 (q).

(8) "Planning Commission" means the Planning and Zoning Commission of the Municipality of Gahanna.

(c) Permitted Uses.

(1) Within a PD District in which there are less than fifty acres, zoning or rezoning shall be permitted for the following uses only:

A. All uses permitted within an ER-1 District.

B. All uses permitted within an SF-l District.

C. All uses permitted within an SF-2 District.

D. All uses permitted within an SF-3 District.

E. All uses permitted within an R-4 District.

F. All uses as defined in Section 1151.15 (b)(5).

(2) Within a PD District in which there are fifty acres or more, but less than 100 acres, zoning or rezoning shall be permitted for the following uses only:

A. All uses permitted within an ER-1 District.

B. All uses permitted within an SF-l District.

C. All uses permitted within an SF-2 District.

D. All uses permitted within an SF-3 District.

E. All uses permitted within an R-4 District.

F. All uses permitted within an AR District.

G. All uses as defined in Section 1151.15 (b)(5) and (6).

(3) Within a PD District in which there are 100 acres or more, zoning or rezoning shall be permitted for the following uses only:

A. All uses permitted within an ER-l District.

B. All uses permitted within an SF-1 District.

C. All uses permitted within an SF-2 District.

D. All uses permitted within an SF-3 District.

E. All uses permitted within an R-4 District.

F. All uses permitted within an AR District.

G. All uses permitted within an SO District.

H. All uses permitted within an NC District.

I. All uses permitted within a CC District.

J. All uses permitted within a CC-2 District.

K. All uses permitted within a CS District.

L. All uses permitted within a PCC District.

M. All uses as defined in 1151.15 (b)(5) through (7).

(4) The uses permitted in the districts referred to herein are the same as those delineated and set forth in the Zoning Ordinance.

(5) Other uses within a PD District may be permitted, upon approval of the Planning Commission and Council. However, the procedures set forth in Section 1151.15 (e) must be followed.

(d) Conditional Uses. The same uses as specified in the SF-1 District, subject to Planning Commission approval are permitted in a Planned Unit Development District.

(e) Procedure.

(1) Application. The applicant shall submit to the Planning Commission, on forms provided by the Commission, an application signed by the owner or owners of the tract or tracts of land in question, in accordance with Section 1133.01, requesting that such tract or tracts (in the case of owners acting jointly) be zoned or rezoned to PD District zoning.

(2) Papers and Documents to Accompany Application. The application defined in subsection (e)(1) hereof shall be accompanied by three copies of an Outline Development Plan and a map or other drawing of the entire area for which such PD District zoning or rezoning is requested. The Outline Development Plan shall include in text and map or drawing form, the following:

A. The proposed location and size of areas of residential use, commercial use and all other uses requested within the PD District, and shall include the character and approximate density of dwellings, and all requirements of Section 1151.15(f)(l) through (3).

B. The proposed size, locations and uses of the areas reserved as open areas, parks, playgrounds, school sites and other public areas and spaces, with the suggested use and ownership of such areas and spaces.

C. The proposed traffic circulation patterns, including public and private streets and other accessways, indicating their relationship to existing streets.

D. The proposed schedule of site development, including information indicating design principles and concepts to be followed in land development.

E. Such other pertinent information as the Planning Commission shall prescribe resulting from preliminary conferences concerning such requested zoning or rezoning.

F. An accurate survey of the entire tract, which survey shall have been performed and certified by a registered surveyor.

G. Fees as required in Section 1151.15(o)(1).

(3) In addition, such application shall also be accompanied by a "Feasibility Study" encompassing, but not limited to, general topographic studies, drainage, access points adjoining land use, utilities and their availability and accessibility, approval of the general Plan by the City engineers and other interested City departments and any and all other matters indicating and tending to prove that the Outline Development Plan as submitted, can be carried to its conclusion, within the limits of this chapter.

(4) The Planning Commission may take no action whatever until such time as all required papers and documents are submitted to it, with the application and fee therefor.

(5) All plans, papers, documents, maps, studies and fees required to be submitted with the application, and the application itself, shall become the property of the Municipality and will not be returned to the applicant, except as otherwise provided in this chapter.

(f) Planning Commission Action. Upon the submission of the application, required papers, maps and documents accompanying the same and the fee to the Planning and Zoning Administrator, the Planning Commission shall, at its next regularly scheduled meeting, schedule a public hearing on such application and Outline Development Plan, such hearing to be held not later than sixty days after the date that it is scheduled. At such hearing, the applicant or his representative shall present a statement and adequate and sufficient evidence in such form as the Planning Commission may require, to aid the Commission in its deliberation on the application and the Outline Development Plan. Before approving an application for zoning or rezoning to a PD District, the Planning Commission shall decide:

(1) That the proposed development is consistent in all respects with the purpose, intent and applicable standards of this chapter, and the general zoning, building, subdivision and other pertinent ordinances of the Municipality.

(2) That the proposed development is in conformity with a comprehensive Plan, or portion thereof, as the same may apply to the tract in question.

(3) That the proposed development is not detrimental to the general welfare of the inhabitants of the Municipality.

(4) That the benefits, improved arrangement and the general design of the proposed development justify the deviation from other districts, as included in the Zoning Ordinance.

(g) Publication of Notice and Posting of Property.

(1) Notice of public hearing on an application for planned unit development zoning shall be published in one or more newspapers of general circulation within the Municipality first at least fourteen days and second at least seven days in advance of the public hearing and shall state the place, time, date, and purpose of such hearing. Further, the Clerk of the Planning Commission shall send notification by ordinary mail of the public hearing to the contiguous property owners of the area described in the zoning change application.

(2) Drawings and related written materials which fully describe the design concept and platting of the proposed planned unit development shall be filed by the applicant with the Planning and Zoning Administrator and the Clerk of the Planning Commission prior to publication of the first notice of public hearing and shall be available for review and study by the general public until the time of such public hearing.

(3) Not less than fourteen days prior to the scheduled date of public hearing, the Planning and Zoning Administrator shall cause the property in question to be posted with a zoning notice stating the time and place of the scheduled public hearing, the identity of the applicant, the present zoning of the property and the requested zoning.

(h) Council Action.

(1) Within forty-five days after the public hearing, the Planning Commission shall forward the application and supporting matter, including the Outline Development Plan to Council, along with a written report recommending that the application and Outline Development Plan be approved, approved with modifications or disapproved. The report shall contain the findings of the Planning Commission as to conformity to criteria set forth in 1151.15(e)(2) and the reasons for whatever recommendation is made to Council by the Planning Commission. In the event that the Planning Commission fails to forward its report within forty-five days after the public hearing, such failure shall be deemed to be an approval of the application and the Outline Development Plan, and it shall be forwarded automatically to Council as if it had been approved by the Planning Commission.

(2) At the next regularly scheduled Council meeting, the President of Council shall schedule a public hearing upon the application and Outline Development Plan, as submitted to Council by the Planning Commission. Not less than thirty days prior to the date scheduled for the public hearing by Council, the Clerk of Council shall cause notice of such hearing to be given in accordance with the Zoning Ordinance and the provisions of Article XI of the Charter.

(3) In the event the application and Outline Development Plan is approved by Council, Council shall cause the Zoning Map to be amended by ordinance to reflect the change to the PD District. If the application and Outline Development Plan is approved with modifications by Council, Council shall not amend the Zoning Map until the applicant has filed with Council a written consent to the plan as modified. Such written consent must be filed with the Clerk of Council within sixty days after Council's action upon the application and Outline Development Plan. In the event such a written consent is not filed within sixty days, such failure shall be deemed a refusal to consent to the modifications and the application and Outline Development Plan shall be conclusively presumed to have been denied by Council. In the event such written consent to the application and Outline Development Plan as modified is filed, Council shall then cause the Zoning Map to be changed by ordinance to reflect the PD District.

(i) Effect of Approval of Application, Outline Development Plan.

(1) Within two years after the approval of the application to amend the Zoning Map by Council, the applicant shall be required to submit a plat of the PD District or a partial plat of the PD District, to contain not less than twenty-five acres, but if the entire PD District so applied for, is more than fifty acres, not less than fifty acres may be submitted as a plat, unless the entire balance of the PD District is less than fifty acres, in which case the entire balance shall be submitted. Such plat is to be submitted in accordance with all the applicable laws, ordinances and regulations of the Municipality.

(2) In the event that a partial plat is submitted and recorded within the two-year period the approval of the PD District shall be continued so long as a plat containing not less than fifty acres within the PD District is submitted (unless the entire remainder of the PD District consists of less than fifty acres, in which case the entire remainder of such PD District must be submitted as a plat) and recorded within a two-year period from the time of the last recording of the plat or partial plat. In the event that a plat, partial plat or a subsequent partial plat is not submitted and recorded within the above time limits, the approval of the PD District shall be automatically voided, without action by Council, and the land shall revert to its last previous zoning district. However, Council may, in its discretion and for good cause shown by the applicant, grant a time extension, not to exceed six months in length, for the submission and recording of a subsequent plat or partial plat.

(j) Plat and Development Plan. No building or construction may be commenced within any PD District after approval, until the Plat and Development Plan has been approved by the Planning Commission under the following procedures:

The applicant shall file with the Planning Commission, within the acreage limits and the time limits set forth in Section 1151.15(i), a Plat and Development Plan containing, in final form, the following information with respect to that area to be platted and developed:

(1) A map showing street systems, plot lines and plot designs, all of which must be in conformity with the requirements of the Subdivision Ordinance (Title One of this Part Eleven -Planning and Zoning Code) and amendments thereto.

(2) Areas proposed to be conveyed, dedicated or reserved for parks, parkways, playgrounds, school sites, public buildings and other similar public and semipublic places.

(3) A development schedule indicating the approximate date when development of the project can be expected to begin; the stages in which the project will be developed and the approximate date when development of each stage can be expected to begin; the anticipated rate of development, the approximate dates when each of the stages of the development will be completed, and the area location of common open space that will be provided at each stage of the development.

(4) Agreements, provisions or covenants which govern the use, maintenance and continued protection of the planned development and any of its common open areas.

(5) Fees as required in Section 1151.15 (o)(2).

(k) Submission of Plat, Development Plan; Planning Commission Action. The Planning Commission shall, within thirty days after the submission of a Plat and Development Plan, give its written approval of such Plat and Development Plan so long as it is consistent and in conformity with the Outline Development Plan and the standards of this chapter. Such approval shall be granted by the Planning Commission so long as the Plat and Development Plan are in conformity with the Outline Development Plan, and shall not be withheld unless the Planning Commission deems that there is a substantial variation from the Outline Development Plan.

(l) Variation From Outline Development Plan; Procedure.

(1) Should the Planning Commission, at any regular meeting or at any special meeting called for the purpose of considering the submission of a Plat and Development Plan, find that a substantial variation exists between the Plat and Development Plan, as submitted, and the Outline Development Plan, the Chairman of the Planning Commission shall forthwith notify the applicant that a substantial variation is deemed to exist and the particulars thereof. The applicant may, within thirty days of receipt of such notification, elect, either to amend the Plat and Development Plan to eliminate such substantial variation and resubmit such amended Plat and Development Plan without further fee, or to request the Chairman of the Planning and Zoning Commission to appoint a Fact-Finding Board, as hereinafter provided. Such election of the applicant shall be in writing to the Chairman of the Planning and Zoning Commission. Should the applicant fail to make such election within the time limit provided herein, the Plat and Development Plan shall be conclusively presumed to have been denied and no further action or appeal may be taken thereon.

(2) Should the applicant elect to submit the dispute to a Fact-Finding Board, the Chairman of the Planning and Zoning Commission shall forthwith appoint two members of the Planning Commission to a Fact-Finding Board. Such Board shall be composed of two members of Council, the above-mentioned two members of the Planning Commission and one freeholder-elector of the Municipality who has no direct or indirect financial interest in the matter. Such freeholder-elector shall be appointed by the Mayor, who shall attest to his qualifications, and the City Attorney. The Chairman shall forthwith notify the President of Council that the Planning Commission deems that a substantial variation from the Outline Development Plan exists. The President of Council shall appoint two members of Council and shall designate one of such members as the Chairman of the Fact-Finding Board. The City Attorney shall have no vote on such Board and shall act in an advisory capacity.

(3) The Fact-Finding Board shall meet within fifteen days after the appointment of the Chairman thereof. The applicant shall be notified of such meeting and shall be present to submit detailed information concerning the reasons for the variation as found by the Planning Commission. The Board shall report its findings, in writing, within twenty days after the appointment of the Chairman thereof, to the Chairman of the Planning Commission. Should the Board fail to meet within the fifteen-day time limit set forth herein or should the Board fail to notify the Chairman of the Planning Commission of its findings within the twenty-day period set forth herein, such failure shall be construed as a positive recommendation to the Planning Commission that the variation as found by the Planning Commission is justified as being due to unforeseeable or changed circumstances and not due to the negligence of the applicant. Should the applicant fail to appear, after proper notification of the Board meeting, to present his reasons, either in person or through his representative as to the reason for the variation, such failure shall be conclusively presumed to be a withdrawal by the applicant of the Plat and Development Plan from consideration by the Planning Commission, and the submission of such Plat and Development Plan shall be considered void and of no effect and does not toll the time limits set forth in 1151.15 (i) for the submission of Plat and Development Plans.

(4) After submission of the information to the Board by the applicant, such Board shall determine only:

A. Whether the substantial variation from the Outline Development Plan, as found by the Planning Commission, is justified by circumstances which have changed since the original submission of the Outline Development Plan and which could not have reasonably been foreseen by the applicant at the time of, or prior to the submission of the Outline Development Plan, and that the variation, as found is in no way due to the negligence or lack of diligence on the part of the applicant; or

B. The variation is unjustified and could have been foreseen by the applicant by the use of reasonable diligence at the time of, or prior to the submission of the Outline Development Plan.

(5) At its next regular meeting or at a special meeting called for such purpose, after receipt of the recommendation of the Fact-Finding Board, the Planning Commission shall act on the Plat and Development Plan as submitted by the applicant. The Planning Commission shall in no way be bound by the recommendation of the Fact-Finding Board, but if the recommendation of the Board is that the variation is justified, and the Planning Commission disapproves such variation as being unjustified, such disapproval shall act to toll the time limits set forth in Section 1151.15(i), pending appeal by the applicant, as set forth in Section 1151.15(n).

(m) Procedure Upon Approval by Planning Commission. In the event the Plat and Development Plan is approved by the Planning Commission, under the same criteria as defined in Section 1151.15(f), such Plat and Development Plan shall be submitted to Council for approval in the same manner and under the same procedure as that prescribed in the Subdivision Ordinance (Title One of this Part Eleven - Planning and Zoning Code) and amendments thereto.

(n) Procedure Upon Disapproval by Planning Commission.

(1) In the event that the Planning Commission has received the recommendation of a justifiable variation from the Fact-Finding Board as set forth in Section 1151.15(l), but the Planning Commission has disapproved such Plat and Development Plan, an appeal may be taken by the applicant to the Board of Zoning and Building Appeals in the form, manner and time set forth in Section 12.03 of the Charter. Should the Board of Zoning and Building Appeals find that the Planning Commission should have approved such Plat and Development Plan, in accordance with the recommendation of the Fact-Finding Board, the Plat and Development Plan shall be considered automatically approved by the Planning Commission and submitted to Council in the manner prescribed in Section 1151.15(m). Should the Board of Zoning and Building Appeals disapprove such Plat and Development Plan, the applicant shall be deemed to have exhausted his administrative remedies.

(2) In the event the Fact-Finding Board has recommended to the Planning Commission that the variation of the Plat and Development Plan from the Outline Development Plan is unjustified, and the Planning Commission has disapproved such Plat and Development Plan and an appeal has been taken to the Board of Zoning and Building Appeals under subsection (n)(1) hereof, and the Board of Zoning and Building Appeals has recommended approval of such Plat and Development Plan, then the City Attorney shall within twenty days of the date of the decision of the Board of Zoning and Building Appeals, file a written appeal to Council. Such appeal shall be set for hearing before Council at the next regular meeting to be held more than ten days after the mailing of the notice of appeal and shall be heard at that time, unless a written extension of time is granted to either party by the President of Council. A copy of the notice of appeal shall be sent to the applicant and to the Chairman of the Board of Zoning and Building Appeals and at least five days' written notice shall be given to the applicant and the Chairman of the Board of Zoning and Building Appeals of the date, time and place of the hearing. At such hearing before Council, the City Attorney shall represent the Chairman of the Planning Commission or his appointed representative and the Board of Zoning Appeals may be represented by any member thereof. The applicant may represent himself or may appoint his representative. The findings and decision of Council shall be final.

(3) In the event the Fact-Finding Board has recommended to the Planning Commission that the variation of the Plat and Development Plan from the Outline Development Plan is unjustified, and the Planning Commission approves such Plat and Development Plan, the City Attorney shall, within twenty days of the date of the decision of the Planning Commission, file a written appeal to Council. Such appeal shall be set for hearing before Council at the next regular meeting to be held more than ten days after the mailing of the notice of appeal and shall be heard at that time unless a written extension of time is granted to any interested party by the President of Council. A copy of the notice of appeal shall be sent to the applicant and to the Chairman of the Planning Commission, and, at least five days' written notice shall be given to the applicant and the Chairman of the Planning Commission of the date, time and place of the hearing. The City Attorney shall represent the Chairman of the Fact-Finding Board and the Planning Commission may be represented by any member thereof. The applicant shall represent himself or may appoint his representative. The findings and decision of Council shall be final and such appeal to Council shall be deemed to have been a submission to Council under the Subdivision Ordinance (Title One of this Part Eleven-Planning and Zoning Code).

(4) Nothing in this chapter shall be construed in such a way as to deprive any interested party aggrieved by the finding and decision of the Planning Commission, of his right to appeal to the Board of Zoning and Building Appeals in the manner and time set forth in Section 12.03 of the Charter. However, should the finding and decision of the Board of Zoning and Building Appeals be contrary to the position of such appellant, the appellant shall be deemed to have exhausted his administrative remedies and such decision of the Board of Zoning and Building Appeals shall be deemed to be final, except as provided in subsection (n)(2) hereof.

(o) Fees.

(1) The fee for filing an Outline Development Plan and the application for PD District shall be as established in the Development Fee Schedule set forth in Section 148.12 in Part One of these Codified Ordinances.

The fee for filing an amended or revised Outline Development Plan and the application for PD District shall be as established in the Development Fee Schedule set forth in Section 148.12 in Part One of these Codified Ordinances.

The fee is to be submitted with the application and accompanying documents, as set forth in this chapter.

(2) The fee for filing a Final Plat and Development Plan of fifty acres or less, shall be as established in the Development Fee Schedule set forth in Section 148.12 in Part One of these Codified Ordinances.

(3) The fee for filing an appeal to the Board of Zoning and Building Appeals shall be as established in Section 147.04, fees, of Chapter 147, Board of Zoning and Building Appeals, of these Codified Ordinances, except where such appeal may be filed by the administrative agencies or officials of the Municipality, on behalf of the Municipality.

(p) Conformity with Subdivision Ordinance.

(1) All submissions of Plat and Development Plans, as provided in this chapter, shall conform in all respects with the Subdivision Ordinance (Ordinance 50-61, passed November 20, 1961) and amendments thereto, except for Sections 1151.15 (b) and 1151.15(c). However, those parts of Section 1105.02 which are required in Section 1151.15 (c)(2) shall be required.

(2) The City Engineer shall be the sole judge as to the conformity of the Plat and Development Plan with such Subdivision Ordinance.

(q) Development Standards. The following standards for the arrangement and development of land and buildings are required in the PD District:

(1) Intensity of Use. The maximum net density for single-family residential units shall not exceed four dwelling units per acre. The maximum net density for cluster housing units shall not exceed eight dwelling units per acre. The maximum net density for garden apartment units shall not exceed fifteen dwelling units per acre. The maximum net density for medium-rise apartment units shall not exceed thirty dwelling units per acre. The maximum overall density within the PD District may not exceed four dwelling units per acre. The calculation of net density shall include all acreage within the PD District, except that acreage to be used for school, government and commercial purposes, which shall be specifically excluded in arriving at the net density.

(2) Minimum Standards Per Dwelling Unit.

Single- Family - A

Lot area per unit	10,000 to 14,999 square feet
Maximum lot coverage by buildings	30 percent
Minimum setback	25 feet
Minimum side yard	10 percent of total lot width
Minimum rear yard	10 feet
Maximum height	2-story
✦Garage - minimum	2 per unit
Minimum off-street parking spaces	2 per unit
Minimum floor area - one-story	1,200 square feet
Minimum ground floor area - more than one-story	1,000 square feet
*Minimum total floor area multi-story	1,800 square feet
Minimum floor area above finish grade	1,000 square feet

*(A building constructed with a portion of the living area being below the finish grade level and one or more stories at or above the finish grade level.)

(Total floor area is exclusive of cellars, open porches and garages.)

Single- Family - B

Lot area per unit	15,000 to 19,999 square feet
Maximum lot coverage by buildings	30 percent
Minimum setback	30 feet
Minimum side yard	10 percent of total lot width
Minimum rear yard	10 feet
Maximum height	2-story
✦Garage - minimum	2 per unit
Minimum off-street parking spaces	2 per unit
Minimum floor area -one-story	1,800 square feet
Minimum ground floor area -more than one-story	1,200 square feet
*Minimum total floor area multi-story	1,900 square feet
Minimum floor area above finish grade	1,100 square feet

*(A building constructed with a portion of the living area being below the finish grade level and one or more stories at or above the finish grade level.)

Single-Family - C

Lot area per unit	20,000 square feet and over
Maximum lot coverage by buildings	30 percent
Minimum setback	35 feet
Minimum side yard	10 percent of total lot width
Minimum rear yard	10 feet
Maximum height	2 1/2 story
✦Garage - minimum	2 per unit
Minimum off-street parking spaces	2 per unit
Minimum floor area - one-story	2,000 square feet
Minimum ground floor area - more than one-story	1,400 square feet
*Minimum total area multi-story	2,000 square feet
Minimum floor area above finish grade	1,200 square feet

*(A building constructed with a portion of the living area being below the finish grade level and one or more stories at or above the finish grade level.)

Cluster Housing

Minimum lot area per unit	5,800 square feet
Maximum lot coverage by buildings	27.5 percent
**Minimum setback	**
**Minimum side yard	**
**Minimum rear yard	**
Maximum height	2 story
Garage - minimum	1 per family unit
Minimum off-street parking spaces	2 per family unit
Minimum ground floor area	1,000 square feet

Cluster Housing Detached

Minimum lot area per unit	7,000 square feet
Minimum lot size	3,500 square feet
Maximum lot coverage	40 percent
Minimum setback	To existing PUD
Minimum side yard	Sum of the two side yards to equal 10 feet
Maximum height	2 story
Garage minimum	1 per family unit
Minimum off-street parking	2 spaces per family unit
Minimum ground floor area	1 story: 1,000 square feet
Minimum ground floor area	2 story: 550 square feet

Cluster Housing Attached

Minimum lot area per unit	5, 800 square feet
Maximum lot coverage by buildings	27.5 percent
Minimum setback	*
Minimum side yard	*
Minimum rear yard	*
Maximum height	2 story
Garage minimum	1 per family unit
Minimum off-street parking	2 spaces per family unit
Minimum ground floor area	1 story: 1,000 square feet
Minimum ground floor area	2 story: 550 square feet

Garden Apartments

Minimum lot area per unit	2,900 square feet
Maximum lot coverage by buildings	25 percent
Minimum setback	25 feet
Minimum side yard	30 feet -15 feet corner
Minimum rear yard	25 feet
Maximum height	2 story
Minimum off-street parking spaces	2 per family unit
***Minimum outdoor living space	
Minimum ground floor area	500 square feet per unit

Medium Rise Apartments

Minimum lot area per unit	1,450 square feet
Maximum lot coverage by buildings	35 percent
**Minimum setback	**
**Minimum side yard	**
**Minimum rear yard	**
Maximum height	3 to 4 story
Minimum off-street parking spaces	2 per family unit
***Minimum outdoor living space	100 square feet
Minimum ground floor area	700 square feet per Unit

** To be established by the Planning and Zoning Commission at the time of submission of the Outline Development Plan.

*** Outdoor living space in the amount specified must be provided for each family unit on the lot occupied by the multiple resident buildings. This space must be easily accessible for daily use by the residents of the multiple resident buildings. Driveways, parking areas, purely ornamental areas, areas having a width of less than sixteen feet and required side or front yard shall not be considered as outdoor living space.

✦A garage facility shall not be greater in square footage than 800 square feet or one-third (1/3) of the total floor area as defined in Section 1123.23, which structure shall be located on the same lot as the dwelling. For driveway width, refer to Chapter 1163.

NOTE: All standards herein are minimum standards, except lot coverage by buildings and height, which are maximum standards, or unless otherwise stated as both minimum and maximum. All minimum ground floor areas are exclusive of garage buildings, attached or otherwise.

(3) Other Standards. All other provisions of the PD District shall be those currently in existence in the Zoning Ordinance, except to the extent that the Zoning Ordinance is in conflict with this section, in which case this section and its standards shall prevail.

(4) Accessory "USTEBS". An unattached accessory "USTEB" shall be located to the rear of the dwelling. An unattached accessory "USTEB" may be placed no closer than ten feet to the rear property line. An unattached accessory "USTEB" shall not exceed fifteen feet in height. An attached accessory "USTEB" shall be treated as an addition. However an attached accessory "USTEB" may project into the rear yard a distance of not more than ten feet or be located any closer than 15 feet to the rear property line. (Ord. 0128-2007. Passed 6-18-07.)

1151.16 FUTURE PUD PLANNED UNIT DEVELOPMENT ZONING, REZONING PROHIBITED.

After the effective date of this Section, no further property in the Municipality shall be zoned or rezoned a PUD Planned Unit Development District.
(Ord. 5-2002. Passed 1-22-02.)

CHAPTER 1152
Overlay Districts

1152.01 Residential Overlay District (ROD).

1152.02 Limited (L) Overlay District.

CROSS REFERENCES
Planning Commission - see CHTR. Art. XI, ADM. Ch. 145
Districts and Zoning Map - see P. & Z. Ch. 1135

1152.01 RESIDENTIAL OVERLAY DISTRICT (ROD).

(a) Purpose. This chapter provides for flexible residential development housing within the City. The purpose of these regulations is to achieve:

(1) A variation of residential lot sizes without increasing the overall density of the development;

(2) A more efficient pattern of residential growth than what would generally be achieved under conventional development, resulting in substantial savings through shorter utilities and streets; and

(3) A development pattern which shall preserve, maintain and effectively utilize significant open space and environmental resources, such as wooded areas, ravines, streams, wetlands and scenic vistas;

Significant environmental resources may include natural features identified in adopted plans.

In accordance with the above stated purposes, the residential overlay technique shall be utilized where surrounding land uses, topography or other physical characteristics of the subject property are such that this development shall produce a superior living environment or shall promote the preservation of significant environmental resources which would not otherwise be preserved by the underlying zoning classification. It is specifically not the intent of these regulations to allow indiscriminate reduction of normally required lot sizes and dimensions to facilitate subdivisions not meeting the above described purposes.

(b) Definitions.

(1) "Residential overlay", as used in this chapter, means a residential development wherein the overall density is consistent with the underlying zoning district over which the Residential Overlay District is applied, but modifications are permitted in lot size and shape to concentrate residential development in portions of the overall tract, thereby maintaining the remainder of the tract as permanent common open space.

(2) "Significant open space and environmental resources", as used in this chapter, includes Natural Resource Map A - Soils Group 1 and 2 Hydric Soils and Hydric Inclusions in Soils with Hydric Components in Franklin County; Natural Resources Map B - Ravines and Steep Slopes; and Natural Resources Map C. "Significant open space" includes identified historic and archeological resources. These maps from the adopted Planning Guide are incorporated herein by reference.

(c) Overlay Zoning District. The ROD District is intended as an overlay zoning district, to be used only in conjunction with the existing ER-2, SF-1, SF-2, SF-3 and MR-1 Residential Zoning Districts, which shall be known as the base zoning district when the ROD is used. The development standards of the base district shall apply unless they are in conflict with the provisions of this section, in which case, the provisions of this section shall apply.

In recommending the approval of the use of the ROD Zoning District, the Planning Commission shall find that at least one of the following conditions exists as it relates to the subject property:

(1) The property is of such shape or size that normal subdivision platting technique would be difficult; or

(2) The property contains significant environmental resources which shall be maintained and preserved in their natural state. Such resources may include, but not be limited to wooded areas, ravines, streams, wetlands and scenic vistas.

(d) Permitted Uses. The permitted and/or conditional uses shall be as specified in the base zoning district.

(e) Minimum Project Area. The gross area of a tract of land to be developed within the Residential Overlay District shall be such that no fewer than six lots shall be created.

(f) Overall Residential Density. The maximum of permitted dwelling units shall be determined by dividing the net residential area by the minimum lot size in the base zoning district. Net residential area shall be that remaining after the following areas have been deleted from the gross project area:

(1) Land identified as within the 100-year flood plain on Official FEMA Flood Hazard Boundary Maps;

(2) An area equal to twenty percent (20%) of the gross property area representing that portion devoted to streets, regardless of the amount of land actually required for streets; and

(3) Land required to be set aside under Section 1109.08.

Calculation of the net residential area shall be included on the ROD development plan.

(g) Yard Requirements. Yard requirements shall be delineated on the plat. The yard requirements of those lots at the perimeter of the residential overlay development shall be not less than that which would be permitted in the base zoning district.

(h) Minimum Lot Area. None.

(i) Utilities. All electrical, telephone, cable television and similar utility systems shall be located underground.

(j) Private Roads. Private roads as a common easement may be used to provide internal circulation to housing in the ROD District, in accordance with the following:

(1) The easement shall not be counted as required open space.

(2) The easement shall be approved as part of the subdivision plat as the most appropriate form of access to lots and/or structures.

(3) A landlocked lot fronting a private street right of way does not require a variance from Section 1105.08.

(k) Common Open Space.

(1) For each square foot of land area which is gained through reduction of lot size below the minimum requirements as specified in the base zoning district, at least an equal amount of land shall be preserved and dedicated as common open space in the development. Such open space shall comprise not less than twenty percent (20%) of the total size of the tract. Calculation of the open space requirement shall be provided by the applicant on the ROD development plan.

(2) The configuration, location and characteristics of the common open space shall be approved by the Planning Commission. In determining the acceptability of the proposed open space, the Commission shall consider the following:

A. The common open space shall preserve the most environmentally significant portions of the site, including any wooded areas, ravines, streams, wetlands and scenic vistas.

B. The common open space should be contiguous and located so as to be accessible to most portions of the residential development.

C. The open space shall be, where possible, integrated with the design of the residential development, with portions of open space located adjacent to most areas of housing.

(3) Open space shall be:

A. Dedicated to a homeowner's association who shall hold title to the land so retained as common open space.

B. Granted to a conservation organization, historical society or some other group acceptable to the City.

(l) Procedures for ROD Development Plan.

(1) An applicant proposing to utilize the ROD as an overlay to one of the permitted base zoning districts shall submit an application for zoning change to the Planning Commission, in accordance with the procedures specified in Chapter 1133 and Article XI of the City Charter. This zoning change application including a ROD development plan text, shall become the ROD development plan, and serve as the preliminary plat.

(2) In addition to all filing requirements listed in Section 1105.02, Preliminary Plat Filing, minus the fee, the ROD development plan shall include a site plan which shall clearly indicate:

A. Project density, location, shape, size and height of any existing buildings;

B. Existing landscaping and/or forestation;

C. Floor areas and elevations of typical units;

D. Location and outlines of adjacent buildings within 200 feet from the boundary of the proposed ROD;

E. Calculation, location, amount and development of required open space;

F. Soils data superimposed over the plat and boundaries of woodlands and/or other natural vegetation; and

G. Such other material and data as may be necessary to evaluate and determine compliance with this chapter.

(3) The Planning Commission and Council shall process the ROD development plan consistent with the procedures specified in Chapter 1133 and Article XI of the City Charter.

(4) Building or construction within the ROD shall not occur until a final plat has been approved, consistent with Chapter 1105. A ROD final plat application shall not be submitted for approval until the ROD development plan has been approved by the Planning Commission and Council.

(5) Upon the establishment of a Residential Overlay District on a particular parcel by ordinance of Council, the zoning map shall be amended to indicate that the parcel is subject to a housing overlay and its development plan by the addition to the appropriate initial and a hyphen, that is, "ROD" preceding the symbolic designation of the underlying zoning district.

(m) Fees.

(1) The fee for filing a ROD development plan shall be as established in the Development Fee Schedule set forth in Section 148.12 in Part One of these Codified Ordinances. The fee is to be submitted with the application and accompanying documents as set forth in this chapter.

(2) The fee for filing a ROD final plat of fifty acres or less shall be as established in the Development Fee Schedule set forth in Section 148.12 in Part One of these Codified Ordinances. The fee is to be submitted with the final plat application and accompanying documents as set forth in this chapter and Section 1105.04, final plat filing.

(Ord. 0128-2007. Passed 6-18-07.)

1152.02 LIMITED (L) OVERLAY DISTRICT.

(a) Purpose. The Limited Overlay District is created as an alternative response to those situations where the minimum development standards of an underlying zoning district are deemed inadequate to protect or maintain compatibility of land uses.

The Limited Overlay District is intended for restricted use where special circumstances or conditions fail to protect affected land uses.

The limitations placed within the Limited Overlay District to a property or properties shall apply to all parcels zoned under the Limited Overlay District and shall be deemed appropriate by the City where such limitations protect and preserve the welfare of the general public.

It is intended that an applicant for rezoning may voluntarily seek to commit the subject property and its owner to limitations and conditions not otherwise provided by the existing or proposed underlying zoning classification, or even any other zoning classification, by the establishment of a Limited Overlay.

This chapter provides the means to modify the application of the provisions of an underlying zoning district to a particular parcel or parcels by:

(1) Limiting the permitted uses;

(2) Increasing one or more of the minimum development standards; and

(3) Adding conditions for items not covered by the minimum development standards, or any of the above.

All standards of the underlying zoning district shall be applicable unless specifically superseded by the Limited Overlay in the ordinance establishing same for the subject parcel or parcels.

(b) Applicable Zoning Districts. The Limited Overlay District may be used in combination with all zoning districts other than single family residential.

(c) Application. Any person or persons desiring the establishment of a Limited Overlay District on any lot or lots proposed to be rezoned shall file an application in conformance with Chapter 1133 of the Planning and Zoning Code and Article XI of the City Charter.

(d) Development Plan. In addition to filing such application, the applicant shall provide a signed and dated development plan composed of the text and a site plan(s) for the Limited Overlay proposed, setting out the means for addressing the above stated purpose and specifically identifying the following:

(1) Any limitation to be imposed on the normal range of permitted uses by the underlying zoning district;
(2) Any increase in a minimum development standard for the underlying zoning district;
(3) Any additional limitation or condition to be imposed and enforced; and
(4) The intended result to be obtained by any limitation or condition set out pursuant to the above.

The minimum standards of the underlying zoning district shall govern unless the development plan approved by Council specifically stipulates a more stringent standard. Such development plan shall be used only to increase standards and shall in no way be used or construed so as to grant a variance from or to decrease standards or requirements of the underlying zoning district.

The development plan shall set out each characteristic of the proposed limitations and conditions and shall be referenced in the body of the ordinance establishing a Limited Overlay for the subject parcel or parcels.

A final development plan that is in basic conformance with the approved development plan must be submitted in accordance with the provisions of Chapter 1108.

(e) Permitted Uses. Within a Limited Overlay District, the premises and/or buildings thereon shall only be used for any one or more of the uses permitted by the underlying zoning classification, unless the normal range of permitted uses is specifically limited by the development plan. If the development plan has a more restricted list of uses, then the development plan shall prevail. Conditional uses of the underlying zoning classification shall be considered permitted uses of the development plan only if those uses are specifically listed in the text of the development plan.

(f) Development Standards. Any use of a lot subject to a Limited Overlay shall meet or exceed each minimum development standard of the underlying zoning classification and other provisions of the Planning and Zoning Code unless more limited standards are specifically identified in the Limited Overlay development plan referenced in the ordinance passed by Council, in which event such more limited standards shall apply as promoting and maintaining the necessary uniformity of City planning.

The Limited Overlay standards shall comply with the following criteria:

(1) Reasonably related to planning guidelines and/or to the accomplishment of specified goals;
(2) Fair, protecting the legal rights for those affected;
(3) Understandable for those in the marketplace; and
(4) Simple for effective interpretation and enforcement by the City.

There is no minimum or maximum size required for a parcel to be subject to a Limited Overlay except that the limitations thereof shall apply to the entire tax parcel and such Limited Overlay shall include at least one tax parcel. An application may include more than one tax parcel provided that all parcels in a specific application are contiguous to each other. Parcels separated only by a public right-of-way shall be considered contiguous.

(g) Conditions and Limitations. Any use on a parcel subject to a Limited Overlay shall conform to each condition or limitation specifically identified and imposed in the development plan referenced in the ordinance passed by Council.

(h) Amendment. All general procedures required for amending or determining a zoning designation shall be applied to an amendment of any Limited Overlay permitted use, development standard, condition or limitation.

(i) Map Designation. Upon the establishment of a Limited Overlay on a particular parcel by ordinance of Council, the zoning map shall be amended to indicate that the parcel is subject to a Limited Overlay and its development plan by the addition to the appropriate initial and a hyphen, that is, "L-" preceding the symbolic designation of the underlying zoning district.

(j) Effect of the Approved Development Plan. A development plan approved hereunder shall be binding upon the applicant and the applicant's heirs, successors and assigns and shall limit and control the issuance or validity of any zoning certificate subject, however, to any valid and reasonable use of legislative authority in zoning regulations thereafter. The site plan for such certificate shall clearly indicate each condition and limitation of the approved development plan. Minor changes in the approved development plan may be made at the time of final development plan in accordance with the provisions of Chapter 1108.
(Ord. 0100-2011. Passed 6-6-11.)

CHAPTER 1153
General Commercial Districts

1153.01 SO Suburban Office and Institutional District.
1153.02 NC Neighborhood Commercial District.
1153.03 CC Community Commercial District.
1153.04 CC-2 Community Commercial Modified District.
1153.05 CS Community Service District.
1153.06 PCC Planned Commercial Center District.
1153.07 CX-1, Neighborhood Commercial, Mixed Use District.

CROSS REFERENCES

Curb cuts; plans and specifications; width at driveway - see S. & P.S. 907.01, 907.04
Subdivision plat approval - see P. & Z. Ch. 1105
USTEB defined - see P. & Z. 1123.59
Nonconforming uses - see P. & Z. Ch. 1161
Off-street parking - see P. & Z. Ch. 1163
Signs - see P. & Z. 1165.01
Fences - see P. & Z. Ch. 1171

1153.01 SO SUBURBAN OFFICE AND INSTITUTIONAL DISTRICT.

(a) Permitted Uses. Only the uses included under the following listed numbers or as otherwise specified in this district shall be permitted in the Suburban Office and Institutional District.

(1) Administrative and business. Administrative office primarily engaged in general administration, supervision, purchasing, accounting, and other management functions.

Business offices carrying on no retail trade with the general public and having no stock of goods maintained for sale to customers.

60 Depository institutions.
61 Nondepository credit institutions.
62 Security and commodity brokers, dealers, exchanges, and services.
63 Insurance carriers.
64 Insurance agents, brokers, and services.
65 Real estate.
67 Holding and other investment companies.

(2) Professional. Professional offices engaged in providing tangible and intangible services to the general public, involving both persons and their possessions.

0781 Landscape counseling and planning.
801 Offices and clinics of doctors of medicine.
802 Offices and clinics of dentists.
803 Offices and clinics of doctors of osteopathy.
804 Offices and clinics of other health practitioners.
805 Nursing and personal care facilities.
811 Legal services.
871 Engineering, architectural and surveying services.
872 Accounting, auditing and bookkeeping services.
8748 Land planners.

(3) Institutions.

823 Libraries.
841 Museums and art galleries.

(4) Organizations and associations.

861 Business associations.
862 Professional membership organizations.
864 Civic, social and fraternal associations.
865 Political organizations.
867 Charitable organizations.

(b) Conditional Uses. The following uses shall be allowed in the Suburban Office and Institutional District subject to approval in accordance with Chapter 1169.

(1) Drive-in facility. Drive-in or outdoor service facilities developed in association with a permitted use.

(2) Administrative and business. Administrative offices primarily engaged in general administration, supervision, purchasing, accounting and other management functions.

Business offices carrying on no retail trade with the general public and having no stock of goods maintained for sale to customer.

731 Advertising.
732 Consumer credit reporting agencies, mercantile reporting agencies, and adjustment and collection agencies.
7383 News syndicates.
736 Private employment agencies.

(3) Professional. Professional offices engaged in providing tangible and intangible services to the general public, involving both persons and their possessions.

806 Hospitals.
807 Medical and dental laboratories.
8059 Sanatoria, and convalescent and rest homes.
8099 Health and allied services, not elsewhere classified.
892 Nonprofit educational and scientific research agencies.
899 Services, not elsewhere classified.

(4) Institutions.
829 Schools and educational services, not elsewhere classified.
835 Day care centers.
842 Arboreta and botanical or zoological gardens.

(5) Organizations and associations.
863 Labor unions and similar labor organizations.
864 Civic, social and fraternal associations.
869 Nonprofit membership organizations, not elsewhere classified.

(6) Family care home (as defined in Chapter 1123). The purpose of this section is to regulate the establishment of residential care facilities for individuals who are unable to live in their own home or with their family, are unsuited for foster home placement, or when foster home placement is unavailable and who are not in need of institutional care or treatment.

(7) Public administration.
93 Public finance, taxation and monetary policy.
94 Administration of human resource programs.
95 Administration of environmental quality and housing programs.
96 Administration of economic programs.
97 National security and international affairs.

Submission Requirements - The applicant for a conditional use permit to operate a family care home shall submit the following information in written form, prior to setting a public hearing, to aid the Planning Commission in their review of the requested facility.

(1) Information explaining the need for the facility, the clientele to be served and the source of finances that shall be used to operate the facility.

(2) Identification of similar facilities presently located in the area including the names of individuals who may be contacted concerning the operation of such facilities.

(3) Identification of community facilities and social services that shall be used by the clientele of the family care home, including an indication from the administration of such facilities and services that the clientele of the family care home can be accommodated.

(4) The applicant shall provide evidence that a valid license has been issued or is obtainable for the proposed conditional use on the subject property. When a license is not required of the applicant by a governmental agency a written affidavit shall be presented as part of the application by the governmental agency to which that applicant has accountability stating that a license is not required. The affidavit shall further state and describe the procedures that have been established in lieu of licensing to insure that the provisions of this section are carried out and the types of controls that the governmental agency can exercise in this regard.

(5) A copy of the operational and occupancy standards that shall be used in establishing the facility.

(6) Site plans, drawings and/or illustrations, showing the location of all structures, floor plan, exterior elevations, off-street parking, ingress and egress, landscaping and screening areas, recreation and open space facilities. Such plans and drawings shall include evidence that the proposed use of the site will be compatible with the present physical character of the neighborhood and will not disrupt the neighborhood from the standpoint of noise, lights, congestion or traffic generation.

(7) A detailed plan of services and programs to be offered the clientele of the facility, including the nature of care to be provided and the types of services to be offered, and the individuals and/or agencies who will be responsible for administering such care and services.

Facility Requirements

(1) Every room occupied for sleeping purposes within the home shall contain a minimum of eighty square feet of habitable room area for one occupant, and when occupied by more than one individual shall contain at least sixty square feet of habitable room area for each occupant. No such facility shall use living rooms, dining rooms, entry ways, closets, corridors, outside porches or basements as sleeping rooms.

(2) The family care home shall provide not less than twenty-five square feet per person of suitable indoor recreation area and not less than seventy-five square feet of outdoor recreation open space per person, exclusive of required front and side yards and parking areas, consolidated in a useful configuration and location provided on the site.

(3) All new structures shall be compatible in design with the surrounding neighborhood.

(4) All exterior lighting fixtures will be shaded wherever necessary to avoid casting direct light upon any adjoining property located in a residential district.

(5) No family care home may be located within a one-quarter mile radius of another such facility.

(6) Unless modified by this section, the facility shall comply with all other applicable codes and ordinances prior to the issuance of an occupancy permit.

Findings of the Planning Commission - In its review of each proposed facility, the Commission shall consider the following regarding the proposed facility:

(1) It is in fact a facility licensed by and/or having accountability to a governmental agency and that sufficient controls can be exercised to insure continued compliance to the provisions of this section.

(2) It is a needed facility based on the evidence submitted.

(3) It will be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or officially planned uses of the general vicinity and that such use will not change the essential character of the neighborhood.

(4) That it will not be hazardous or disturbing to existing or officially planned future neighborhood uses from the standpoint of noise, lights, congestion or traffic generation which would be incompatible with the neighborhood environment.

(5) That it will be served adequately by such essential public facilities and services as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services.

(6) That it will have vehicular approaches to the property which shall be so designated as not to create an interference with traffic or public thoroughfares.

Report to Planning Commission - Prior to the Commission's hearing on the proposed facility, a written report shall be required from the Planning and Zoning Administrator regarding each item stated in the above subsections. In preparing the report the Zoning Office shall contact appropriate social service agencies and obtain comments on the proposed facility. In addition, the proposed facility shall be inspected by the Building Department and the findings shall be reported to the Planning Commission.

(c) Development Standards. In addition to the provisions of Chapter 1167, General Development Standards, Additional Use, Height and Area Regulations, the following standards for arrangement and development of land and buildings are required in the Suburban Office and Institutional District.

(1) Intensity of use. No minimum lot width is required, however, all lots shall abut a street and have adequate width to provide the yard space required by these development standards.

(2) Side yard. A side yard of ten feet shall be required. However, lots adjacent to a residential zoning district shall have a side yard setback of not less than one-fourth of the sum of the height and depth of the building, but in no case shall be less than fifteen feet and such yard shall be landscaped. Parking space, drives or service area shall be in addition to such yard requirements.

(3) Rear yard. A rear yard of ten feet shall be required. However, lots adjacent to a residential zoning district shall have a rear yard setback of not less than one-fourth of the sum of the height and width of the building, except when adjacent to a dedicated alley having not less than twenty feet of right of way.

A use to be serviced from the rear shall have a service court, alleyway or combination thereof not less than forty feet wide, and shall be enclosed by a solid wall or fence except when adjacent to a dedicated alley. If a structure or a series of structures contains more than one facility, the service court, alleyway or combination thereof shall be not less than sixty feet wide.

(4) Height regulations. All buildings and structures shall conform to Federal Aviation Administration and Port Columbus Airport Regulations height limitation, whichever may be greater.

(5) Parking regulations. Parking standards and requirements, as specified in Chapter 1163, shall be met for all uses in this district.

(6) Lot coverage. Principal buildings and associated buildings shall not exceed fifty percent (50%) of total lot coverage. An additional twenty-five percent (25%) of lot coverage may be used for driveways and parking areas. This provides a maximum lot coverage allowance of seventy-five percent (75%).

(Ord. 0128-2007. Passed 6-18-07.)

1153.02 NC NEIGHBORHOOD COMMERCIAL DISTRICT.

(a) Permitted Uses. Only the uses included under the following listed numbers or as otherwise specified in this district shall be permitted in the Neighborhood Commercial District.

(1) Retail stores. Retail stores primarily engaged in selling merchandise for personal or household consumption and in rendering services incidental to the sale of goods, including the buying or processing of goods for resale.

5251 Hardware stores.
541 Grocery stores.
542 Meat and fish, (sea food), markets, including freezer provisions.
543 Fruit and vegetable markets.
544 Candy, nut and confectionery stores.
545 Dairy products stores.
546 Retail bakeries.
591 Drug stores and proprietary stores.
592 Liquor stores.
5992 Florists.

(2) Personal services. Personal services generally involving the care of the person or his personal effects.

7215 Coin operated laundries and drycleaning.
7219 Laundry and garment services, not elsewhere classified.
723 Beauty shops.
724 Barber shops.
725 Shoe repair shops and shoe shine parlors.

(b) Conditional Uses. The following uses shall be allowed in the Neighborhood Commercial District subject to approval in accordance with Chapter 1169.

(1) Business and professional offices. Business offices carrying on no retail trade with the general public and having no stock of goods maintained for sale to customers.

Professional offices engaged in providing tangible and intangible services to the general public involving both persons and their possessions.

60 Depository institutions.
61 Nondepository credit institutions.
64 Insurance agents, brokers, and services.
65 Real estate.
0781 Landscape counseling and planning.
801 Offices and clinics of doctors of medicine.
802 Offices and clinics of dentists.
803 Offices and clinics of doctors of osteopathy.
804 Offices and clinics of other health practitioners.
805 Nursing and personal care facilities.
8099 Health and allied services, not elsewhere classified.
811 Legal services.
871 Engineering, architectural and surveying services.
872 Accounting, auditing and bookkeeping services.
8748 Land planners.
899 Services, not elsewhere classified.

(2) Automotive services.
554 Gasoline service stations provided no portion of a structure or its appurtenances, including ancillary, associated or auxiliary equipment shall be located in front of the established building line.
5812 Eating places.

(3) Drive-in facility. Drive-in or outdoor service facility developed in association with a permitted use.

(4) Day care centers.
8322 Day care centers, adult and handicapped.
8351 Day care centers, child.

(c) Development Standards. In addition to the provisions of Chapter 1167, General Development Standards, Additional Use, Height and Area Regulations, the following standards for arrangement and development of land and buildings are required in the Neighborhood Commercial District.

(1) Intensity of use. No minimum lot size is required; however, lot size shall be adequate to provide the yard space required by these development standards and the following provisions.

(2) Lot width. No minimum lot width is required; however, all lots shall abut a street and have adequate width to provide the yard space required by these development standards.

(3) Side yard. A side yard of ten feet shall be required. However, lots adjacent to a residential zoning district shall have a side yard setback not less than one-fourth of the sum of the height and depth of the building, but in no case shall be less than fifteen feet and such yard shall be landscaped. Parking spaces, drives or service area shall be in addition to such yard requirements.

(4) Rear yard. A rear yard of ten feet shall be required. However, lots adjacent to a residential zoning district shall have a rear yard setback of not less than one-fourth of the sum of the height and width of the building, except when adjacent to a dedicated alley having not less than twenty feet of right of way.

A use to be serviced from the rear shall have a service court, alleyway or combination thereof not less than forty feet wide and shall be enclosed by a solid wall or fence except when adjacent to a dedicated alley. If a structure or series of structures contains more than one facility, the service court, alleyway or combination thereof shall be not less than sixty feet wide.

(5) Height regulations. All buildings and structures shall conform to Federal Aviation Administration and Port Columbus Airport Zoning Regulations height limitation, whichever may be greater.

(6) Parking regulations. Parking standards and requirements, as specified in Chapter 1163, shall be met for all uses in this district.

(7) Lot coverage. Principal building and associated buildings shall not exceed fifty percent (50%) of total lot coverage. An additional twenty-five percent (25%) of lot coverage may be used for driveways and parking areas. This provides a maximum lot coverage allowance of seventy-five percent (75%).

(Ord. 27-93. Passed 2-2-93.)

1153.03 CC COMMUNITY COMMERCIAL DISTRICT.

(a) Permitted Uses. Only the uses included under the following listed numbers or as otherwise specified in this district shall be permitted in the Community Commercial District.

(1) Retail stores. Retail stores primarily engaged in the selling of merchandise for personal or household consumption and rendering services incidental to the sale of goods, including the buying or processing of goods for resale.

General Merchandise:

5251 Hardware stores.
531 Department stores.
5961 Mail order houses.
533 Variety stores.
539 Miscellaneous general merchandise stores.

Food:

541 Grocery stores.
542 Meat and fish (sea food), markets including freezer provisions.
543 Fruit and vegetable markets.
544 Candy, nut and confectionery stores.
545 Dairy products stores.
546 Retail bakeries.
549 Miscellaneous food stores.

Apparel:
561 Men's and boy's clothing and accessory stores.
562 Women's clothing stores.
563 Women's accessory and specialty stores.
564 Children's and infant's wear stores.
565 Family clothing stores.
566 Shoe stores.
5699 Custom tailors.
5632 Furriers and fur stores.
569 Miscellaneous apparel and accessory stores.
Home Furnishings:
571 Home furniture and furnishings stores.
572 Household appliance stores.
573 Radio, television, consumer electronics and music stores.
Eating and Drinking:
581 Eating and drinking places; including pizzeria and carry-out restaurants.
Miscellaneous Retail:
591 Drug stores and proprietary stores.
592 Liquor stores.
593 Used merchandise stores.
5942 Book and stationery stores.
5941 Sporting goods stores and bicycle shops.
526 Retail nurseries and garden supply stores.
597 Jewelry stores.
5992 Florists.
5993 Tobacco stores.
5994 News dealers and news stands.
5945 Hobby, toy and game stores.
5946 Camera and photographic supply stores.
5947 Gift, novelty and souvenir shops.
5995 Optical goods stores.
5999 Miscellaneous retail stores, not elsewhere classified.

(2) Administrative. Business and professional offices. Administrative offices primarily engaged in general administration, supervision, purchasing, accounting and other management functions.
Business offices carrying on no retail trade with the general public and having no stock of goods maintained for sale to customers.
Professional offices engaged in providing tangible and intangible services to the general public, involving persons and their possessions.
Finance:
60 Depository institutions.
61 Nondepository credit institutions.
62 Security and commodity brokers, dealers, exchanges and services.
Insurance:
63 Insurance carriers.
64 Insurance agents, brokers and services.

Real Estate:
65 Real estate.
67 Holding and other investment offices.
Professional:
0742 Veterinary services for animal specialties.
0781 Landscape counseling and planning.
801 Offices and clinics of doctors of medicine.
802 Offices and clinics of dentists.
803 Offices and clinics of doctors of osteopathy.
804 Offices and clinics of other health practitioners.
805 Nursing and personal care facilities.
807 Medical and dental laboratories.
809 Health and allied services, not elsewhere classified.
811 Legal services.
871 Engineering, architectural and surveying services.
872 Accounting, auditing and bookkeeping services.
8748 Land planners.
899 Services (professional), not elsewhere classified.

(3) Personal and consumer services. Personal services generally involving the care of the persons or his personal effects.
Consumer services generally involving the care and maintenance of tangible property or the provisions of intangible services for personal consumption.
Personal:
722 Photographic studios, portrait.
723 Beauty shops.
724 Barber shops.
725 Shoe repair shops and shoe shine parlors.
7219 Laundry and garment services, not elsewhere classified.
729 Miscellaneous personal services.
Business:
731 Advertising.
732 Consumer credit reporting agencies, mercantile reporting agencies and adjustment and collection agencies.
733 Mailing, reproduction, commercial art and photography and stenographic services.
7383 News syndicates.
736 Personnel supply services.
7389 Business services, not elsewhere classified (except 8731 Research, development and testing laboratories).

(b) Conditional Uses. The following uses shall be allowed in the Community Commercial District, subject to the approval in accordance with Chapter 1169.

(1) Drive-in facility or open display. Drive-in or outdoor service, or open display facility, developed in association with a permitted use, except for 554 Gasoline service stations when all of its lot lines are twenty-five feet or more from a residential zoning district.

(2) Residential. Living quarters as an integral part of a permitted use building.

(3) Consumer services. Consumer services generally involving the care and maintenance of tangible property or the provision of intangible service for personal consumption.

Services:
726 Funeral service and crematories.

Recreation:
783 Motion picture theaters.
7911 Dance studios, schools and halls.
792 Theatrical producers (except motion picture), bands, orchestras, and entertainers.
793 Bowling centers.
7993 Coin operated amusement devices.

Automotive and other sales:
551 Motor vehicle dealers (new and used).
552 Motor vehicle dealers (used cars only).
553 Auto and home supply stores.
554 Gasoline service stations.
555 Boat dealers.
556 Recreational vehicle dealers.
559 Automotive dealers, not elsewhere classified.
751 Automotive rentals and leasing, without drivers.
752 Automobile parking.
753 Automotive repair shops.
754 Automobile services, except repair.

(4) Day care centers.
8322 Day care centers, adult and handicapped.
8351 Day care centers, child.

(c) Development Standards. In addition to the provisions of Chapter 1167, General Development Standards, Additional Use, Height and Area Regulations, the following standards for arrangement and development of land and buildings are required in the Community Commercial District.

(1) Intensity of use. No minimum lot size is required; however, lot size shall be adequate to provide the yard space required by these Development Standards and the following provisions.

(2) Lot width. No minimum lot width is required; however, all lots shall abut a street and have adequate width to provide the yard space required by these Development Standards.

(3) Side yard. A side yard of ten feet shall be required. However, lots adjacent to a residential zoning district shall have a side yard setback of not less than one-fourth of the sum of the height and depth of the building, but in no case shall be less than fifteen feet and such yard shall be landscaped. Parking spaces, drives or service areas shall be in addition to such yard requirements.

(4) Rear yard. A rear yard of ten feet shall be required. However, lots adjacent to a residential zoning district shall have a rear yard setback of not less than one-fourth of the sum of the height and width of the building, except when adjacent to a dedicated alley having not less than twenty feet of right of way.
A use to be serviced from the rear shall have a service court, alleyway or combination thereof not less than forty feet wide, and shall be enclosed by a solid wall or fence except when adjacent to a dedicated alley. If a structure or series of structures contains more than one facility, the service court, alleyway or combination thereof shall be not less than sixty feet wide.

(5) Height. All buildings and structures shall conform to Federal Aviation Administration and Port Columbus Airport Zoning Regulations height limitation, whichever may be greater.

(6) Parking. Parking standards and requirements, as specified in Chapter 1163, shall be met for all uses in this district.

(7) Lot coverage. Principal buildings and associated buildings shall not exceed fifty percent (50%) of total lot coverage. An additional twenty-five percent (25%) of lot coverage may be used for driveways and parking areas. This provides a maximum lot coverage allowance of seventy-five percent (75%).
(Ord. 27-93. Passed 2-2-93.)

1153.04 CC-2 COMMUNITY COMMERCIAL MODIFIED DISTRICT.

(a) Permitted Uses. Only the same uses as are permitted in the CC District shall be allowed in this district.

(b) Conditional Uses. Only the same conditional uses as are permitted in the CC District shall be allowed in this district.

(c) Development Standards. The same development standards as are required in the CC District shall apply to this district in addition to the following:

(1) Service roads. Service roads shall be provided on the property in accord with the requirements of the City.

(2) Curb cuts. Curb cuts shall be located in accord with the standards of the City.

(3) Arrangements of buildings and landscaping. A site plan and landscape plan shall be required and is subject to approval by the City Planning and Zoning Commission.

(4) Fees. The fee for filing a Plan of Development shall be as established in the Development Fee Schedule set forth in Section 148.12 in Part One of these Codified Ordinances.
(Ord. 0128-2007. Passed 6-18-07.)

1153.05 CS COMMUNITY SERVICE DISTRICT.

(a) Permitted Uses. Only the uses included under the following listed numbers shall be permitted in the Community Service District.

(1) Eating and drinking places:
581 Eating and drinking places.

(2) Consumer services. Consumer services generally involving the care and maintenance of tangible property or the provision of intangible services for personal consumption.
Business Services:
0742 Veterinary services for animal specialties.
481 Telephone communication.
482 Telegraph and other message communications.
483 Radio and television broadcasting stations.
526 Retail nurseries and garden supply stores.
726 Funeral service and crematories.
731 Advertising.
732 Consumer credit reporting agencies, mercantile reporting agencies, and adjustment and collection agencies.
733 Mailing, reproduction, commercial art and photography, and stenographic services.
734 Services to dwellings and other buildings.
7383 News syndicates.
736 Personnel supply services.
7389 Business services, not elsewhere classified (except 8731 Research, development and testing laboratories).
806 Hospitals.
Repair Services:
762 Electrical repair shops.
763 Watch, clock and jewelry repair.
764 Reupholstery and furniture repair.
769 Miscellaneous repair shops and related services.

(b) Conditional Uses. The following uses shall be allowed in the Community Service District, subject to the approval in accordance with Chapter 1169.

(1) Lodging places.
7011 Hotels and motels.

(2) Trade services. Trade services establishments engaged in the general construction, maintenance or repair of real or other tangible property.

Contractors:
018 Horticultural specialties.
15 Building construction - general contractors and operative builders.
161 Highway and street construction, except elevated highways.
171 Plumbing, heating and air conditioning.
172 Painting, and paper hanging.
173 Electrical work.
174 Masonry, stonework, tile setting and plastering.
175 Carpentry and floor work.
176 Roofing, siding and sheet metal work.
177 Concrete work.
178 Water well drilling.
179 Miscellaneous special trade contractors.

(3) Retail Sales.
551 Motor vehicle dealers (new and used).
552 Motor vehicle dealers (used cars only).
553 Auto and home supply stores.
559 Automotive dealers, not elsewhere classified.
Building Materials:
521 Lumber and other building materials dealers.
522 Plumbing, heating and air conditioning equipment dealers.
523 Paint, glass and wallpaper stores.
524 Electrical supply stores.
525 Hardware.
Automotive:
554 Gasoline service stations.
751 Automotive rentals and leasing, without drivers.
752 Automobile parking.
753 Automotive repair shops.
754 Automobile services, except repair.

(4) Storage and wholesaling. Establishments primarily engaged in transporting, storing, handling or selling merchandise to retailers, industrial, institutional or professional user, or to other wholesalers, or acting as agents in buying or selling or merchandise for such persons or companies.
421 Trucking, and courier services, except air.
4225 Warehousing, self storage.
501 Motor vehicles and motor vehicle parts and supplies.
5169 Chemicals and allied products, not elsewhere classified.
513 Apparel, piece goods, and notions.
514 Groceries and related products.
506 Electrical goods.
507 Hardware, and plumbing and heating equipment and supplies.
508 Machinery, equipment and supplies.
517 Petroleum and petroleum products.

5194 Tobacco and tobacco products.
518 Beer, wine and distilled alcoholic beverages.
511 Paper and paper products.
502 Furniture and home furnishings.
503 Lumber and other construction materials.
5099 Durable goods, not elsewhere classified.

(5) Local processing. Establishments engaged in processing food and kindred products or printed matter primarily for local consumption.
2013 Sausages and other prepared meat products.
2015 Poultry slaughtering and processing.
2024 Ice cream and frozen desserts.
2051 Bread and other bakery products, except cookies and crackers.
2064 Candy and other confectionery products.
2086 Bottled and canned soft drinks and carbonated waters.
2097 Manufactured ice.
271 Newspapers; publishing, or publishing and printing.
272 Periodicals; publishing, or publishing and printing.
275 Commercial printing.
279 Service industries for the printing trade.

(6) Day care centers.
8322 Day care centers, adult and handicapped.
8351 Day care centers, child.

(c) Development Standards. In addition to the provisions of Chapter 1167, General Development Standards, the following standards for arrangement and development of land and buildings shall be required in the Community Service District.

(1) Intensity of use; lot size. No minimum lot size is required; however, lot size shall be adequate to provide the yard space required by these development standards.

(2) Lot width. No minimum lot width is required; however, all lots shall abut on a street and have adequate width to provide the yard space required by these development standards.

(3) Side yard. A side yard of ten feet shall be required. However, lots adjacent to a residential zoning district shall have a side yard setback of not less than one-fourth of the sum of the height and depth of the building, but in no case shall it be less than twenty-five feet and such yard space shall be landscaped. Parking spaces, drives or service areas shall be additional to such yard requirements.

(4) Rear yard. A rear yard of ten feet shall be required. However, lots adjacent to a residential zoning district shall have a rear yard setback of not less than one-fourth of the sum of the height and width of the building, but in no case shall it be less than twenty-five feet.

A use to be serviced from the rear shall have a service court, alleyway or combination thereof not less than forty feet wide, and shall be enclosed by a solid wall or fence except when adjacent to a dedicated alley. If a structure or series of structures contains more than one facility, the service court, alleyway or combination thereof shall be not less than sixty feet wide.

(5) Height. All buildings and structures shall conform to Federal Aviation Administration and Port Columbus Airport Zoning Regulations height limitation, whichever may be greater.

(6) Parking. Parking standards and requirements, as specified in Chapter 1163, shall be met for all uses in this district.

(7) Lot coverage. Principal buildings and associated buildings shall not exceed fifty percent (50%) of total lot coverage. An additional twenty-five percent (25%) of lot coverage may be used for driveways and parking areas. This provides a maximum lot coverage allowance of seventy-five percent (75%).

(Ord. 0128-2007. Passed 6-18-07.)

1153.06 PCC PLANNED COMMERCIAL CENTER DISTRICT.

(a) Permitted Uses. Land and buildings in the Planned Commercial Center District shall be used only for the following purposes:

(1) Shopping center. Commercial establishments, developed, operated and maintained within an organized development of associated commercial activities in accordance with the approved Plan of Development.

(2) Community facilities. Such as libraries, offices or educational facilities operated by a public agency or government.

(b) Conditional Uses. The following uses shall be allowed in the Planned Commercial Center District, subject to approval in accordance with Chapter 1169.

(1) Modified commercial use. Any commercial use or arrangement of structure other than as specified in the approved Plan of Development after the subdivision plat has been approved and improved. Such modification shall not increase the overall structural density on the lot or change the essential character of development from that approved in the Plan of Development.

(2) Lodging places.

7011 Hotels and motels, but excluding tourist courts.

(c) Requirements and Fee of the Plan of Development. The fee for filing a Plan of Development shall be as established in the Development Fee Schedule set forth in Section 148.12 in Part One of these Codified Ordinances. The Plan of Development shall contain the following information in map or text form:

(1) The land included in the Plan of Development shall be five acres or more, except the size may be reduced if the proposed development is to be in association with other planned development districts.

(2) Property description, including property boundaries, area, topography in detail suitable to determine terrain character and potential development problems, wooded areas or other surface features, easements on the property.

(3) The proposed location and size of structures and ancillary uses, indicating tenant types (uses) and maximum square feet in buildings.

(4) The proposed size, location and use of other portions of the tract, including landscaped parking, loading service, maintenance and other areas or spaces.

(5) The proposed provision of water, sanitary sewer, and surface drainage facilities, including engineering feasibility studies or other evidence of reasonableness.

(6) The proposed traffic circulation pattern, including access drives, parking arrangement, and the relationship to existing and proposed external streets and traffic patterns with evidence of reasonableness.

(7) The proposed site development, construction of structures and associated facilities, including sketches and other materials indicating design principles and concepts to be followed in site development, construction, landscaping and other features. Such proposal shall include the proposed use or reuse of existing features such as topography, structures, streets and easements.

(8) The relationship of the proposed development to existing land use in the surrounding area, the street system, community facilities, services and other public improvements and plans for such streets, facilities and services.

(9) Evidence that the applicant has sufficient control over the land to effectuate the proposed rights and the engineering feasibility data which may be necessary and the economic feasibility studies (market analysis) or other data justifying the proposed development.

(d) Development Standards. In addition to the provisions of Chapter 1167, General Development Standards, Additional Use, Height and Area Regulations, the following standards for arrangement and development of land and buildings are required in the Planned Commercial Center District.

(1) Intensity of use. Land shall not be covered more than twenty percent by structure, open storage or display and service areas.

The total land covered by the above and parking and drives shall not be more than eighty percent of the land area.

(2) Arrangement of area. The location and arrangement of structures, parking, access drives, outdoor lighting, signs and other uses and developments within the Planned Commercial Center District, in addition to achieving these Development Standards shall be accomplished in accordance with an approved Plan of Development established to assure compatibility with the existing and future land use development in the vicinity. The Plan of Development should include walks, fences, landscaping, and other devices which shall meet the purpose and intent of the Planned Commercial Center District.

(3) Yard space. A yard adjacent to a residential district shall be not less than fifteen feet and such yard shall be landscaped; parking spaces, drives or service area shall be in addition to such yard requirements.

A use to be serviced from the rear shall have a service court, alleyway or combination thereof not less than forty feet wide and shall be enclosed by a solid wall or fence except when adjacent to a dedicated alley. If a structure or series of structures contains more than one facility, the service court, alleyway or combination thereof shall be not less than sixty feet wide.

(4) Height. All buildings and structures shall conform to Federal Aviation Administration and Port Columbus Airport Zoning Regulations height limitation, whichever may be greater.

(5) Parking. Parking standards and requirements, as specified in Chapter 1163, shall be met for all uses in this district.

(6) Lot coverage. Principal building and associated buildings shall not exceed fifty percent (50%) of total lot coverage. An additional twenty-five percent (25%) of lot coverage may be used for driveways and parking areas. This provides a maximum lot coverage allowance of seventy-five percent (75%).

(e) After the effective date of this section, no further property in the Municipality shall be zoned or rezoned a PCC, Planned Commercial Center District.
(Ord. 0128-2007. Passed 6-18-07.)

1153.07 CX-1, NEIGHBORHOOD COMMERCIAL, MIXED USE DISTRICT.

(a) Purpose and Intent.

(1) The purposes of the CX-1, Neighborhood Commercial, Mixed Use District are to:

A. Accommodate mixed-use buildings with neighborhood-serving retail, service, and other uses on the ground floor, with residential units or other permitted or conditional uses above the non-residential space; and

B. Encourage development that exhibits the physical design characteristics of pedestrian-oriented, storefront-style shopping streets; and

C. Promote the health and well-being of residents by encouraging physical activity, alternative transportation and greater social interaction.

(b) Definitions. As used in this section, the following words and terms shall have the meanings specified herein:

(1) "Gross Floor Area" means the sum of the gross horizontal areas of all floors of a building measured from the exterior faces of the exterior walls or from the centerline of walls separating two buildings. Gross floor area does not include basements when at least one half the floor to ceiling height is below grade; accessory parking (i.e. parking that is available on or off site that is not part of the use's minimum parking standard); attic space having a floor to ceiling height less than seven feet (7'); exterior balconies; uncovered steps; or inner courts.

(2) "Mixed Use District" means area that contains a mixture of uses in one development, and within one building that are acceptable according to the following listed permitted and conditional uses. Single use buildings are permitted in a mixed use district.

(c) Permitted, Conditional, and Non-Permitted Uses. Uses are permitted in CX-1, zoning districts as follows:

USE GROUP	Zoning District
Use Category	**CX-1**
Specific Use Type	
P = Permitted C = Conditional Use N = Not permitted	
RESIDENTIAL	
Household Living	
Artist Live/Work Space located above the ground floor	P
Artist Live/Work Space, ground floor	C
Dwelling Units located above the ground floor	P
Detached House	C
Detached Multi-family (3+ units) Residential	C
Detached Townhouse	C
Group Living	
Assisted Living	C
Group Home	C
Nursing Home	C
CIVIC	
Colleges, Universities, Ancillary School Use	P
Cultural Exhibits and Libraries	P
Daycare	P
Hospital	N
Lodge or Private Club	N
Postal Service	P
COMMERCIAL	
Adult Use	N
Animal Services	
• Shelter/Boarding Kennel	N
• Sales and Grooming	P
• Veterinary	P

USE GROUP	**Zoning District**
Use Category	**CX-1**
Specific Use Type	
P = Permitted C = Conditional Use N = Not permitted	
Artist Work or Sales Space	P
Drive-thru Facility	C
Eating and Drinking Establishments	
• Restaurant	P
• Tavern	C
Financial Services	P
Food and Beverage Retail Sales	P
Gas Stations	N
Lodging	
• Small (1-16 guest rooms)	P
• Large (17+ guest rooms)	C
Medical Service	P
Office	P
Parking, Commercial	C
Personal Service, including health clubs and gyms	P
Repair Service, Consumer, including bicycles	P
Residential Storage Warehouse	N
Retail Sales, General	P
Vehicle Sales, Service, Repair	N
INDUSTRIAL	
Manufacturing, Production, and Industrial Services	
• Artisan (hand-tools only; e.g., jewelry or ceramics)	C
OTHER	
Wireless Communication Facilities	
• Co-located	P
• Freestanding (Towers)	C

Any other use not herein listed shall be considered to be a Conditional Use and shall require Planning Commission approval.

(d) Commercial Establishment Size Limits. The gross floor area of commercial establishments in the CX-1 District shall not exceed 50,000 square feet.

(e) Indoor/Outdoor Operations. All permitted uses in the CX-1 district must be conducted completely within enclosed buildings unless otherwise expressly authorized by the Planning Commission. This requirement does not apply to off-street parking or loading areas, automated teller machines, or outdoor seating/display areas.

(f) Setbacks.

(1) The entire front building facade must abut street side rights-of-way, and be located within fifteen feet (15') of such right-of-way to accommodate features such as outdoor seating/display areas, stoops and wide sidewalks.

(2) The minimum rear setback shall be 10 percent (10%) of the lot depth. The address of the lot shall determine the front of the lot.

(3) No side setbacks are required in the CX-1 district, except when a CX-1 zoned property abuts a residentially zoned property, in which case the minimum side setback shall be ten feet (10'). The abutting property line shall be fenced and screened with plant material.

(g) Building Height. The maximum building height shall be fifty feet (50') to the top of the primary roof, or as dictated by FAA and/or the Port Columbus Regional Airport Authority. Mechanical unit screens, elevator penthouses, or other such appurtenances may exceed the maximum building height limit.

(h) Lot Coverage. Maximum lot coverage for parking and building footprint shall not exceed eighty percent (80%).

(i) Off Street Parking.

(1) Compatible occupancies within mixed-use buildings and development projects allow sharing of parking stalls, reduction of impervious parking areas and “heat-island” effects. Different occupancies often have parking demands that differ with the time of day or week. This allows sharing of parking spaces between occupancies, reducing the site area dedicated to car storage.

(2) The minimum number of parking spaces for a mixed use development or, where shared parking strategies are proposed, shall be determined by a study prepared by the applicant, and submitted with the application, following the procedures of the Urban Land Institute Shared Parking Report, or ITE Shared Parking Guidelines. All parking areas shall be approved by Planning Commission.

(j) Transparency.

(1) A minimum of fifty percent (50%) of the street-facing building facade on the ground floor between two feet (2') and eight feet (8') in height shall be comprised of clear windows that allow views of indoor space or product display area.

(2) The bottom of any window or product display window on the ground floor used to satisfy the transparency standard of the above paragraph shall not be more than thirty inches (30") above the adjacent sidewalk.

(3) Product display windows used to satisfy these requirements must have a minimum height of four feet (4') and shall be internally illuminated.

(k) Doors and Entrances.

(1) Buildings shall have a primary entrance door facing a public sidewalk. Entrances at building corners may be used to satisfy this requirement.

(2) Building entrances may include doors to individual shops or businesses, lobby entrances, entrances to pedestrian friendly plazas, or courtyard entrances to a cluster of shops or businesses.

(Ord. 0119-2009. Passed 6-1-09.)

CHAPTER 1154
Restricted Institutional District

1154.01 Purpose and intent.
1154.02 Permitted and conditional uses.
1154.03 Development standards.

1154.01 PURPOSE AND INTENT.

It is recognized that institutions such as schools, churches, and public administration buildings have special needs and land use requirements. The aforementioned institutions form an integral part of the community and it is the intent of the Restricted Institutional District to provide for the protection and where necessary, the continued growth of these institutions, and to protect and enhance compatibility and relationships to adjacent uses. A primary intent shall be to ensure compatibility of use between the institutions and surrounding uses. Specific attention shall be focused in such institutional development that may significantly affect present traffic or parking activity within the City of Gahanna.
(Ord. 10-2002. Passed 2-4-02.)

1154.02 PERMITTED AND CONDITIONAL USES.

(a) Permitted Uses. Only the uses included under the following listed numbers or as otherwise specified in this district shall be permitted in the Restricted Institutional District.

(1) Institutions.
- 821 Elementary and secondary schools.
- 822 Colleges, universities, professional schools and junior colleges.

(2) Organizations and associations.
- 866 Religious organizations.

(3) Public administration.
- 91 Executive, legislative and general government, except finance.
- 9211 Courts.
- 9221 Police protection.
- 9222 Legal counsel and prosecution.
- 9223 Fire protection.
- 9229 Public order and safety, not elsewhere classified.

(b) Conditional Uses. The following uses shall be allowed in the Restricted Institutional Districts subject to approval in accordance with Chapter 1169.

(1) Institutions.

842 Arboreta and botanical or zoological gardens.

(2) Accessory uses such as maintenance shops and storage areas to service an institution, if added after initial construction.

(Ord. 10-2002. Passed 2-4-02.)

1154.03 DEVELOPMENT STANDARDS.

(a) Lot Requirements.

(1) Minimum lot area: none.

(2) Minimum lot width: none.

(3) Maximum lot coverage: 75%.

(4) Minimum front yard: sixty feet, unless there is an existing adopted plan that specifies greater requirements.

(5) The minimum side yard setback shall be twenty-five feet, and when abutting a residential zoning district, the minimum side yard setback, shall be thirty feet.

(6) Minimum rear yard: forty feet.

(7) Parking setbacks shall be a minimum of fifteen feet from side and rear lot lines, and thirty-six feet from any public right-of-way.

(b) Building Requirements.

(1) Maximum building height: All buildings and structures shall conform to Federal Aviation Administration and Port Columbus Airport Zoning Regulations height limitation.

(c) Site Development Requirements.

(1) All applicable requirements of Chapter 1108, Final Development Plan and Chapter 1197, Design Review shall be met.

(Ord. 10-2002. Passed 2-4-02.)

CHAPTER 1155
OCT Office, Commerce and Technology District

1155.01 Purpose and intent.
1155.02 Permitted uses.
1155.03 Conditional uses.
1155.04 Site planning.
1155.05 Building appearance.
1155.06 Landscaping and screening.
1155.07 Outdoor storage areas.
1155.08 Utilities and lighting.
1155.09 Environmental standards.
1155.10 Signage.
1155.11 Special requirements.
1155.12 Non-conforming uses.
1155.99 Penalty.

1155.01 PURPOSE AND INTENT.

(a) This chapter is meant to supersede the M-1 Manufacturing zoning code in existence prior to its enactment.

(b) The City of Gahanna recognizes the importance of incorporating various types of businesses within the City to promote a healthy, balanced economy, and create opportunities for residents to work in the same community in which they live. The OCT district is a zoning classification that will allow for the development of various types of manufacturing, warehouse, office, and retail uses, and creates uniform development standards for each use. Uniform development standards will allow a variety of uses to co-exist with minimal impact on each other and the surrounding land uses. (Ord. 0141-2009. Passed 9-21-09.)

1155.02 PERMITTED USES.

(a) Reference to NAICS Classification.

(1) The 2007, or as amended, North American Industry Classification System, which is a United States governmental system for classifying business establishments, shall be used to identify all permitted and conditional uses. The NAICS classification is incorporated by reference in Chapter 1155. This classification system may be electronically accessed at http://www.census.gov/naics.

(2) Uses shall be identified by their corresponding number, and unless otherwise noted, all uses falling within that sub heading shall be permitted. (For example: if reference is made to section 11-Agriculture, Forestry, Fishing and Hunting then all sub headings under section 11 shall apply. If reference is made to section 111- Crop production then only uses under 111 would apply. Further if reference is made to section 111114 - Wheat farming, then only wheat farming would be permitted in the district.

(3) In the event that it is unclear as to where a proposed use falls into the NAICS classification system, the City of Gahanna Planning and Zoning Administrator shall make the final determination.

(b) Permitted Uses - The following uses shall be permitted according to the NAICS system of classification:

- 1114 - Greenhouse, Nursery and floriculture production
- 22112 - Electric Power Transmission, Control and Distribution
- 23 - Construction
- 311 - Food manufacturing; with the exception of the following uses, which shall be prohibited:
  1. 3116 - Animal Slaughtering and Processing
  2. 3117 - Seafood Product Preparation and Packaging
- 3121 - Beverage Manufacturing
- 313 - Textile Mills
- 314 - Textile Product Mills
- 315 - Apparel Manufacturing
- 3162 - Footwear Manufacturing
- 3212 - Veneer, Plywood and Engineered Wood Product Manufacturing
- 3219 - Other Wood Product manufacturing
- 3222 - Converted Paper Product Manufacturing
- 3231 - Printing and Related Support Activities
- 3254 - Pharmaceutical and Medicine Manufacturing
- 3261 - Plastics Product Manufacturing
- 3271 - Clay Product and Refractory Manufacturing
- 3272 - Glass and Glass Product Manufacturing
- 3279 - Other Nonmetallic Mineral Product Manufacturing
- 332 - Fabricated Metal Product Manufacturing; with the exception of the following uses, which shall be prohibited:
  1. 332992 - Small Arms Ammunition Manufacturing
  2. 332993 - Ammunition(except small arms)Manufacturing
  3. 332995 - Other Ordnance and Accessories Manufacturing
- 333- Machinery Manufacturing
- 334 - Computer and Electronic Product manufacturing
- 335 - Electrical Equipment, Appliance and Component Manufacturing;
- 336 - Transportation Equipment Manufacturing;
- 337 - Furniture and Related Product Manufacturing
- 339 - Miscellaneous Manufacturing
- 42 - Wholesale Trade; with the exception of the following uses, which shall be prohibited:
  1. 42314 - Motor Vehicle Parts (used) Merchant Wholesalers
  2. 42452 - Livestock Merchant Wholesalers
- 44 through 45 - Retail Trade;
- 48 Through 49 - Transportation and Warehousing;
- 51 - Information
- 52 - Finance and Insurance
- 53 - Real Estate Rental and Leasing
- 54 - Professional, Scientific and Technical services
- 55 - Management of Companies and Enterprises
- 56 - Administrative and Support and Waste Management and Remediation Services;
- 61 - Educational Services; with the exception of the following uses, which shall be prohibited:
  1. 6111 - Elementary and Secondary Schools
- 62 - Health Care and Social Assistance; with the exception of the following uses, which shall be prohibited:

1. 623 - Nursing and residential Care Facilities
2. 62422 - Community Housing Services

- 71 - Arts, Entertainment and Recreation; with the exception of the following uses, which shall be prohibited:
  1. 711212 - Racetracks
  2. 71213 - Zoos and Botanical gardens
  3. 7131 - Amusement Parks and Arcades
  4. 7132 - Gambling Industries
- 722 - FOOD SERVICES AND DRINKING
- 81 - Other Services (Except Public Administration); with the exception of the following uses which shall be prohibited:
  1. 8123 - Dry Cleaning and Laundry Services
     Business volume restrictions. - dry cleaning establishments will be limited in size and volume to those typically located in retail buildings and providing convenience services to the general public. High volume commercial dry cleaning facilities shall not be permitted.
  2. 814 - Private households
- 92 - Public Administration

(Ord. 0026-2015. Passed 3-2-15.)

1155.03 CONDITIONAL USES.

(a) The following uses shall be allowed in the OCT district subject to approval in accordance with Chapter 1169:

(1) 4247 - Petroleum and Petroleum Products Merchant Wholesalers
(2) 486 - Pipeline Transportation
(3) 45393 - Manufactured (Mobile) Home Dealers
(4) 45431 - Fuel Dealers
(5) 486 - Pipeline Transportation
(6) 48841 - Motor Vehicle Towing
(7) Any commercial use, similar to those listed herein as permitted uses, which is deemed accessory or advantageous to the primary use.
(8) Any industrial use, similar to those herein listed as permitted uses, which is considered non-objectionable and not involving operations which are obnoxious or offensive by reason of dust, odor, smoke, gas, fumes, refuse, noise or vibration.
(9) Outdoor storage area meeting the regulations defined in Section 1155.07.
(10) 721 ACCOMMODATIONS WITH THE EXCEPTION OF THE FOLLOWING USES, WHICH SHALL BE PROHIBITED:
   1. 72112 - CASINO HOTELS
   2. 7212 - RV (RECREATIONAL VEHICLE) PARKS AND RECREATION CAMPS
   3. 7213 - ROOMING AND BOARDING HOUSES

(b) Application for Conditional Use. The intent of the procedure for authorizing a conditional use is to set forth the development standards and criteria for locating and developing a conditional use in accordance with the nature of the surrounding area, conditions of development, and with regard to appropriate plans.

(1) Written application shall be made to the Planning and Zoning Administrator who shall transmit such application to the Planning Commission. See Section 1169.03. (Ord. 0026-2015. Passed 3-2-15.)

1155.04 SITE PLANNING.

Reference is made to the U.S. Green building Council's (USGBC) LEED® for New Construction & Major Renovations, Version 2.2 in various sections of this code. The City's intention is to encourage, but not mandate, the inclusion of sustainable design practices in the planning and execution of building projects within the boundaries of the OCT district. Other nationally recognized industry standards relative to sustainable and energy efficient design and construction, which now exist or may be adopted in the future, may be considered as supporting documentation for equivalent alternative designs.

(a) Minimum Lot Standards.

(1) Minimum Street Frontage. All lots shall abut a public street or private drive, and have sufficient lot width at the building setback line to provide for the use proposed, and the yard space required by these development standards.

(2) Minimum Lot Size. Lot size shall, at a minimum be one acre, and adequate to provide for the use proposed, yard space required by these development standards, and the following provisions.

A. A use allowed in this district shall entirely enclose its primary operation within a structure. Open storage and service areas, and loading docks shall be screened by walls or fences as defined in 1155.06.

B. A lot shall be adequate in size to provide for all storm water and utility provisions necessary to serve the property. In the event of a planned development, shared storm water detention will be permitted as approved by the City Engineer.

(b) Yards Required. All lots or uses shall have established minimum yard setbacks from all right of way lines and property lines. Yards required herein shall be established to minimize impacts from building and development on adjacent parcels and rights of way, as well as preserve areas around the perimeter of each parcel, or use to create buffer zones between each parcel. No building or structure shall be permitted, constructed, modified or expanded within the required yard space as defined herein. Accessory uses and structures shall not be permitted within the required yard space; however, parking and circulation may be permitted subject to the required paving parking setbacks listed herein.

(1) Front Yard. The front yard shall be defined as the area adjacent and contiguous to the principal public right of way servicing the building or use. In the case of corner lots the area adjacent and contiguous to both rights of ways shall be considered front yards. The minimum front yard required for each lot or use is:

A. For all warehouse, manufacturing or industrial type uses the minimum front yard required shall be 75'.

B. For all retail commercial uses the minimum front yard setback shall be 60'.

C. For all professional and corporate office uses the minimum front yard required shall be 40'.

(2) Side Yard. The side yard shall be considered to be the area adjacent and contiguous to the side property lines of the lot being developed. No building or structure shall be permitted, constructed or expanded within the required side yard space. The minimum side yard required for each lot or use is:

A. The minimum side yard for all warehouse, manufacturing, or industrial type uses shall be 25'in the case of a building 40' or less in height. A building having a height of more than 40' shall provide one additional foot in side yard for each additional foot in height above 40'.

B. The minimum side yard for all retail commercial uses shall be 15.'

C. The minimum side yard for all professional and corporate office uses shall be 10.'

(3) Rear Yard. The rear yard shall be considered to be the area adjacent and contiguous to the rear property line (typically opposite of the right of way line) of the lot being developed. No building or structure shall be permitted, constructed or expanded within the required rear yard space.

A. The minimum rear yard required for all warehouse, manufacturing, or industrial uses shall be 30'.

B. The minimum rear yard for all retail commercial uses shall be 15.'

C. The minimum rear yard for all professional and corporate office uses shall be 10.'

(c) Parking Setbacks. All lots shall have established minimum pavement parking setbacks from all rights of way lines and property lines. Minimum pavement parking setbacks shall be established to soften the visual and noise impacts of vehicular use areas on adjacent properties and public streets. Minimum pavement parking setbacks shall provide a reasonable landscape area suitable for buffering, screening and perimeter landscaping.

(1) Public right of way lines. The minimum parking setback from all adjacent public right of way lines shall be as follows:

A. For all warehouse, manufacturing or industrial type uses the minimum parking setback shall be 45'.

B. For all commercial uses the minimum parking setback shall be 36'.

C. For all professional and corporate office uses the minimum parking setback shall be 24'.

(2) Side and Rear Setbacks. Pavement setbacks shall be a minimum of 10' from side and rear lot lines for all uses. In the event of shared parking or shared access, the side yard pavement setbacks may be reduced to 0' where cross access easement agreements are in place.

(d) Building & Parking Accessibility.

(1) Sidewalks required. All uses shall provide a minimum 4' wide sidewalk from the main and secondary building entries to the parking area(s).

(2) Americans with Disabilities - All uses shall meet the requirements of the Americans with Disabilities Act for building and parking accessibility.

(e) Building Placement and Orientation. All buildings and uses shall be sited on the lot so that the main facade for the building fronts the main road on which the building is addressed, and shall meet the following requirements:

(1) Main façade. - The main façade of the building is defined as the façade containing the highest degree of architectural treatment, and which faces the street that establishes the main address for the lot. The main façade may also be the location for the primary customer/visitor entry.

A. Buildings or structures designed primarily for industrial, warehouse or manufacturing type uses shall be designed so that the main façade shall be the portion of the building designed to accommodate the office type uses which accompany the primary use, and not the main loading or service areas.

B. Buildings designed for primarily commercial/retail uses shall have the main façade on the side of the building primarily used for customer entry.

C. Buildings within a lot designed to accommodate several separate buildings (ex. professional or business office park) may have the main façade oriented towards an internal private street or loop road. In such situations any remaining façade of said buildings that are oriented towards a public street shall be designed with similar elements and details as the main façade, and shall not appear as an obvious side or rear of the building.

(2) Secondary Façade - On corner lots, the secondary façade shall be defined as the wall of the building(s) that fronts the secondary public right of way. In such situations the secondary façade shall have similar materials and detailing as the main façade.

(3) Loading and Delivery areas - Loading and delivery areas are portions of the building designed for the delivery/transference of goods or supplies and are typically characterized by large overhead doors and loading docks. For all uses in the district, loading and delivery areas are subject to the following regulations.

A. Loading and delivery areas shall not be permitted on the main façade of the building, or on the secondary façade in the case of corner lots.

B. Loading and delivery areas shall be screened from public view as defined in Section 1155.06.

(4) Accessory Uses. Accessory use structures shall be permitted in association with a principal use, provided that the area of the accessory use structures shall be 25% or less of the gross floor area of the principal use.

A. Accessory use structures must be placed behind the building line of the main structure and, if viewable from the right of way, must be constructed of materials compatible with the main structure.

(f) Access drives, driveways, leading to and from a street shall be developed as follows:

(1) Width of Drive. An access drive shall not exceed thirty-five feet in width, except at curb returns.

(2) Location of Drive. An access drive, exclusive of curb returns, shall meet the minimum side yard setback requirement as established herein. In the case of shared access, driveways are not subject to the minimum side yard setback requirements if appropriate cross access easements are in place at the time of application. A copy of the signed agreement must accompany the application. Access drives, parking areas and/or driveways for all uses shall be constructed and maintained so that water does not unreasonably accumulate on such areas or flow to drain onto adjacent property.

(g) Parking.

(1) Distance. The maximum length from the parking area to the main structure should not exceed 600 feet.

A. Landscaped islands shall be distributed throughout the parking field as delineated in Section 1163.08.

(2) Parking required. Parking standards and requirements, as specified in Chapter 1163, shall be met for all uses in this district.

(3) Alternative transportation. Secure bicycle racks and/or storage shall be provided within 600 feet of the building entrance.

(4) Surface. The use of progressive strategies for parking lots is encouraged, including pervious pavement, shaded lots, and other alternatives to hard surfacing.

(h) Sight Triangles.

(1) Public Streets and Private Drives.

A. At every intersection, a sight triangle shall be established as described in Section 1167.16.

(Ord. 0141-2009. Passed 9-21-09.)

1155.05 BUILDING APPEARANCE.

(a) Exterior Materials. The relationship between the structure and the land is most often defined by the materials used in the development. In order to protect land values of adjoining parcels, explicit materials, and configurations, etc., are established in this section and shall be required for all new construction and renovation of existing facilities.

(1) Approved materials. All new construction, and renovation of existing facilities, shall strictly adhere to the use of approved materials as defined herein. Windows and window glass are an approved material for all building types.

A. Office uses - exterior building materials approved for office uses are brick, jumbo brick, stone or simulated stone, architectural pre-cast concrete panels, stucco, EIFS, wood or cementitious lap siding (Hardey-Plank or similar), or architectural glass and tile.

B. Warehouse or industrial uses - exterior building materials approved for warehouse or industrial uses are brick, jumbo brick, stone or simulated stone, architectural pre-cast concrete, EIFS, split faced concrete block and architectural metal panels of high quality with a rust free long lasting finish.

C. Retail and Commercial uses - exterior building materials approved for retail and commercial uses are brick, jumbo brick, stone or simulated stone, stucco, split faced concrete block and EIFS.

(2) Main façade - The main façade of all buildings shall be designed to enhance the visual appeal of the district. In the case of a building having frontage on two public streets, such as a corner lot, both facades shall be designed with the same materials in a similar percentage and configuration.

(3) Side and rear elevations.

A. Office Uses. Office uses shall provide 4 sided architecture with the side and rear elevations consisting of the same materials as the main façade, with similar percentages and a similar level of detail and fenestration.

B. Warehouse and Industrial uses. Warehouse and industrial buildings may vary the use of materials on the side and rear elevations from those on the main façade so long as the materials used on the side and rear elevations are from the approved materials list.

C. Retail and Commercial uses. Side and rear elevations of retail or commercial buildings that are visible from any street must have materials that are consistent with those on the main façade. Side and rear elevations not visible from any street may consist of other materials from the approved list.

(b) Roofing. In order to encourage diversity of architectural style and building types a variety of roofing configurations are approved for use as outlined herein.

(1) Configuration.

A. Office buildings / single story. Single story office buildings may have sloped roofs provided the roofs have a minimum slope of 6:12. Mansard roofs are permitted provided they are a minimum of 8' in height, meet the minimum slope requirements, and are included on all building elevations. Flat roofs may be permitted provided that it is part of an overall architectural style, and that parapet walls extend a minimum of 24" above the surface of the roof, or as necessary to screen any rooftop equipment.

B. Office building / Multiple Story. Flat roofs shall be designed with parapet walls that extend a minimum of 24" above the surface of the roof, or as necessary to screen roof top mechanical equipment.

C. Warehouse or industrial buildings. These buildings shall be permitted to have a flat roof provided that parapet walls extend a minimum of 24" above the surface of the roof, or as necessary to screen rooftop mechanical equipment, are provided on all elevations.

D. Retail uses. Retail uses may utilize sloped, mansard or flat roofs (or any combination thereof). Pitched roof sections must meet a minimum slope of 6:12 and flat roof sections must be accompanied by a parapet wall that extends a minimum of 24" above the roof line, or as necessary to screen mechanical equipment.

(2) Materials.

A. Sloped or Mansard roofs. All sloped or mansard roofs shall have installed, at a minimum, 30 year dimensional asphalt shingles. Other approved materials are standing seam metal with a minimum of 25 year paint warranty, slate, cedar shingles, and copper.

B. Flat roofs. Flat roof systems shall be selected by the architect to minimize maintenance concerns and for longevity of service.

C. Rooftop Mechanical Equipment. To minimize the visual impact on, and preserve the value of adjacent uses, roof top mechanical units shall be screened from view on all sides by use of parapet walls, mansard roofs or special enclosures designed to be harmonious with the building. Simple fence enclosures are not permitted on building roofs for the purpose of screening mechanical equipment. To avoid the appearance of multiple roof top screens, mechanical units shall be congregated in one location as permissible within the design of an efficient mechanical system.

(c) Windows and Entryways. Large windows are encouraged in areas where manufacturing processes will allow them. Entryways into the office and reception areas should enhance the visual interest of the development as well as provide direction to visitor areas.

(1) Windows required.

A. Office Buildings. Office buildings should be designed to incorporate natural light into the building to the extent possible. The main façade of all office buildings shall be between 40% and 60% window openings. All other facades shall have a minimum of 30% window openings with the exception of service or loading areas.

B. Warehouse/Industrial buildings. Industrial/warehouse buildings shall be designed so that the office portions of the building meet the requirements for office as stated above. The remainder of the building shall incorporate windows as practical within the operational needs of the facility.

C. Retail/Commercial buildings. The main façade of all commercial/retail buildings shall be designed to have a storefront appearance and shall have a minimum of 40% window glass. Spandrel glass is acceptable.

(2) Fenestration pattern. Office buildings, office portions of warehouse/industrial buildings, and retail/commercial buildings shall utilize window fenestration as a method to visually break down long flat expanses of building into smaller segments. The main façade of such buildings shall avoid sections of wall in excess of 30' in length without fenestration, columns or other architectural features to help reduce the mass and visual appearance of the façade.

(3) Glazing. Types of glazing permitted include clear, tinted (either smoke or green), frosted, or spandrel. In all cases reflective or mirrored glazing is discouraged unless necessary to obtain LEED certification, in which case, the applicant must provide documentation that a LEED certification is being pursued for the proposed building.

(d) Height. All buildings and structures shall conform to Federal Aviation Administration and Columbus Regional Airport Authority regulations.

(e) Durability.

(1) Temporary structures. Temporary structures shall be permitted only for the purpose of construction offices while a permanent structure or site construction is taking place. After site and building construction has been completed, the temporary structure must be removed from the site within fourteen (14) days.

(2) Long term maintenance. The exterior of all buildings shall be maintained to prevent a neglected appearance.

A. Painted surfaces - Painted surfaces shall be re-painted as required to repair moldy or stained surfaces and prevent flaking / peeling surfaces.

B. Windows - Cracked or broken windows shall be replaced or repaired to prevent a neglected appearance.

C. Masonry - All masonry surfaces shall be maintained to prevent or repair lost brick or stone or crumbling mortar joints.

(Ord. 0141-2009. Passed 9-21-09.)

1155.06 LANDSCAPING AND SCREENING.

It is the purpose of this section to create minimum standards for landscaping that will provide increased aesthetic value as well as create standards for screening and buffering that will protect adjacent properties and public rights of way from undesirable views. It is further the purpose of this chapter to specifically promote the protection of existing trees and significant vegetation during the course of land development, and to promote the proper utilization of landscaping.

Existing trees

(a) Protective Fencing. The owner shall be responsible for the construction, erection, and maintenance of temporary fencing or other physical barrier around the tree area(s) to be protected. The fencing or other protective barrier must be located at the drip line, and must remain in place and be secured in an upright position during the entire construction period to prevent impingement of construction vehicles, materials, spoils, and equipment into or upon the protected tree area. Any change in the location of protective fencing must be approved by the Planning and Zoning Administrator.

(1) Construction measures.

A. During all phases of construction, all steps necessary to prevent the destruction or damage to protected trees (other than those specified to be removed) shall be taken, including but not limited to the following:

B. No construction activity, movement and/or placement of equipment, vehicles, or materials or spoils storage shall be permitted within the protected tree area. No excess soil, additional fills, liquids, or construction debris shall be placed within the critical root zone of any tree that is to be protected;

C. No attachments, including but not limited to ropes, nails, advertising posters, signs, fences or wires (other than those approved for bracing, guying or wrapping) shall be attached to any trees;

D. No gaseous liquids or solid substances which are harmful to trees shall be permitted within the protected tree area;

E. No fire or heat shall be permitted within the protected tree area; and,

F. All utilities, including service lines, shall be installed so as to protect existing trees, including augering and/or jacking, as opposed to open cutting, as appropriate.

(b) Existing Landscaping. The use of large existing trees such as pines, oaks, and maples for landscaping and screening requirements is encouraged. These types of materials should also assist in defining the circulation pattern within the development.

(c) Streetscape Requirements. The following minimum requirements shall be followed for any proposed street tree plan, unless the Landscape Board finds that the minimum requirements cannot be met:

(1) Tree Lawn.

A. Tree lawns shall be a minimum of 5 feet.

(2) Street Trees.

A. Street trees shall be installed as required in Section 913.10

(d) Interior Parking Lot Landscaping Standards.

(1) These standards may be found in Section 1163.08.

(e) Buffers Required.

(1) The property perimeter requirements of Chapter 1167.20 shall also be met for new or altered parking areas, and shall not count towards the requirements for interior landscaping.

(f) Building Landscaping and Project Screening.

(1) The developer shall refer to the Comprehensive Landscape Plan of the city of Gahanna, dated April 10, 2007, for recommended and prohibited plantings, as well as planting requirements and standards.

(g) Screening Required.

(1) Parking lot screening. All parking and vehicular use areas adjacent to any public right of way shall be screened from view by use of an evergreen hedge, masonry wall (brick or stone), mound or combination thereof to a height of 3'

(2) Screening of utilities.

A. The location of all utility areas including, but not limited to, power sub stations, lift stations, gas transfer stations, water treatment areas, utility boxes and transformers shall be screened from view on all sides by the use of a wall, fence, evergreen planting, mound or combination thereof to a minimum height of 6'.

1. Walls or fences used for screening purposes shall be installed to a minimum height of 6' and to a maximum height of 8'.

2. Evergreen trees used for screening purposes shall be installed at a 6' minimum height. Shrubs shall be planted in combination with mounding, if necessary, to achieve a minimum total height of 6' and 80% opacity within 2 years.

(3) Screening of service and loading areas.

A. The location of all service and loading areas shall be screened from view from adjacent properties or the public right of way, including multiple loading areas designed for warehousing or the transference of goods. Service or loading areas shall be screened to a minimum height of 6' and shall be achieved by the use of a wall, fence, evergreen planting, mound or combination thereof.

(h) Fencing Standards. These standards may be found in Chapter 1171 Fences, which is incorporated herein as applicable.

(i) Aesthetics. Ponds, streams, or other waterways are encouraged in developments to promote aesthetic qualities that otherwise may not be present. Minimizing externalities such as noise, pollution, and refuse that are associated with any manufacturing processes should be accomplished to preserve land values and to maintain the unique nature of the City's community. More aggressive measures may be required to protect the natural environment from manufacturing facilities. The piping of natural watercourses shall be discouraged.

(Ord. 0141-2009. Passed 9-21-09.)

1155.07 OUTDOOR STORAGE AREAS.

The intent of this section is to establish standards for the use, placement and screening of outdoor storage areas to minimize the aesthetic impacts of these areas on adjacent properties and public rights of ways. All uses shall adhere to these standards for the outdoor storage or display of goods or materials.

(a) Setbacks.

(1) For all uses, the placement of goods or materials for the purpose of display or storage (either temporary or permanent) shall be prohibited within the Front, Side or Rear Yard setback of any lot or parcel.

(b) Limitations.

(1) Height - Materials being stored outdoors shall not exceed a maximum height of 10' from the existing grade to the top of materials being stored. For the purposes of this definition existing grade shall be defined as the general grade of the lot or area where materials are being stored and shall not be construed to permit a total of 10' of storage from the top of a mound, ramp or other structure within that lot or area.

(2) Placement - The placement of outdoor storage of materials or equipment must occur toward the rear of the lot on which the main structure is located.

(3) Materials - The outdoor storage of hazardous, dangerous, flammable or chemical materials or any other materials or equipment that could present a hazard to the health, safety and welfare of the public or provide an attractive nuisance shall be stored according to the following:

A. Such materials shall be stored in a secure location within a lockable area.

B. Chemicals being stored outdoors shall be in approved containers in good condition and shall meet all applicable requirements of OSHA, OEPA and other governmental authorities having jurisdiction over such materials.

(c) Screening.

(1) Screening from ROW and adjacent properties - Any outdoor storage of materials shall be screened from view from the public right of way or adjacent properties by the use of a wall, fence, mounding, plant materials or combination thereof.

(2) Screening Requirements - The combined height of all screening materials shall be adequate to fully screen the materials being stored. In no case shall the height of combined screening be less than a minimum of 6' in height and the maximum height of combined screening shall not exceed 10'.

A. The maximum height of walls and fence structures shall not exceed 10'.

B. Landscaping used as screening shall have a minimum of eighty percent (80%) opacity during all seasons.

(Ord. 0141-2009. Passed 9-21-09.)

1155.08 UTILITIES AND LIGHTING.

(a) Utilities.

(1) Location.

A. Clustering of utilities. To the greatest extent possible, the location of all utility access panels, telephone terminals, cable boxes, switchgear, etc. shall be clustered together within the side or rear yards of a development or lot. Utilities shall be clustered to permit more efficient landscaping and screening, and reduce the visual clutter of the lot or development.

(2) Storage Tanks.

A. Location. The location of all storage tanks used for water, gas, chemicals, etc. shall not be located in any required yard or setback and shall be within a fenced off secured area of the site.

B. Size and quantity. The use of any storage tank over 400 gallons in capacity or 10' in height, or exceeding 10 in number, must be reviewed and approved by the Planning Commission.

(3) Screening of utilities. The screening of ground and/or wall mounted mechanical units and/or equipment shall meet the requirements for accessibility and shall be in accordance with the following.

A. Fencing. Fencing used for the purposes of screening utilities shall meet the requirements for fencing as stated Section 1155.06(i)(2).

B. Landscaping. Landscaping used as screening shall have a minimum of eighty percent (80%) opacity during all seasons.

(b) Lighting.

(1) Parking Lot Lighting.

A. Minimum lighting levels. See Section 1163.06 Lighting, Striping and Traffic Control.

B. Height standards. Light poles are not permitted to exceed 36' in height measured from the top of the pole to the top of asphalt.

C. Light pollution. In the interest of reducing the possibility for light pollution and potential conflict with the Port Columbus Regional Airport Authority, all new light fixtures shall be required to have cut off type shielding so that all light is reflected downwards. Visible light emanating from the top of the fixtures shall not be permitted.

(2) Building mounted lighting.

A. Building mounted lighting shall be permitted for the purposes of security, safety, identification of entries and illumination of sidewalk areas.

B. Building mounted lighting shall be of cut off type fixtures and shall be of similar intensity and color of light as the parking lot lighting,

C. Building lighting shall not be permitted to shed light or cause glare on to adjacent properties or public rights of ways.

D. The illumination of any building roofs other than for temporary examination or emergency repair shall be strictly prohibited.

E. To avoid potential conflicts with the Columbus Regional Airport Authority, the use of up-lighting to highlight building features shall not be permitted.

(Ord. 0141-2009. Passed 9-21-09.)

1155.09 ENVIRONMENTAL STANDARDS.

Limits of development and operation shall be observed as stated in Section 1167.19(b).
(Ord. 0141-2009. Passed 9-21-09.)

1155.10 SIGNAGE.

For signage requirements see Chapter 1165 Signs. Signage shall be as low profile as possible and shall be in conformance with neighboring properties and/or uses.
(Ord. 0141-2009. Passed 9-21-09.)

1155.11 SPECIAL REQUIREMENTS.

(a) Sexually Oriented Businesses.

(1) Building design. All buildings used for the purpose of a sexually oriented business shall adhere to the same design standards as all other uses within the district.

A. Windows. The use of spandrel glass for all required window openings shall be required for all such uses.

(2) Signage. Signage for all such uses shall be limited to the name of the establishment only. The use of sexually explicit logos, graphics or verbiage shall be prohibited.

(Ord. 0141-2009. Passed 9-21-09.)

1155.12 NON-CONFORMING USES.

No existing building or structure must meet the development standards of this chapter. However, any alteration or addition to an existing building would have to meet current standards.
(Ord. 0141-2009. Passed 9-21-09.)

1155.99 PENALTY.

Any person, firm or corporation violating any provision, amendment or supplement of this chapter, or failing to obey any lawful order of the Building or Zoning Divisions issued in pursuance thereof, shall be deemed guilty of a minor misdemeanor. Each and every day during which such violation of any provision, amendment or supplement of this chapter occurs, or each and every day during which there is a failure to obey any lawful order of the Chief Building Official or Planning and Zoning Administrator, may be deemed a separate offense.
(Ord. 0141-2009. Passed 9-21-09.)

CHAPTER 1157
Planned Industrial Park Districts

1157.01 Purpose.
1157.02 Permitted and conditional uses.
1157.03 Development standards.
1157.04 Procedure.

CROSS REFERENCES
District established - see P. & Z. 1135.01

1157.01 PURPOSE.
The purpose of the Planned Industrial Park District is to encourage the coordination and integration of industrial uses designed as separate elements of one specific site layout. Such uses shall be so designed as to be compatible in relation to use activity, parking, traffic accessibility, signing system and yard space into an industrial park setting.
(Ord. 3-79. Passed 1-16-79.)

1157.02 PERMITTED AND CONDITIONAL USES.
(a) Permitted and Conditional Uses. The same permitted and conditional uses that apply in the Office, Commerce and Technology District shall apply in the Planned Industrial Park District.

(b) Additional Permitted Uses.
(1) Community Commercial District uses operated in conjunction with or as a service to permitted and conditional uses.
(2) Community Service District uses.
(3) Suburban Office and Institutional District uses.

(c) Conditional Uses. In the Planned Industrial Park District the following uses will be permitted upon approval by the Planning Commission:
(1) Hotels and motels, but excluding tourist courts.
(Ord. 0145-2009. Passed 9-21-09.)

1157.03 DEVELOPMENT STANDARDS.
(a) Lot Requirements.
(1) Minimum lot area. The minimum lot area for all Planned Industrial Park Districts shall be two acres providing that parking and other yard requirements are met.
(2) Minimum lot width. There is no minimum lot width, except that such a site shall abut a major arterial or minor arterial street for a minimum continual frontage distance of sixty feet and have sufficient width to ensure that all parking and yard requirements are met.

(3) Minimum yard requirements. All structures shall be set back at least thirty feet from public rights of way and fifteen feet from the property line(s), fifty feet if adjacent to a residential district. In no case shall the minimum distance between structures be less than thirty feet on adjacent sites. Parking areas, access drives and other pavement areas shall also be at least ten feet from the property line(s), twenty-five feet if adjacent to a residential district. Parking shall not be permitted in the required front yard setback.

(4) Maximum lot coverage. Structure, parking and service areas, and other hard-surfaced or paved areas shall not cover more than eighty percent (80%) of the total lot area.

(b) Building Requirements.

(1) Maximum building height shall be forty feet.

(2) All accessory or auxiliary buildings shall conform to the same yard requirements as listed for main structures or buildings.

(c) General Development Standards. The application shall be obtained from the Zoning Officer and submitted to the Zoning Officer. The development plan shall show the following:

(1) Structures. All initial proposed structures shall be located, showing square footages, tenant or user types and expected entranceways and service or loading areas. All areas of the site shall be denoted as to proposed use. The proposed phasing of the development shall be indicated showing expected uses, streets and acreage by phase.

(2) Traffic concept. An overall traffic scheme shall be shown illustrating points of access, parking areas and number of spaces, indicating also visitor, employee and service traffic flow. In addition, expected peak hour traffic use for employees as well as deliveries or other transports shall be described by text.

(3) Individual site or parcel requirements. The following requirements shall be met and shown on the final development plan:

A. The applicable sections of any industrial development plans and landscaping, sign and parking regulations of this Zoning Ordinance shall be met.

B. The proposed provision of all utilities, storm drainage collection, industrial waste disposal systems, trash collection systems and outdoor lighting shall be specifically detailed. Screening shall be required to enclose trash or waste containers.

C. An impact test shall indicate the nature of the activity to be carried on, and the expected levels of noise, dust, smoke, glare, odor or vibration to result from the normal operation of the specific industrial activity. Future expansion plans and uses for all parts of the site are required to be shown, and may be held as a binding condition for approval by the Planning Commission.

D. The applicant shall show sufficient control over the land to effectuate the development plan, and the project shall be developed as a unit with respect to design and construction.

E. All open areas on a parcel not otherwise used for building, storage, parking, access roads and loading areas shall be suitably graded and drained and shall be seeded and maintained in grass and shall be further landscaped with trees and shrubs so as to provide a park-like site for the buildings and to screen parking and loading areas. Landscaping plans shall be submitted with the building plans for approval. Approval shall be based on conformance with the intent of these procedures and with overall landscaping plans and storm drainage plans.

(Ord. 3-79. Passed 1-16-79.)

1157.04 PROCEDURE.

(a) A parcel may be zoned to a Planned Industrial Park District with or without a development plan. The procedure shall be the same as in typical rezoning, requiring Council to act upon the recommendation of the Planning Commission as advised by the Development Department and the Deputy Director of Public Service/City Engineer.

(b) The applicant shall not proceed with construction prior to final approval by the Development Department and the Deputy Director of Public Service/City Engineer of both the preliminary development plan and that specific phase being considered. Any construction that takes place pursuant to preliminary plan approval without final development plan approval shall be considered a violation of this Zoning Ordinance and an abatable nuisance.

(c) In all cases, the applicant may request review by the Planning Commission if the applicant disagrees with the recommendation of the Development Department and the Deputy Director of Public Service/City Engineer.

(d) In all cases, the development plan shall conform to the applicable sections of the Subdivision Regulations and Part Eleven of the Codified Ordinances. Development plan approval shall be for a period of five years to allow preparation and completion of the final subdivision plat.

(e) Minor modifications can be made to the approved development plan provided such changes do not increase the density of structures on the site or change the essential character of the original approved plan, and provided such changes are approved by the Development Department and the Deputy Director of Public Service/City Engineer.

(Ord. 3-79. Passed 1-16-79.)

CHAPTER 1159
Prohibited Land Use and Development

1159.01 Purpose.
1159.02 Variance not permitted.
1159.03 Prohibited uses listed.
1159.04 Prohibited land use or development.

1159.01 PURPOSE.

The purpose of this chapter is to identify those uses or activities which are not permitted within any zoning district within the City.
(Ord. 11-95. Passed 2-7-95.)

1159.02 VARIANCE NOT PERMITTED.

Restrictions on land use set forth in this chapter are not subject to modification or suspension by Planning Commission action.
(Ord. 36-96. Passed 3-5-96.)

1159.03 PROHIBITED USES LISTED.

Within the City, no building or structure shall be designed, erected, arranged, equipped or utilized for any of the following specified uses or activities:

(a) Manufacturing or industrial operation of any kind other than as specifically permitted under other chapters of this Zoning Code;
(b) Incineration of garbage, refuse, rubbish, offal or dead animals;
(c) Reduction of garbage, refuse, offal or dead animals;
(d) Dumping or burying of garbage or refuse;
(e) Refuse or rubbish dump other than a facility for such purpose operated by the City;
(f) Stockyard and slaughtering of animals;
(g) Animal feeding of garbage;
(h) Tanneries and oil refineries;
(i) Manufacturing or storage of explosives and fireworks;
(j) Manufacturing of cement, lime, gypsum or plaster of parts;
(k) Manufacturing of chlorine or hydrochloric, nitric or picric acid;
(1) Smelting, melting or reduction of any metals or ores;

(m) Distillation of bones, fat rendering or the manufacture of glue fertilizer;
(n) Junk yards and scrap material storage;
(o) Prisons and other penal institutions;
(p) Kennels or other animal shelters except as specifically permitted under other chapters of this Zoning Code; or
(q) All classes of landfills, including but not limited to: reduction facilities, solid waste facilities and yard waste facilities.
(r) Any other trade, industry, or use or activity which is determined to be offensive, injurious, hazardous or noxious to any extent equal to or greater than one of the enterprises enumerated above.
(Ord. 11-95. Passed 2-7-95.)

1159.04 PROHIBITED LAND USE OR DEVELOPMENT.

No land within the City shall be developed, improved or used for the establishment of mobile home housing sites. (Ord. 65-95. Passed 5-16-95.)

CHAPTER 1161
Nonconforming Uses

1161.01 Purpose of chapter.
1161.02 Continuance.
1161.03 Creation by amendment.
1161.04 Discontinuance.
1161.05 Repairs and maintenance.

CROSS REFERENCES
Nonconforming uses, retroactive measures - see Ohio R.C. 713.15
Defined - see P. & Z. 1123.41
Continuance of authorized nonconforming uses - see P. & Z. 1129.04
Nonconforming uses in Regulatory Flood Plain District - see P. & Z. 1191.24

1161.01 PURPOSE OF CHAPTER.
The purpose of this chapter shall be:
(a) To permit nonconforming land use, lots, structures, characteristics of uses and signs to continue until they are removed, but not to encourage their survival; and
(b) To prohibit enlarging, expansion or extension of nonconforming uses existing within the City. The existence of such nonconforming uses shall not be accepted as a basis for adding new structures or uses otherwise prohibited elsewhere in the same Zoning District.
(Ord. 82-89. Passed 9-19-89.)

1161.02 CONTINUANCE.
(a) Nonconforming land uses, structures or signs may be allowed to remain and continue within any Zoning District established by this Zoning Ordinance, or amendments thereto, if they were lawful before this Zoning Ordinance was passed or amended, but which would be prohibited, regulated or restricted under current requirements and restrictions of this Zoning Ordinance.

(b) Whenever a nonconforming land use, structure or sign has been made to comply with current requirements of this Zoning Ordinance, the continuance or return to a nonconforming use shall not be permitted.

(c) A nonconforming land use, structure or sign shall not be validated or made to conform by approval of a rezoning request or adoption of an amendment to this Zoning Ordinance which is inconsistent with restrictions of the zoning category in which the nonconforming use is located. (Ord. 82-89. Passed 9-19-89.)

1161.03 CREATION BY AMENDMENT.

Whenever the use of any dwelling, building or structure and of any land or premises becomes nonconforming through an amendment of this Zoning Ordinance or maps, such use may be continued if the requirements of Section 1161.04 are continually met.
(Ord. 82-89. Passed 9-19-89.)

1161.04 DISCONTINUANCE.

When, at the time of passage of this Zoning Ordinance or any amendments thereto, the lawful use of land, structures, buildings or signs exists which would not be permitted by the regulations imposed by this Zoning Ordinance or amendments thereto, such uses may be continued so long as they are otherwise lawful, provided:

(a) No existing structure devoted to a use not permitted by this Zoning Ordinance in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved or structurally altered except in changing the use of the structure to a use permitted within such district.

(b) Any existing nonconforming use may be extended throughout any parts of a building which was clearly arranged or designed for such use at the time of adoption or amendment of this Zoning Ordinance, but no such use shall be extended to occupy any land outside such building.

(c) No such nonconforming use shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such use as of the effective date of adoption or amendment of this Zoning Ordinance.

(d) If any such nonconforming use is discontinued, abandoned or ceases for any reason for a consecutive six-month period or for a period of time exceeding eighteen months in any three-year period, except where government action impedes such use, any subsequent use of such land, building or structure shall conform to regulations specified by this Zoning Ordinance for the district in which the land, building or structure is located.

(e) No additional structures or expansion of existing structures which are not in compliance with requirements of this Zoning Ordinance shall be erected in connection with such nonconforming land use.

(f) When a nonconforming use of a structure, or structure and premises in combination, is damaged by fire, explosion, flood, riot or act of God, the nonconforming use may be continued provided the building, structure or land has not been destroyed to an extent of more than fifty percent (50%) of its fair market value or fifty percent (50%) of the total gross square footage, whichever estimate is considered to be most appropriate by the City, provided such reconstruction is started within six months of such calamity and substantially completed within twelve months of such calamity.

(g) The change of a nonconforming use to a permitted use of the zoning district in which the nonconforming use is located shall be allowed.
(Ord. 82-89. Passed 9-19-89.)

1161.05 REPAIRS AND MAINTENANCE.

(a) Ordinary repairs and maintenance, or repairs and replacement of nonbearing walls, fixtures, wiring, heating, air conditioning or plumbing may be undertaken on any nonconforming structure, or portion of a structure, provided the cubic content of the structure existing when it became nonconforming is not increased.

(b) When a nonconforming structure or any portion of any structure containing a nonconforming use becomes physically unsafe or unlawful due to a lack of repairs or maintenance and is declared by any duly authorized official to be unsafe or unlawful by reason of such physical condition, the structure shall not thereafter be restored, repaired or rebuilt except in conformance with this Zoning Ordinance.

(Ord. 82-89. Passed 9-19-89.)

CHAPTER 1163
Parking Regulations

1163.01 Off-street parking space required.
1163.02 Minimum number of parking spaces required.
1163.03 Access drives.
1163.04 Compliance required.
1163.05 Surfacing and maintenance.
1163.06 Lighting, striping and traffic control.
1163.07 Parking spaces for people with disabilities.
1163.08 Interior landscaping requirements.
1163.09 Limitation of parking in Residential Districts.
1163.99 Penalty.

CROSS REFERENCES

Curb cuts: plans and specifications; width at driveway - see S. & P.S. 907.01, 907.04
Variances - see P. & Z. Ch. 1131
General commercial district regulations - see P. & Z. Ch. 1153

1163.01 OFF-STREET PARKING SPACE REQUIRED.

Off-street parking facilities shall be provided for the use of occupants, employees and patrons of all uses, and off-street loading and vehicle storage space shall be provided for the handling of materials and products of commercial and industrial uses.

Such required facilities, additional space provided and access drives thereto, including required curb cuts, shall be sloped and constructed to provide adequate drainage of the area, surfaced with a sealed surface pavement, and maintained in such a manner that no dust will be produced by continuous use. The design and construction of all facilities provided shall be subject to approval by the City Engineer.

(a) Parking Space Size. An off-street parking space is a rectangular area for parking one motor vehicle and is exclusive of the right-of-way of any public or private street or any driveway, aisle, circulation space, or off-street loading space. Off-street parking spaces shall have the minimum rectangular dimensions as follows:

Angle of Parking (in degrees)	Minimum Aisle Width (in feet)	Minimum Space Size (in feet)
90	20	10 x 20
90	25	9 x 19
60	17 one way travel	9 x 19
60	20 two way travel	9 x 19
45	13 one way travel	10 x 20
45	20 two way travel	10 x 20
Parallel	25	10 x 23

(b) Location of Space. Required off-street parking facilities shall be located on the same lot as the structure or use served, except that a parking facility providing the sum of parking spaces required of several uses may be provided contiguous and in common to the several structures and uses served. For the Olde Gahanna Districts, see Chapter 1150.

(c) Churches. Churches may establish with public or commercial establishments joint parking facilities for fifty- percent or less of their required spaces provided that a written agreement thereto is obtained and that all parking areas so designated lie within 300 feet of the main entrance of the church.

(Ord. 0184-2012. Passed 10-1-12.)

1163.02 MINIMUM NUMBER OF PARKING SPACES REQUIRED.

A minimum number of off-street parking spaces shall be provided in accordance with the following schedule:

(a) Schedule of Parking Spaces. The parking space requirement for a use not specifically named herein shall be the same as required for a listed use similar in nature.

NOTE: Square feet means square feet of gross floor area.

Use	Minimum Parking Spaces Required
Residential	
One, two or three-dwelling units per lot	2 spaces per dwelling unit
Four or more dwelling units per lot	2 spaces per dwelling unit
Fraternity or group housing	1 space per one occupant
Institutional housing	1 space per five occupants plus 1 space per each employee on the work shift having greatest number of employees
Family Care Homes	1 space per each employee on the work shift having greatest number of employees, plus 1 space for each motor vehicle maintained on the premises, plus 1 space for visitors

Use	Minimum Parking Spaces Required
Office	
Administrative or business	1 space per 350 sq. ft.
Medical or dental office or clinic	2 spaces per exam room, plus 1 per staff on largest shift
Institutional	
Church	1 space per 3 seats in sanctuary, auditorium, or main place of worship
Day or nursery school	1 space per teacher and/or employee plus 1 per six students
Elementary and middle schools	1 space per teacher or employees plus 1 space per 15 students
High school, business, technical or trade school, college or university	1 space per 5 students over 16 years old plus 1 space per teacher or employee
Library, museum or art gallery	1 space per 300 square feet plus 1 space per employee on largest shift
Auditorium, stadium, conference center or other place of assembly	1 space per 3 seats or 1 space per 75 square feet, whichever is greater
Nursing home	1 space per 4 beds plus 1 per each employee on the largest shift
Hospital or similar medical facility	1 space per each bed, plus 1 space per employee on largest shift
Recreational	
Swimming facility	1 space per each 3 patrons the establishment is designed to serve or 1 per 75 square feet, whichever is greater
Golf course	5 spaces per hole
Golf driving range	1 space per tee plus 1 space per employee on largest shift
Club room or enclosed place of amusement or recreation	1 space per 100 square feet
Bowling lanes	5 spaces per lane plus 1 space per 75 square feet of lounge or restaurant area
Health club	1 space per 150 square feet

Use	Minimum Parking Spaces Required
Industrial	
Manufacturing, wholesaling, laboratories, fabrication and printing operations	1 space per employee on largest shift, plus 1 space per business vehicle normally on premises
Warehousing	1 space per business vehicle, plus: Square Feet Up to 20,000 - 1 per 1,000 square feet 20,001 to 120,000 - 1 per 5,000 square feet Over 120,000 - 1 per 10,000 square feet
Commercial	
Automobile service or repair	1 space per 100 square feet or 3 spaces per bay, whichever is greater
Bank	1 space per 250 square feet
Barber shop, beauty shop	3 spaces per service chair
Funeral home	1 space per 150 square feet plus 1 space per business vehicle
Furniture, lumber yard, large appliance, or similar retail sales	1 space per 300 square feet
Hotel, motel	1 space per rental unit, plus 1 space per employee on largest shift, plus 1 space per 150 square feet of meeting, conference, restaurant, and lounge area
Retail strip shopping centers and enclosed shopping malls	
Up to 40,000 square feet	1 space per 300 square feet
Over 40,000 square feet	1 space per 400 square feet
Vehicle sales	1 space per 300 square feet plus 1 space per 1,000 square feet of outdoor display area
Retail sales or service establishment, not elsewhere specified	1 space per 250 square feet
Bar or lounge	1 space per 50 square feet

Restaurant uses

Type of Restaurant	Number of Tables	Requirement (square feet)
Full service	Any number	1 per 50
Partial service	1 to 5	1 per 175
Partial service	Over 5	1 per 150
Carry out/delivery	Zero	1 per 250

Partial service shall be defined as any eating and drinking establishment with the sale or consumption of food and/or drink on the premises with fifty percent (50%) or more of the business intended for carry-out or delivery.

Full service shall be defined as any eating and drinking establishment with the sale or consumption of food and/or drink on the premises with less than fifty percent (50%) of the business intended for carry-out or delivery.

Restaurants with drive-in (not drive-thru) car service shall have five times the amount required for a full service restaurant.

(b) Computing Number of Spaces. Where two or more uses are provided on the same lot, the total number of spaces required shall equal or exceed the sum of their individual requirements. The parking spaces required shall be to the next highest whole number where a fractional space results in computation.

(Ord. 0256-2000. Passed 11-6-00.)

1163.03 ACCESS DRIVES.

Access drives, driveways, leading to and from a street shall be developed as follows:

(a) Width of Drive. An access drive shall not exceed thirty-five feet in width, except at curb returns.

(b) Location of Drive. An access drive, exclusive of curb returns, shall be ten feet or more from the side lot line and twenty feet or more from another access drive in commercial and industrial zoning districts. An access drive, parking area and/or driveway for a residential property shall be permitted to extend to the lot line. Access drives, parking areas and/or driveways within the City (including, but not limited to residential, industrial, and/or commercial zoning districts) shall be constructed and maintained so that water does not unreasonably accumulate on such areas nor flow to drain excessively onto adjacent property.

(c) Residential Driveways. A residential driveway shall be at least eighteen feet in width from the curb return to the nearest portion of the garage. However, the following exceptions are permitted:

(1) The driveway width from the right-of-way to the nearest portion of the garage may be reduced to twelve feet if the driveway would be at least seventy-five feet in length from the right-of-way to the nearest portion of the garage. If the driveway is reduced to twelve feet from the right-of-way to the nearest portion of the garage, such driveway shall be widened to the required eighteen feet within twenty-five feet of the garage. Such driveway shall allow for sufficient area for parking and turn around ability outside of the right-of-way. In all cases, the driveway width at the curb return shall be at least eighteen feet.

(2) The width of an arched or loop driveway that may or may not require two curb cuts shall be at least eighteen feet except that one section of the driveway that extends from the structure to the right-of-way or circles around and intersects the driveway may be reduced to twelve feet. One section of the driveway shall meet the eighteen foot width requirement unless subsection (c)(l) hereof applies. Such driveway shall allow for sufficient area for parking and turn around ability. In all cases, the driveway width at the curb return shall be at least eighteen feet.
(Ord. 195-94. Passed 11-15-94.)

1163.04 COMPLIANCE REQUIRED.

(a) No building, structure or land shall be used or occupied and no building or structure or part thereof shall be erected or constructed unless permanently maintained off-street parking spaces shall be provided as required by and in accordance with the provisions of this chapter.

(b) No building or structure or part thereof shall be substantially reconstructed, altered or repaired unless permanently maintained off-street parking spaces shall be provided as required by and in accordance with the provisions of this chapter.

(c) The required space provisions of this chapter, except where there is any change of use, shall not apply to any existing building or structure. Where the new use as changed involves no additions or enlargements, there shall be provided as many of such spaces as may be required for the new use.

(d) Whenever the use of a building or structure is changed or is increased in floor area, number of employees, seating capacity or otherwise so as to create a need for an increase in the number of existing parking spaces, additional parking spaces shall be provided on the basis of such change or increase.

(e) Revision of an approved parking lot, including, but not limited to reduction, enlargement, restriping or remarking of any parking lot in a manner that differs from the existing site-plan, shall require a new site plan and a certificate of appropriateness.
(Ord. 137-97. Passed 7-1-97.)

1163.05 SURFACING AND MAINTENANCE.

(a) All off-street parking areas including spaces, driveways, aisles and circulation drives shall be hard-surfaced with asphaltic cement, concrete or a combination thereof, meeting the requirements and specifications of the City Engineer.

(b) All off-street parking areas including spaces, driveways, aisles and circulation drives shall be graded and maintained so that water does not unreasonably accumulate on such areas nor flow or drain onto adjacent public or private property. All such surfaced areas shall be maintained free of chuck holes, litter, glass, nails or other dangerous materials.

(c) Stormwater retention requirements shall be provided as required by Sections 1193.02 through 1193.07. (Ord. 152-90. Passed 10-2-90.)

1163.06 LIGHTING, STRIPING AND TRAFFIC CONTROL.

(a) Any nonresidential parking area with ten or more off-street parking spaces and any residential parking area with twenty or more off-street parking spaces shall be illuminated during poor visibility to provide an average intensity of one-half foot candles of light as measured at the parking surface area. All outdoor lighting shall be constant intensity, and shall be directed, reflected or shielded so as not to be of excessive brightness or cause glare hazardous to pedestrians or drivers, create a nuisance or unreasonably interfere with a neighboring property owner's right to enjoy his/her property.

(b) Any parking area with ten or more off-street parking spaces shall be striped and maintained in good condition to be clearly visible with lines four inches wide to indicate parking space limits.

(c) Any off-street parking area shall be marked or posted with such traffic control devices as may be determined necessary by the Director of Public Safety for the protection of operators and pedestrians, including directional arrows, one-way signs, no parking signs and fire lane signs. (Ord. 152-90. Passed 10-2-90.)

1163.07 PARKING SPACES FOR PEOPLE WITH DISABILITIES.

Parking spaces designated for people with disabilities shall be in compliance with the universal parking space design set forth in the Americans with Disabilities Act Accessibility Guidelines for Buildings and Facilities.

The number and location of the designated spaces shall be in compliance with the requirements of such Americans with Disabilities Act Accessibility Guidelines (ADAAG 4.1.2 5A) as follows:

Total Parking in Lot	Required Minimum Number of Accessible Spaces
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1000	2 percent of total
1001 and over	20 plus 1 for each 100 over 1000

Such accessible spaces shall have the minimum dimensions of eight feet wide minimum and nineteen feet deep, with a five foot wide access aisle on one side. At least one in every eight accessible parking spaces, but not less than one, shall be served by an access aisle eight feet wide minimum and shall be designated “van accessible”. An acceptable alternative to the provision of a percentage of spaces to be van accessible and the associated need to include additional signage is to provide all accessible parking spaces eleven feet wide served by an access aisle five feet wide. This access aisle shall also be connected to an accessible route to the appropriate accessible entrance of a building or facility. This access aisle shall either blend with the accessible route or have an adjoining ramp with a minimum width of three feet and a slope not to exceed 1:20.

All such spaces shall be designated by free-standing signs pursuant to the Ohio Manual of Uniform Traffic Control Devices, type R-59 A and/or R-59-B.

Such signs shall be emblazoned with the "international symbol of accessibility", and be located at the interior end and at mid-point of the space, mounted either on a pole or wall at a minimum height of sixty inches above grade to the top of the sign.
(Ord. 0271-2008. Passed 12-1-08.)

1163.08 INTERIOR LANDSCAPING REQUIREMENTS.

(a) The following requirements for landscaping the interior portions of a parking area are intended to promote public safety, to moderate heat, wind and other climatic effects produced by parking lots, to minimize nuisances such as noise and glare, and to enhance the visual environment of off-street parking. These requirements are the minimum requirements for any new off-street parking areas of 1,000 square feet or more or intended for five or more vehicles, or for any parking area altered to an extent of twenty-five percent (25%) or more of the total square footage of the existing off-street parking area.

(b) The property perimeter requirements of Chapter 913 of the Streets and Public Services Code shall also be met for new or altered parking areas, and shall not count towards the requirements for interior landscaping.

(c) The required amount of interior landscaping area shall be five percent (5%) of the total area of the parking lot pavement.

(d) The minimum size of the total area of any one landscape area shall be fifty square feet with the minimum dimension being five feet.

(e) One tree per 100 square feet of required landscape area or portion thereof shall be required. The minimum caliper of such trees shall be three inches as measured in accordance with ANSI requirements.

(f) This required landscaping shall be maintained within the minimum requirements set forth in this chapter.

(g) Landscaping in parking areas shall be dispersed throughout the peninsulas and islands. The minimum parking island size shall be 200 square feet.

(h) There shall be a ten-foot wide island for every two rows of parking. The island shall have a minimum three-foot high screen between the two rows of parking. The screen may be comprised of mounding, evergreen planting or a combination thereof.

(i) Developers are directed to refer to Chapter 913 of the Streets and Public Services Code for additional requirements and information regarding landscaping.
(Ord. 0256-2000. Passed 11-6-00.)

1163.09 LIMITATION OF PARKING IN RESIDENTIAL DISTRICTS.

The provisions of parking space, either open or enclosed for the parking or storage of vehicles in a residential zoning district or Planned Residential Zoning District shall be subject to the following:

(a) Commercial Vehicles. No commercial vehicle weighing 6,501 pounds or more shall be stored, parked or allowed on a residentially zoned lot. However, one commercial vehicle, weighing 6,500 pounds or less, limited to a two axle construction which has operating characteristics similar to those of a passenger car and/or does not infringe upon the residential character of the residentially zoned district may be permitted. Infrequent short-term parking of a commercial or commercial-type vehicle for conveying tools and materials to premises where labor using such tools and materials is being performed, delivering goods to a residence, or moving furniture to or from a residence, all only during the time such parking is actually necessary, is hereby excepted from this section. For purposes of this section "commercial vehicle" means any vehicle used or designed to be used for business or commercial purposes which infringes on the residential character of a residential district and includes, but is not necessarily limited to: a bus, cement truck, commercial tree trimming equipment, construction equipment, dump truck, garbage truck, panel truck, box truck, semitractor, semitrailer, stage bed truck, step van, tank truck, tar truck, tow truck and/or commercial trailers.

(b) Camping Trailers or Other Trailers. As of March 1, 1991 one camping trailer or other trailers, including boat, cargo, horse or other similar trailers may be parked or stored only if the trailer is parked on pavement.

(c) Inoperable Automobiles. Not more than one wrecked, or otherwise inoperable motor vehicle shall be allowed per one dwelling unit. Such vehicles may be parked or stored only for a period not to exceed seventy-two hours and such parking or storage space shall be enclosed by structure, fence or otherwise protected so that the vehicle cannot be entered upon or seen from an adjacent lot or street.

(Ord. 218-92. Passed 10-20-92.)

1163.99 PENALTY.

Any person, firm or corporation violating any provision, amendment or supplement of this chapter, or failing to obey any lawful order of the Zoning Officer issued in pursuance thereof, shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be fined not more than fifty dollars ($50.00). Each and every day during which such violation of any provision, amendment or supplement of this chapter occurs, or each and every day during which there is a failure to obey any lawful order of the Zoning Officer, may be deemed a separate offense.

(Ord. 152-90. Passed 10-2-90.)

CHAPTER 1165
Signs

1165.01 Purpose.
1165.02 Scope.
1165.03 Definitions.
1165.04 Prohibited signs.
1165.05 Nonconforming signs.
1165.06 Measurement of sign area.
1165.07 Temporary signs.
1165.08 Permanent signs.
1165.09 Design, construction and maintenance of signs.
1165.10 Illumination of signs.
1165.11 Permit requirements and review process.
1165.12 Variances and appeals.
1165.13 Enforcement provisions.

CROSS REFERENCES

Power to regulate signs and billboards - see Ohio R.C. 715.27
Defined - see P. & Z. 1123.49
Appeal of administrative orders - see P. & Z. 1127.08
Building Code - see BLDG. Ch. 1300 et seq.

1165.01 PURPOSE.

The purpose of this chapter is to establish permissive standards by which signs shall be regulated relative to time, place and manner.

(a) The City has determined that the individual user's right to convey a message must be balanced with the public's right to be free of signs which unreasonably complete, distract drivers and pedestrians, and produce confusion as determined by the Planning and Zoning Administrator. It is the City's intent to provide business and industry in the Municipality with equitable sign standards in accordance with fair competition and aesthetic standards acceptable to the community; to provide the public with a safe and effective means of locating businesses, services and points of interest within the Municipality; and to provide for a safe vehicular and pedestrian traffic environment. This chapter is based on the premise that signs are subject to control as much as noise, odor, debris and other similar characteristics of land use, and that if not regulated, can become a nuisance to adjacent properties or the community in general, or depreciate the value of other properties within the community. To mitigate the potential negative consequences, reasonable limitations on signs are appropriate with respect to the size, height and construction of signs, and the time, place and manner of their display.

(b) Specifically, the City has determined that regulations for signs are desirable in order to:
(1) Prevent or limit traffic or pedestrian accidents, injuries, deaths, and property damages resulting from obstructed vision, distraction or confusion to the public due to the undue proliferation of signs;
(2) Minimize the risk of damage and injuries from signs that are dilapidated, structurally-deficient, wind-blown or electric shock hazards;
(3) Achieve a degree of uniformity and balance in the size, height, number and placement of signs;
(4) Enhance the aesthetics of the City by regulating the amount of time which temporary signs may be displayed, regulating the location of signs relative to public rights-of-way, and regulating the manner that signs are displayed;
(5) Visually promote and maintain residential, commercial and industrial districts;
(6) Maintain and preserve the City's values in residential, commercial and industrial districts;
(7) Prevent blight characterized by oversized, overcrowded, abandoned, obsolete and/or dilapidated signs;
(8) Eliminate nonconforming signs;
(9) Facilitate an equitable, regulatory and administrative process involving signs located within the City; and
(10) Protect the public's right to receive information protected by the First Amendment of the United States Constitution.
(Ord. 0212-2007. Passed 10-1-07.)

1165.02 SCOPE.

This chapter shall not related to building design. Nor shall this chapter regulate the copy and message of signs; official traffic signs, or signs mounted in the public right-of-way by government agencies having jurisdiction within such right-of-way; flags of any nation, government or non-commercial organization; scoreboards on athletic fields; gravestones; the display of street numbers; or any display or construction not defined herein as a sign.
(Ord. 0212-2007. Passed 10-1-07.)

1165.03 DEFINITIONS.

For the purposes of this chapter, the following words and phrases shall have the meanings respectively described to them by this chapter, if not defined herein, or within other chapters of the City Code, terms used in this chapter shall have the meanings provided in Section 1123.01.

(a) Abandoned Sign. A sign which is discontinued for a period of ninety consecutive days. It shall be prima facie evidence of the intent of the owner to discontinue any further interest in a sign after a cessation of all use of the sign or removal of the face or supportive structure of the sign for the required period.
(b) Aesthetics. A term dealing with form, design, and/or quality of construction of a particular sign, building, site or structure that presents a subjective statement concerning the level of beauty or artistic value.
(c) Animated Sign. Any attention-diverting apparatus, equipment or devices in a sign that uses movement or change of lighting to depict action or create a special effect or scene. Animated signs shall include: blinking, coursing, flashing, moving, racer-type, rotating, revolving, spinning, and other similar types of apparatus, equipment or devices. (See "electronic message" and "flashing" signs.)

(d) Awning. A permanent roof-like cover, often of fabric, metal or glass which projects from a wall or roof of a structure over a window, walk, door or the like and is designed and intended for protection from the weather or as a decorative embellishment. Also called a canopy when the projection extends more than three feet from the face of the building.

(e) Awning Sign. A sign located on an awning.

(f) Banner Sign. Any sign with or without characters, letters, illustrations or ornamentations applied to cloth, paper, flexible plastic, or lightweight fabric or similar non-rigid material of any kind with only such material for backing that is mounted to a pole, staff, or a building by a string, rope, wire, or frame at one or more edges. All banners are temporary signs.

(1) Civic Banner. A banner sign attached to lampposts in business districts to provide a streetscape feature.

(2) Pennant Banner: A banner sign, usually mounted in a series.

(3) Promotional Banner: A banner sign that is mounted to poles or a building.

(4) Street Banner. A banner extending across a public right-of-way.

(5) Flying Banner; Feather Banner; Attention Flag. A sign made of lightweight, non-rigid material typically supported by one pole, with or without graphics, intended to attract instant attention. These signs are generally teardrop, rectangular, or pennant shaped.

(g) Bench Sign. A sign located on the seat or back of a bench placed on or adjacent to a public right-of-way.

(h) Building Frontage. The horizontal linear dimension designed as the primary facade of that side of the building.

(i) Building Identification Sign. A wall sign bearing the address of the premises, but containing no commercial message.

(j) Building Historical Marker Sign. Any sign composed of letters, words, or insignia cut into a masonry surface or made of bronze or other permanent material permanently mounted to a building to convey a memorial, the name of a building, address, date of construction, or incidental information.

(k) Building Sign. Includes any wall sign, window sign, awning sign, canopy sign, or projecting sign. Building signs do not include roof signs.

(l) Canopy. A permanently roofed shelter projecting over a sidewalk, driveway, entry, window or similar area, which may be wholly supported by a building or partially supported by columns, poles, or braces extending from the ground. Any roof overhang extending more than three feet from the face of a building shall be considered a canopy. Also called an awning when the projection from the face of a building is three feet or less.

(m) Canopy Sign. Any sign that is a part of or attached to a structural protective cover over a door, entrance, window or outdoor service area. A marquee is not a canopy sign.

(n) Changeable Copy Sign. Any sign designed so that letters or numbers attached to the sign can be periodically changed to indicate a different message.

(o) Commemorative Sign. A sign, tablet, or plaque commemorating or memorializing a person, event, structure or site. This chapter shall not regulate these signs.

(p) Commercial Message. Any sign wording, logo, or other representation that, directly or indirectly, names, advertises or calls attention to a business, product, service or other commercial activity. Signs which advertise that patrons are "welcome" or that display "help wanted", "for rent", "for sale" and similar messages shall be deemed commercial messages.

(q) Construction Sign. A sign bearing the names of contractors, architects, engineers and the like, or advertising, promotions, price ranges and similar information, that is placed at a construction site that has received development plan approval.

(r) Deteriorated Sign. A sign which has outlived the useful life span of its construction materials and which is likely to lead to production of litter or other aesthetic problems if continued to be posted, as determined by the Chief Building Official.

(s) Development Identification Sign. A permanent sign identifying an entrance to a residential subdivision, residential complex, institutional use, commercial shopping area, industrial park, business park or other similar use.

(t) Directional Sign. An on-premises freestanding or building sign that includes information secondary to the use of the site on which it is located to assist in the flow and safety of vehicular or pedestrian traffic, such as: "enter" and "exit", "one-way", "reserved parking spaces", "handicapped parking spaces", "no parking", "loading only", "telephone", "entrance", "no trespassing", "caution", "beware of dog" and similar information and directives.

(u) Electronic Message Sign. A sign with a fixed or changing display or message, wherein the sequence of message and the rate of change is electronically programmed and can be modified by electronic process.

(v) Externally Illuminated Sign. A sign illuminated primarily by light directed toward or across it or by backlighting from a source not within it.

(w) Flag. A fabric, banner, or bunting containing distinctive colors, patterns or symbols, used as a symbol of a recognized government or political subdivision, corporation, lodge, fraternity or sorority, political party, nonprofit organization, charity, club, association or other similar entity.

(x) Flashing Sign. A sign, the illumination of which is not constant in intensity when in use, and which exhibits sudden or marked changes in lighting effects.

(y) Freestanding Sign. A sign that is attached to, erected on, or supported by some structure, such as a post, mast, or frame that is not itself an integral part of or attached to a building or other structure whose principal function is something other than support.

(z) Ground Sign. A freestanding detached sign whose support structure is imbedded in the ground.

(aa) Hazardous Sign. Any sign or sign support structure that is structurally or electrically unsafe, as determined by the Chief Building Official.

(bb) Illuminated Sign. A sign lighted by, or exposed to, artificial lighting either by lights on or in the sign, or directed towards the sign.

(cc) Incidental Sign. An on-premises freestanding or building sign that includes information secondary to the use of the site on which it is located, such as "credit cards accepted", official notices required by law, trade affiliations, "no solicitation", security alarm warnings, emergency phone numbers, and other similar directives. No sign with a commercial message shall be considered incidental.

(dd) Internally Illuminated Sign. A sign whose light source is located either in the interior of the sign so that the rays go through the face of the sign, or which is attached to the face of the sign and is perceived as a design element of the sign.

(ee) Landscaping. Bringing the soil surface to a smooth finished grade, installing plant material and other natural materials to produce a pleasing visual effect of the premises.

(ff) Logo. The graphic or pictorial presentation of a message, including, but not limited to, the use of shapes, designs, decorations, emblems, trademarks, symbols or illustrations.

(gg) Marquee Sign. A sign designed to have changeable copy which is attached to a roof-like structure of a permanent nature that projects from the wall of a building or its supports and may overhang the public right of way.

(hh) Master Sign Plan. A plan that establishes a common theme or design, uses, similar construction methods and compatible colors, scale and size, in accordance to Section 1165.09 (Design, Construction and Maintenance).

(ii) Menu Board Sign.

(1) Temporary: A two-sided, erasable-style, portable, freestanding sign displayed only during the hours of operation providing a bill of fare associated with indoor or outdoor dining.

(2) Permanent: A ground-mounted sign displaying the bill of fare for a restaurant, drive-in or drive-thru restaurant or instructions or services for other drive-thru establishments.

(jj) Mobile Sign. A sign attached to, mounted to, pasted, painted or drawn on any vehicle, whether motorized or pulled, that is placed, parked or maintained at one particular location for the express purpose and intent of promotion or conveying an advertising message.

(kk) Monument Sign. A ground sign with low overall height and the base of the sign structure on the ground. See Freestanding Sign.

(ll) Neon Sign. A sign containing glass tube lighting in which gas and phosphorus are used in combination to create a colored light.

(mm) Nonconforming Sign. A sign lawfully erected and maintained prior to the effective date of this section that does not conform with the requirements of this chapter.

(nn) Off-premises Sign. A sign which directs attention to a business, commodity, service, or entertainment conducted, sold or offered at a location other than the lot or premises on which the sign is located.

(oo) On-premises Sign. Any sign which relates to or directs attention to a business, commodity, service or entertainment conducted, sold or offered on the premises where the sign is installed and maintained.

(pp) Permanent Sign. A sign affixed to a structure or embedded in the ground whose principal supporting structure is intended, by design and construction, to be used on a permanent basis.

(qq) Pole Sign. A permanent freestanding sign that is mounted on one or more poles or other support so that the bottom edge of the sign face is six feet or more above the grade.

(rr) Portable Sign. A temporary sign not permanently attached to the ground or other permanent structure which is designed to be easily moved from one location to another. Portable signs include, but are not limited to, signs made as A-frames or T-frames, a sign designed to be transported on wheels, or balloons or umbrellas used as signs.

(ss) Projecting Sign. Any permanent building sign attached perpendicular to a building wall and extending laterally more than twelve inches but not more than forty-eight inches from the face of such wall.

(tt) Public Information Sign. Any sign erected and maintained by public officials or public agencies, or approved and authorized for use by state or local government authorities.

(uu) Reader Board Sign. See Changeable copy sign.

(vv) Right-of-way (ROW). A strip of land acquired by reservation, dedication, prescription or condemnation and intended to be occupied by a street, trail, waterline, sanitary sewer, and/or other public utilities or facilities.

(ww) Roof Sign. A sign that is mounted on the roof of a building or that is wholly dependent upon a building for support and projects above the highest point of a building with a flat roof, the eave line of a building with gambrel, gable, or hip roof or the deck line of a building with a mansard roof.

(xx) Sight Triangle. The horizontal and vertical areas at the intersections of streets and/or driveways which must remain unobstructed in order to ensure that drivers can see traffic and pedestrians around the corner of the intersection, entrance or driveway.

(yy) Sign. Any device, fixture, placard or structure that uses any color, form, graphic, illumination, symbol or writing to advertise, announce the purpose of, or identify the purpose of a person or entity, or to communicate information of any kind.

(zz) Sign Area. The entire face of a sign including the advertising surface and any framing, trim or molding, but not including the supporting structure.

(aaa) Sign Copy. Any word, letter, number or emblem affixed to the sign surface either permanently or in removable form.

(bbb) Sign Erector. Any person or entity engaged in the business of erecting, constructing, altering, maintaining, repairing or removing signs.

(ccc) Sign Face. The area of a sign on which the copy is placed.

(ddd) Sign Height. The vertical distance measured from the lowest adjacent grade to the highest point of the sign or sign structure.

(eee) Street Frontage. The distance along which a property line of a lot adjoins a public or private street.

(fff) Structural Alteration. Any action that changes the height, size or shape of a sign and any action that affects the structural supports of a sign.

(ggg) Suspended Sign. A sign that is suspended from the underside of a horizontal plane surface and supported by such surface.

(hhh) Temporary Sign. A sign that is not permanently affixed to a structure, or permanently embedded in the ground, and is designed to be displayed for a short period of time.

(iii) Wall Sign. Any building sign painted on, attached flush against, or extending not more than twelve inches from an exterior wall in a parallel manner.

(jjj) Window Sign. A permanent sign that is painted or mounted onto a windowpane, or that is hung directly inside a window for the purpose or effect of identifying any premises from the sidewalk or street; or a temporary sign advertising special sales, events, or products. (Ord. 0212-2007. Passed 10-1-07.)

1165.04 PROHIBITED SIGNS.

(a) All signs not expressly permitted in this chapter shall be prohibited within the City. Prohibited signs shall include, but are not limited to, the following:

(1) Abandoned signs or any sign structure and/or frame that no longer supports or displays a sign.
(2) Animated, electronic message, or flashing signs except as provided for in Section 1165.03(tt).
(3) Bench signs.
(4) Hazardous signs that are structurally and/or electrically unsafe, as determined by the Chief Building Official, shall be immediately removed.
(5) Inflatable, lighter-than-air, or kite-type materials attached or tethered to a premises, containing a commercial message and used as signs.
(6) Merchandise, equipment, products, vehicles, trailers, or other items not themselves for sale and placed for attention-getting, identification or advertising purposes. This is not intended to prohibit any form of vehicular signage used in the normal day-to-day operations of a business, such as a sign attached to a bus or lettered on a motor vehicle, unless the primary purpose of such vehicle is for such advertising.
(7) Off-premises, permanent signs except those provided for in Section 1165.08, in the Office, Commerce and Technology District or SCPD Select Commercial Planned Districts.
(8) Portable signs.
(9) Roof signs.
(10) Street banners.
(11) Signs located within the sight triangle of an intersection and which obstruct, distract, or impair the vision of drivers.
(12) Signs located within the public right-of-way, on utility and street light poles, utility boxes, or street signs.
(13) Signs which appear to resemble any traffic sign or traffic control device on a public street or road, by reason of size, shape, location, color or illumination.
(14) Signs which obstruct free ingress or egress from a door, window, fire escape or other exit way.
(15) Signs with reflective graphics or materials except for those required by the Ohio Department of Transportation.
(16) Electronic message signs except as provided for in Section 1165.03(tt).

(b) No sign shall be mounted within any public right-of-way except by the government agencies having jurisdiction within such right-of-way.
(Ord. 0146-2009. Passed 9-21-09.)

1165.05 NONCONFORMING SIGNS.

Any sign erected prior to the effective date of this section, constructed in conformance with the ordinances and other applicable laws in effect on the date of its construction, but which by reason of its size, height, location, design, or construction is not in conformance with the regulations of this chapter may be continued as a legal nonconforming sign.

(a) Any nonconforming sign displayed on the premises shall be removed or brought into conformance with the provisions of this chapter before a permit for a new sign may be issued.

(b) A legal nonconforming sign shall immediately lose its legal nonconforming designation and shall be immediately brought into compliance with this chapter and a new permit secured if so required, or shall be removed upon any of the following occurrences:

(1) The nonconforming sign is structurally altered, enlarged, relocated or replaced.

(2) The nonconforming sign is determined by the Planning and Zoning Administrator or the Chief Building Official: to be in a dangerous or defective condition; to fail to conform to health and fire codes; a public nuisance; or abandoned, deteriorated; or in need of repair or replacement.

(3) The nonconforming sign face and/or supportive structure is destroyed or damaged in excess of fifty percent (50%) of the combined replacement value of the sign and supportive structure, by any cause.

(c) No nonconforming sign shall be moved in whole or in part to any other location unless such sign is made to conform to this chapter. If an owner is forced to move a nonconforming sign by City, state or federal officials for any reason other than enforcement, such sign shall maintain its nonconforming status, except for the setback requirements.

(d) Nothing in this section shall prevent the ordinary repair, maintenance and non-structural alteration of nonconforming signs. Maintaining the nonconforming sign to the exact legal nonconforming design shall be allowed; however, any proposed changes to a nonconforming sign, except for replacement faces, shall require that the sign be made to conform to the requirements of this chapter. No structural alterations shall be made in, to, or upon such nonconforming sign, except those required by law to make the sign conform to the requirements of this chapter.

(Ord. 0212-2007. Passed 10-1-07.)

1165.06 MEASUREMENT OF SIGN AREA.

(a) The maximum permitted sign area shall apply to the entire area enclosing the extreme limits of writing, representation, emblem or figure.

(1) Any frame, material, or color forming an integral part of the display or used to differentiate a sign from the background against which it is placed shall count toward the maximum permitted sign area. For example, if a wall sign is painted with background colors and/or graphics integral to the overall graphic scheme of a sign, the entire wall shall be considered a sign and its measurement computed as such. If a sign is painted on a wall, and the sign can be logically separated and measured separately from the background graphics, the background graphic scheme shall not be computed in the sign size.

(2) Necessary supports or uprights on which a sign is placed are excluded from the computation of sign area.

(b) Lots fronting two or more public rights of way are allowed the permitted sign size for each street frontage. The square footage permitted for each street frontage cannot be combined and used on one frontage. In no case shall the maximum aggregate sign area for the respective zoning district be exceeded unless expressly permitted by this chapter.

(c) The permitted actual size of a sign shall apply to each facing of a sign structure; however, where signs are double-faced, placed back-to-back, or in a "V-type" construction when the "V" is at a forty-five degree angle or less, only one side of the sign shall be counted. Back-to-back signs must be enclosed within the same cabinet or affixed to the same pole and not separated by more than eighteen inches to qualify under this section.

(d) The overall height of a freestanding sign shall be computed as the distance from the base of the sign at average grade to the top of the highest attached component of the sign. Average grade shall be construed to be the lower of:

(1) Existing grade prior to construction or

(2) The newly established grade after construction, exclusive of any filing, berming, mounding, or excavating solely for the purpose of locating or increasing the height of the sign.

In cases in which the grade cannot reasonably be determined, sign height shall be computed on the assumption that the elevation of the grade at the base of the sign is equal to the elevation of the nearest point of the crown of a public road or the grade of the land at the principal entrance to the principal structure on the zoned lot, whichever is lower.
(Ord. 0212-2007. Passed 10-1-07.)

1165.07 TEMPORARY SIGNS.

Temporary signs, except zoning change signs as required in Chapter 1133, shall comply with the following regulations:

(a) Sign Placement. All temporary freestanding signs shall be placed no closer than ten feet from the pavement of the travel lane of a public or private street.

(b) Duration. Temporary signs shall be displayed only for the time duration permitted based upon the useful life of the sign.

Useful Life. Temporary sign faces constructed of the following materials shall be deemed to have a useful life span of the specified duration:

(1) Cardboard, posterboard or paper: three consecutive days.

(2) Non-rigid banners; attention flags: thirty consecutive days in any four-month period.

(3) Plastic coated cardboard, or non-framed one hundred percent (100%) fluted polypropylene (corrugated plastic): thirty consecutive days in any six-month period.

(4) Metal framed polypropylene-coated weather board, metal or corrugated plastic: 180 consecutive days in any twelve-month period.

(c) Maximum Number of Temporary Signs on Commercial Use Property. A property owner, business owner or lessee shall be limited to two temporary signs per street frontage.

(d) Maximum Number of Temporary Signs on a Residential Use Property. There is no limitation on the number of temporary signs on a residential use property.

(e) All deteriorated or hazardous temporary signs are deemed a public nuisance, a threat to the public health and safety, and/or a source of aesthetic blight and shall be immediately removed or replaced.

(f) Fees. Permits for promotional banners, wall signs, and freestanding signs shall be required, except in RID Zoning, but no fee shall be charged in any zoning district.

(g) Temporary Sign Regulations. The following signs are permitted on private property in the illustrated districts and shall be limited in number, type, height and setback a set forth in the following tables:
(1)

District	**Commercial (Non OG Districts)**				
Sign Type Temporary	**Max. Number**	**Permit**	**Max. Size (Sq. Ft.)**	**Max. Height (ft.)**	**Minimum Setback (ft.)**
Flying or feather banner; attention flag	2 per street frontage	Y	15	6	10
Pennant Banner	N/A	N	N/A	N/A	N/A
Portable A-Frame or T-Frame Sign (#1)	1	N	8	4	N/A
Promotional Banner (#2)	1	Y	40	N/A	N/A
Wall Signs	1	Y	16	N/A	N/A
Window Signs (#3)	N/A	N	<25% of aggregate window space	N/A	N/A
Freestanding Signs (#4)	2 per street frontage	Y	6	4	10

1. Portable A-Frame or T-Frame Signs shall be permitted within five feet of the public entrance to each front facade of the building that the establishment occupies, not more than three feet from the building. Such sign may only be displayed during the hours of operation.
2. Promotional banners shall only apply to multi-family or nonresidential structure and shall be permitted for a maximum period of thirty consecutive days in any four-month period.
3. Temporary window signs shall be limited to first floor windows only.
4. No more than two temporary signs per street frontage shall be permitted on any parcel at any time in these zoning districts.

(2)

Districts	**Olde Gahanna (OG-2, OG-3, OG-4, OG-5)**				
Sign Type Temporary	**Max. Number**	**Permit**	**Max. Size (sq. ft.)**	**Max. Height (ft.)**	**Minimum Setback (ft.)**
Flying or feather banner; attention flag	2 per street frontage	Y	15	6	10
Pennant Banner	N/A	N	N/A	N/A	N/A
Portable A-Frame or T-Frame Sign (#1)	1 per entrance	N	8	4	N/A
Portable Menu Board Sign (#2)	1	Y	15 per side	5	N/A
Promotional Banner (#3)	1	Y	40	N/A	N/A
Wall Signs	1	Y	8	N/A	N/A
Window Signs	N/A	N	<25% of aggregate window space	N/A	N/A
Freestanding Signs (#4)	2 per street frontage	Y	6	4	10

1. Portable A-Frame or T-Frame Signs shall be permitted within five feet of the public entrance to each front facade of the building that the establishment occupies not more than three feet from the building. Such sign may only be displayed during the hours of operation.
2. Menu board signs are only permitted in the OG-4 Olde Gahanna Creekside District on the premises of an establishment where proceeds from serving foods and beverages represent seventy-five percent (75%) or more of their gross receipts. A menu board sign shall be permitted for each front facade of the building that the establishment occupies. Such sign may only be displayed during the hours of operation.
3. Promotional banners shall apply only to multi-family or nonresidential structures and shall be permitted for a maximum period of thirty consecutive days in any four-month period.
4. No more than two temporary signs per street frontage shall be permitted on any parcel at any time in these zoning districts.

(3)

Districts	**Office, Commerce and Technology**				
Sign Type Temporary	**Max. Number**	**Permit**	**Max. Size (sq. ft.)**	**Max. Height (ft.)**	**Minimum Setback (ft.)**
Flying or feather banner; attention flag	2 per street frontage	Y	15	6	10
Promotional Banner (#1)	1	Y	40	N/A	N/A
Wall Signs	1	Y	16	N/A	N/A
Window Signs	N/A	N	<25% of aggregate window space	N/A	N/A
Freestanding Signs (#2)	2	Y	8	4	10

1. Promotional banners shall only apply to multi-family or nonresidential structures and shall be permitted for a maximum period of thirty consecutive days in any four-month period.
2. No more than two temporary signs per street frontage shall be permitted on any parcel at any time in these zoning districts.

(4)

Districts	**Restricted Institutional District**				
Sign Type Temporary	**Max. Number**	**Permit**	**Max. Size (sq. ft.)**	**Max. Height (ft.)**	**Minimum Setback (ft.)**
Flying or feather banner; attention flag	2 per street frontage	N	15	6	10
Pennant Banner	N/A	N	N/A	N/A	N/A
Promotional Banner (#1)	1	N	40	N/A	N/A
Wall Signs	1	N	8	N/A	N/A
Window Signs	N/A	N	<25% of aggregate window space	N/A	N/A
Freestanding Signs (#2)	2 per street frontage	N	6	4	10

1. Promotional banners shall only apply to multi-family or nonresidential structures and shall be permitted for a maximum period of thirty consecutive days in any four-month period.
2. No more than two temporary signs per street frontage shall be permitted on any parcel at any time in these zoning districts.

(5)

Districts	**Residential including OG-1**				
Sign Type Temporary	**Max. Number**	**Permit**	**Max. Size (sq. ft.)**	**Max. Height (ft.)**	**Minimum Setback (ft.)**
Flying or feather banner; attention flag	Not permitted				
Banner (#1)	1	N	40	N/A	N/A
Window Signs	N/A	N	N/A	N/A	N/A
Freestanding Signs	N/A	N	6	6	10

(6)

District	**Multi-Family Residential**				
Sign Type Temporary	**Max. Number**	**Permit**	**Max. Size (sq. ft.)**	**Max. Height (ft.)**	**Minimum Setback (ft.)**
Flying or feather banner; attention flag	2 per street frontage	Y	15	6	10
Pennant Banner	N/A	N	N/A	N/A	N/A
Promotional Banner (#1)	1 per parcel	Y	40	N/A	N/A
Wall Signs	1	Y	4	N/A	N/A
Window Signs	1 per unit	N	<75% of window	N/A	N/A
Freestanding Signs (#2)	2 per street frontage	Y	6	4	10

1. Promotional banners shall only apply to multi-family or nonresidential structures and shall be permitted for a maximum period of thirty consecutive days in any four-month period.
2. No more than two temporary signs per street frontage shall be permitted on any parcel at any time in these zoning districts.
(Ord. 0146-2009. Passed 9-21-09.)

1165.08 PERMANENT SIGNS.

(a) Computation of total permitted sign area. This table shall not apply to developments requiring a Master Sign Plan:

Maximum square footage per district	
District	
Sign Type Permanent	**Max. Size (sq. ft.)**
Commercial	150
OG-2, OG-3, OG-5	40
RID	100
OG-4	75
Single Family Residential	50
Multi-Family Residential	150
Office, Commerce and Technology	150

(b) Permanent signs are permitted in the following zoning districts and shall be limited in number, type, area, height and setback as set forth in the following tables:

(1)

Districts	**Commercial (non-OG districts)**					
Sign Type Permanent	**Max. Number**	**Permit**	**Max. Size (s.f.)**	**Max. Width**	**Max. Height (ft.)**	**Min. Setback (ft.)**
Building Signs						
Awning Sign (#1)	1 per public entrance	Y			N/A	
Wall Sign (#2)	no maximum	Y	50 total	N/A	N/A	N/A
Window Sign (#3)	1 per street frontage	Y	8		N/A	
Projecting Sign (#4)	1 per street frontage	Y	8	4 ft.	N/A	

1. Awning signs shall be limited to one sign per public entrance to each building or tenant space. The sign area shall be limited to fifty percent (50%) of the total face area of the awning. When an awning sign covers multiple store fronts, each store or tenant shall be allowed copy space of no more than eighty percent (80%) of the store width, in order to maintain adequate separation between tenant spaces. Minimum clearance shall be seven feet to the bottom of the awning, and structural components shall be a minimum of eight feet above grade. Awning signs may project over a public sidewalk, no more than forty-eight inches or be within twenty-four inches of the curb line, whichever is less.
2. The square footage of all wall signs must be included in the overall permitted display area for the building. The maximum length of any wall sign shall not exceed eighty percent (80%) of the street frontage. Wall signs shall not project more than twelve inches, except on mansard type fascia, whereas to obtain a level position, the top of the sign may cantilever out more than twelve inches.
3. The square footage of window signs must be included in the overall permitted display area for the building.
4. The square footage of projecting signs must be included in the overall permitted display area of the building. Projecting signs shall have a minimum height of nine feet six inches to the bottom of the sign. The projecting sign shall not project from the wall a distance of greater than four feet. Signs may project over a public sidewalk but shall not project over any street or alley.

(2)

Districts	**Olde Gahanna (OG-2, OG-3, OG-4, OG-5)**					
Sign Type Permanent	**Max. Number**	**Permit**	**Max. Size (s.f.)**	**Max. Width**	**Max. Height (ft.)**	**Min. Setback (ft.)**
Building Signs						
Awning Sign (#1)	1 per public entrance	Y				
Wall Sign (#2)	1 per street frontage	Y		N/A	N/A	N/A
Window Sign (#3)	1 per street frontage	Y	8			
Projecting Sign (#4)	1 per street frontage	Y		4 ft.	4 ft.	

1. Awning signs shall be limited to one sign per public entrance to each building or tenant space. The sign area shall be limited to fifty percent (50%) of the total face area of the awning. When an awning sign covers multiple store fronts, each store or tenant shall be allowed copy space of no more than eighty percent (80%) of the store width, in order to maintain adequate separation between tenant spaces. Minimum clearance shall be seven feet to the bottom of the awning, and structural components shall be a minimum of eight feet above grade. Awning signs may project over a public sidewalk no more than forty-eight inches or be within twenty-four inches of the curb line, whichever is less.
2. The square footage of all wall signs must be included in the overall permitted display area for the building. The maximum length of any wall sign shall not exceed eighty percent (80%) of the street frontage. Wall signs shall not project more than twelve inches, except on mansard type fascia, where to obtain a level position, the top of the sign may cantilever out more than twelve inches.
3. The square footage of window signs must be included in the overall permitted display area for the building.
4. The square footage of projecting signs must be included in the overall permitted display area of the building. Projecting signs shall have a minimum height of nine feet six inches to the bottom of the sign. The projecting sign shall not project from the wall a distance of greater than four feet. Signs may project over a public sidewalk but shall not project over any street or alley.

(3)

District	**Office, Commerce and Technology**					
Sign Type Permanent	**Max. Number**	**Permit**	**Max. Size (s.f.)**	**Max. Height (ft.)**	**Max. Width**	**Min. Setback (ft.)**
Building Signs						
Awning Sign (#1)		Y				
Wall Sign (#2)	1 per street frontage	Y	50 for all signs	N/A	N/A	N/A
Window Sign (#3)	1 per street frontage	Y				
Projecting Sign (#4)	1 per street frontage	Y			4 ft.	

1. Awning signs shall be limited to one sign per public entrance to each building or tenant space. The sign area shall be limited to fifty percent (50%) of the total face area of the awning. When an awning sign covers multiple store fronts, each store or tenant shall be allowed copy space of no more than eighty percent (80%) of the store width, in order to maintain adequate separation between tenant spaces. Minimum clearance shall be seven feet to the bottom of the awning, and structural components shall be a minimum of eight feet above grade. Awning signs may project over a public sidewalk no more than forty-eight inches or be within twenty-four inches of the curb line, whichever is less.

2. The square footage of all wall signs must be included in the overall permitted display area for the building. The maximum length of any wall sign shall not exceed eighty percent (80%) of the street frontage. Wall signs shall not project more than twelve inches, except on mansard type fascia, where to obtain a level position, the top of the sign may cantilever out more than twelve inches.
3. The square footage of window signs must be included in the overall permitted display area for the building.
4. The square footage of projecting signs must be included in the overall permitted display area of the building. Projecting signs shall have a minimum height of nine feet six inches to the bottom of the sign. The projecting sign shall not project from the wall a distance of greater than four feet. Signs may project over a public sidewalk but shall not project over any street or alley.

(4)

Districts	**Restricted Institutional District**					
Sign Type Permanent	**Max. Number**	**Permit**	**Max. Size (s.f.)**	**Max. Width**	**Max. Height (ft.)**	**Min. Setback (ft.)**
Building Signs						
Awning Sign (#1)	1 per public entrance	Y				
Wall Sign (#2)	1 per street frontage	Y		N/A	N/A	N/A
Window Sign (#3)	1 per street frontage	Y	8			
Projecting Sign (#4)	1 per street frontage	Y		4 ft.		

1. Awning signs shall be limited to one sign per public entrance to each building or tenant space. The sign area shall be limited to fifty percent (50%) of the total face area of the awning. When an awning sign covers multiple store fronts, each store or tenant shall be allowed copy space of no more than eighty percent (80%) of the store width, in order to maintain adequate separation between tenant spaces. Minimum clearance shall be seven feet to the bottom of the awning, and structural components shall be a minimum of eight feet above grade. Awning signs may project over a public sidewalk no more than forty-eight inches or be within twenty-four inches of the curb line, whichever is less.
2. The square footage of all wall signs must be included in the overall permitted display area for the building. The maximum length of any wall sign shall not exceed eighty percent (80%) of the street frontage. Wall signs shall not project more than twelve inches, except on mansard type fascia, where to obtain a level position, the top of the sign may cantilever out more than twelve inches.
3. The square footage of window signs must be included in the overall permitted display area for the building.

4. The square footage of projecting signs must be included in the overall permitted display area of the building. Projecting signs shall have a minimum height of nine feet six inches to the bottom of the sign. The projecting sign shall not project from the wall a distance of greater than four feet. Signs may project over a public sidewalk but shall not project over any street or alley.

(5)

Districts	**Multi-Family Residential**					
Sign Type Permanent	**Max. Number**	**Permit**	**Max. Size (s.f.)**	**Max. Width**	**Max. Height (ft.)**	**Min. Setback (ft.)**
Building Signs						
Awning Sign (#1)	1/public entrance/building	Y				
Wall Sign (#2)	1/street frontage/parcel	Y	50 total	N/A	N/A	N/A
Window Sign (#3)		Y				
Projecting Sign (#4)		Y		4 ft.		

1. Awning signs shall be limited to one sign per public entrance to each building or tenant space. The sign area shall be limited to fifty percent (50%) of the total face area of the awning. When an awning sign covers multiple store fronts, each store or tenant shall be allowed copy space of no more than eighty percent (80%) of the store width, in order to maintain adequate separation between tenant spaces. Minimum clearance shall be seven feet to the bottom of the awning, and structural components shall be a minimum of eight feet above grade. Awning signs may project over a public sidewalk no more than forty-eight inches or be within twenty-four inches of the curb line, whichever is less.
2. The square footage of all wall signs must be included in the overall permitted display area for the building. The maximum length of any wall sign shall not exceed eighty percent (80%) of the street frontage. Wall signs shall not project more than twelve inches, except on mansard type fascia, where to obtain a level position, the top of the sign may cantilever out more than twelve inches.
3. The square footage of window signs must be included in the overall permitted display area for the building.
4. The square footage of projecting signs must be included in the overall permitted display area of the building. Projecting signs shall have a minimum height of nine feet six inches to the bottom of the sign. The projecting sign shall not project from the wall a distance of greater than four feet. Signs may project over a public sidewalk but shall not project over any street or alley.

(6)

Districts	**Commercial (Non-OG Districts)**				
Sign Type Permanent	**Max. Number**	**Permit**	**Max. Size (s.f.)**	**Max. Height (ft.)**	**Min. Setback (ft.)**
Freestanding Signs					
Monument Sign (#1)	1/street frontage	Y	80	8	15
Pole Sign (#2)	1	Y	100	20	15
Directional Sign (#3)	as needed	N	2	3	N/A
Flags of Political Jurisdictions (#4)	6	N	60 per flag	Restricted to max. height of neighboring buildings	height of pole
Development identification sign	1 per development entrance	Y	50	6	15

1. The display surface of a monument sign shall not exceed eighty square feet. The display area must be included in the overall square footage permitted for the building.
2. The display area must be included in the overall square footage permitted for the building.
3. In multi-building projects, the name of a business may also be included on the sign. The aggregate display area of these signs shall not be included in the overall square footage permitted per building.
4. All flags shall be flown in accordance with protocol established by the Congress of the United States for the Stars and Stripes provided there shall be a maximum of two flags per flagpole and a maximum of three flagpoles.

(7)

Districts	**Olde Gahanna (OG-2, OG-3, OG-4, OG-5)**					
Sign Type Permanent	**Max. Number**	**Permit**	**Max. Size**	**Max. Width**	**Max. Height (ft.)**	**Min. Setback (ft.)**
Freestanding Signs						
Monument Sign (#1)	1	Y	25	N/A	5	5 behind ROW
Pole Sign	Not Permitted					
Development Identification Sign	1 per development entrance	Y	25	N/A	5	5 behind ROW
Directional Sign (#2)	as needed	N	2	N/A	3	N/A
Flags of Political Jurisdictions (#3)	6	N	60 per flag	N/A	Restricted to max. height of neighboring buildings	height of pole

1. Monument signs are not permitted in the OG-3 District. The display area must be included in the overall square footage permitted for the building.
2. In multi-building projects, the name and address of an occupant may also be included on the sign. The aggregate display area of these signs shall not be included in the overall square footage permitted per building.
3. All flags shall be flown in accordance with protocol established by the Congress of the United States for the Stars and Stripes, provided there shall be a maximum of two flags per flagpole and a maximum of three flagpoles.

(8)

District	Office, Commerce and Technology				
Sign Type Permanent	**Max. Number**	**Permit**	**Max. Size (s.f.)**	**Max. Height (ft.)**	**Min. Setback (ft.)**
Freestanding Signs					
Monument Sign (#1)	1 per 500 ft. of street frontage	Y	50	10	15 behind ROW
Pole Sign	1 per 500 ft. of street frontage	Y	150	30	100; or 660 from Residential district or State ROW
Development Identification Sign	1 per development entrance	Y	50	10	15 behind ROW
Directional Sign	as needed	N	2	3	N/A
Flags of Political Jurisdictions (#2)	6	N	60 per flag	Restricted to max. height of neighboring buildings	height of pole
Institutional Bulletin Board Sign	1	N	24	6	15 behind ROW

1. The display area must be included in the overall square footage permitted for the building.
2. All flags shall be flown in accordance with protocol established by the Congress of the United States for the Stars and Stripes, provided there shall be a maximum of two flags per flagpole and a maximum of three flagpoles.

(9)

District	**Restricted Institutional District**				
Sign Type	**Max. Number**	**Permit**	**Max. Size**	**Max. Height (ft.)**	**Min. Setback (ft.)**
Freestanding Signs					
Monument Sign (#1)	1 per 500 l. ft. of frontage	Y	50	6	15 behind ROW
Pole Sign	Not Permitted				
Development Identification Sign	1 per development entrance	Y	30	6	15 behind ROW
Directional Sign (#2)	as needed	N	2	3	N/A
Flags of Political Jurisdictions (#3)	6	N	60 per flag	Restricted to max. height of neighboring buildings	height of pole
Institutional Bulletin Board Sign	1	N	24	6	15

1. The display area must be included in the overall square footage permitted for the building.
2. In multi-building projects, the name and address of an occupant may also be included on the sign. The aggregate display area of these signs shall not be included in the overall square footage permitted per building.
3. All flags shall be flown in accordance with protocol established by the Congress of the United States for the Stars and Stripes, provided there shall be a maximum of two flags per flagpole and a maximum of three flagpoles.

(10)

Districts	**Residential: OG-1**				
Sign Type Permanent	**Max. Number**	**Permit**	**Max. Size**	**Max. Height (ft.)**	**Min. Setback (ft.)**
Freestanding Signs					
Development Identification Sign	2 per development entrance	Y	32	8	15 behind ROW
Flags of Political Jurisdictions (#1)	6	N	60 per flag	40	Out of sight triangle

1. All flags shall be flown in accordance with protocol established by the Congress of the United States for the Stars and Stripes provided there shall be a maximum of two flags per flagpole and a maximum of three flagpoles.

(11)

Districts	**Commercial; Olde Gahanna (OG-2, 3, 4, 5); RID; Multi-Family Residential; Office, Commerce and Technology**				
Miscellaneous Signs					
Sign Type	**Max. Number**	**Permit**	**Max. Size**	**Max. Height (ft.)**	**Min. Setback (ft.)**
Building Historical Marker	1 per building	N	4	N/A	N/A
Building Identification Sign (#1)	1	N	2	N/A	N/A
Incidental Sign (#2)	5	N	1	N/A	N/A

1. Building Identification Signs may contain only the name and address of the occupant.
2. Incidental Signs shall contain no commercial message legible from any location off the lot.

(Ord. 0146-2009. Passed 9-21-09.)

1165.09 DESIGN, CONSTRUCTION, AND MAINTENANCE OF SIGNS.

All signs shall be designed, constructed and maintained in conformity with the following provisions:

(a) Design Criteria. In Olde Gahanna, signs must comply with the design review requirements of Section 1197.09 of this Code (Design Review Districts Standards). All other signs shall be designed to meet the following provisions:

(1) Sign graphic. The shape and graphic character of a sign shall strive for an integrated design that constitutes a substantial aesthetic improvement to the site and surrounding area, and that contains elegant, uncluttered elements of classic design style or reflects the unique, historic character of the City.

A. Signs shall provide for aesthetic presentation of the sign message through careful consideration of color combinations, illumination, sign placement, letter height, proportion and spacing, and by avoiding use of small and/or excessive lettering.

B. The advertising content of signs shall not detract from the identification purpose and the legibility of signs.

(2) Building signs.

A. The size and location of permanent building signs shall be reviewed in terms of their relationship to the building entry, height of sign fascia, or size of wall where the sign is to be installed and the relationship to other signs on a building, as well as visibility from the street, sidewalk or parking lot.

B. An applicant shall be permitted to decrease the sign area from one building frontage for the purpose of erecting or installing a sign on a building facade that does not have street frontage.

C. On multi-tenant commercial establishments, permanent building signs shall be evaluated for compatibility as part of a sign program with the building fascia and neighboring signs in terms of size, color, lighting materials, sign style, and quality. It shall be the responsibility of the property owner of a multi-tenant establishment to determine if the sign area shall be devoted to identification of the building, the anchor occupant(s), all occupants, or some combination thereof.

(3) Freestanding signs. Permanent freestanding signs shall be of a style, material, and design compatible with the associated building.

A. The construction materials of freestanding signs should be compatible with the associated buildings.

B. Freestanding signs shall be sited so that they integrate with the location of street trees and other site landscaping, and to avoid obscuring the view of adjacent freestanding signs.

C. A landscaped area, required as follows, shall be provided, and centered around the base of all freestanding signs.

1. Monument signs: Fifty square feet.
2. Ground signs: Sixty square feet.

3. Pole signs: Seventy square feet.
   a. The landscaped area shall be comprised of a variety of natural materials, such as shrubbery, hedges, herbs, trees and other plants, earth mounds, flowers, and groundcover. Plant material should be chosen to maintain twelve months of foliage.
   b. Ground cover shall be limited to fifty percent (50%) of the total landscaped area.
   c. All plantings shall be properly installed, well-maintained, weeded, mulched and kept free of trash and debris.

(b) Sign Placement. Projection into right of way. No sign shall be located within or above any public right-of-way, nor shall any temporary sign project beyond the property line, unless expressly permitted herein.

(c) Construction. All signs shall be constructed to meet the City Building and Electrical Codes.

(d) Maintenance. All signs shall be maintained in a safe, clean and attractive, and sound structural condition at all times free from peeling or missing paint, burned out light bulbs, holes, or broken, cracked, bent, warped, rotted, discolored, sagging, worn, torn, rusted, defective, or missing material parts. If the face of the sign is removed, a blank opaque panel must be installed until such time that new graphics are approved and installed.
(Ord. 0212-2007. Passed 10-1-07.)

1165.10 ILLUMINATION OF SIGNS.

Signs may be illuminated in accordance with the following regulations.

(a) A development identification sign located at the entrance of a residential subdivision may only be externally illuminated.

(b) All other signs may be either internally or externally illuminated.
   (1) Externally illuminated signs.
      A. Illumination of signs shall be permitted with a lighting fixture that is steady and stationary, using approved electrical devices and shall be installed in accordance with the requirements of this chapter and the City's Electrical Codes.
      B. The intensity of sign lighting must not exceed the amount necessary to illuminate and make a sign legible. Externally lit signs may only be illuminated with "white" spectrum light concealed by a hood or any other material of indirect lighting.
      C. Sign illumination must be directed downward aimed no higher than forty-five degrees above straight down (half-way between straight down and straight to the side).
      D. Ground-mounted illumination shall be permitted for freestanding signs with a maximum height of less than six feet.
      E. All lighting for the illumination of signs shall be shielded from the view of persons viewing the sign and directed so that the light shines only on the sign.
   (2) Internally illuminated signs: Light bulbs or lighting tubes used for illuminating a sign shall not be visible through the sign face.
   (Ord. 0212-2007. Passed 10-1-07.)

1165.11 PERMIT REQUIREMENTS AND REVIEW PROCESS.

(a) It shall be unlawful for any person to erect, alter, relocate, or replace a sign within the City without first obtaining the permits from the City as required by this chapter.

(b) The sign application process shall involve two separate steps. Both of the following steps must be completed in person by the applicant.

(1) Submission of an Application for Certificate of Appropriateness for Signage with the required fee as established in the Development Fee Schedule set forth in Section 148.12 in Part One of these Codified Ordinances to the Zoning Division, and

(2) Submission of a Sign Permit Application with the required fee as established in the Development Fee Schedule set forth in Section 148.12 in Part One of these Codified Ordinances to the Building Division.

(c) Application for Certificate of Appropriateness for Signage.

(1) The application for a Certificate of Appropriateness for Signage shall contain the following required information:

A. A site map of the location of building or structure or lot, property lines, right-of-way boundaries, utilities, and easements where the sign is to be attached or erected upon.

B. Color photographs of the property upon which the sign is to be erected, and photographs of adjacent properties and signage.

C. Detailed color renderings or drawings to illustrate the dimensions, design, structure and location of each sign.

D. Elevations and color photographs which illustrate the position of the proposed signage in relation to nearby buildings, structures.

E. Drawings of the plans and specifications, material samples, color samples, and method of attachment to the building or the ground.

F. Name and address, phone number, and current license number of the licensed sign erector.

G. The Planning and Zoning Administrator or Chief Building Official may require the plans to bear the certification and seal of a licensed architect or engineer registered in the State of Ohio as a condition to the issuance of an approved sign permit.

(2) The Planning and Zoning Administrator shall review the Application for Certificate of Appropriateness for Signage with the applicant to assure compliance with this chapter.

(3) For all new construction, renovation or conversion of structures with multi-tenants, including but not limited to, office buildings, business parks, planned industrial developments, office parks, shopping centers and shopping malls (except out-lots), a complete Master Sign Plan shall be submitted to the Planning and Zoning Administrator along with the Application for Certificate of Appropriateness for Signage.

(4) The Master Sign Plan design criteria submitted shall include text and drawings, both to scale and dimension, as required to address at the very least:

A. Size range of signs permitted.

B. Colors permitted.

C. Materials permitted.

D. Illumination.

E. Typefaces permitted.

F. Type sizes permitted.

G. Graphic emblem sizes and locations, if permitted.
H. Miscellaneous graphic features unique to the application submitted.

A copy of a standard contractual signage agreement to be used at the center, incorporating the comprehensive graphic design criteria regulations developed in subsection (c)(4) hereof, is to be made a part of all future relationships with tenants and other parties desiring signage at the subject center.

(5) The Master Sign Plan shall comply with the following regulations:
A. The Master Sign Plan shall be designed so that it establishes a common theme or design, uses similar construction methods and compatible colors, scale and size, in accordance with Section 1165.09 (Design, Construction and Maintenance).
B. The Master Sign Plan shall be approved by the Planning Commission prior to the issuance of a sign permit for any sign on the building or development. If a Master Sign Plan has been submitted and approved, verification of compliance with the Master Sign Plan shall be submitted with each individual sign permit application; however, no additional Certificate of Appropriateness shall be required. Out-lots at shopping centers or shopping malls must obtain individual approvals.
C. Any changes to an approved Master Sign Plan require submission to, and approval by the Planning Commission.

(6) The Planning and Zoning Administrator or designee shall approve, within twenty-eight days of receipt an Application for Certificate of Appropriateness for Signage if it is determined that the application complies fully with the requirements of this chapter. Upon approving the Application for Certificate of Appropriateness for Signage, the Planning and Zoning Administrator shall sign the application, attesting to its compliance with the requirements of this chapter.

(7) If the application does not comply with one or more of the requirements of this chapter, the Planning and Zoning Administrator shall deny the application, clearly explain to the applicant the reasons for any denial, and inform the applicant that the application may be:
A. Modified and resubmitted to the Planning and Zoning Administrator within thirty days without an additional application fee; or
B. Submitted for a variance per Section 1165.12.
C. Appealed to the Board of Zoning and Building Appeals per Article XII of the City Charter.

(Ord. 0212-2007. Passed 10-1-07.)

1165.12 VARIANCES AND APPEALS.

(a) Variance Procedure. This section shall not apply to temporary signs as defined in Section 1165.07 of this chapter.

(1) The standard for granting a variance which relates solely to area requirements is a lesser standard than that applied to variances which relate to use. An application for an area variance need not establish unnecessary hardship; it is sufficient that the application show practical difficulties.

In determining whether a property owner seeking an area variance has encountered practical difficulties, Planning Commission shall consider and weight the following factors.

A. Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance;

B. Whether the variance is substantial;

C. Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the variance;

D. Whether the variance would adversely affect the delivery of governmental services (e.g., water, sewer, refuse);

E. Whether the property owner purchased the property with the knowledge of the zoning restriction;

F. Whether the property owner's predicament feasibly can be obviated through some method other than a variance;

G. Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance;

H. Whether the sign is sufficiently compatible with the architectural and design character of the immediate neighborhood and all graphic design standards established for the district; and

I. Whether the sign will be hazardous to passing traffic or otherwise detrimental to the public safety and welfare.

(2) In granting such variance, the Planning Commission may specify the size, type and location of the sign, and impose such other reasonable terms, restrictions and conditions as it may deem to be in the public interest.

(b) Appeals. Any person affected by any decision of the Planning and Zoning Administrator or the Planning Commission made pursuant to this chapter may file an appeal with the Board of Zoning and Building Appeals in accordance with the requirements of Section 1127.08 (Appeal of Administrative Orders).

(Ord. 0212-2007. Passed 10-1-07.)

1165.13 ENFORCEMENT PROVISIONS.

(a) Planning and Zoning Administrator's Authority. The Planning and Zoning Administrator is authorized and directed to enforce and carry out all provisions of this chapter, both in letter and spirit.

(1) To that end, the Planning and Zoning Administrator is authorized to formulate policies and procedures consistent with the purposes of this chapter. The Planning and Zoning Administrator is further empowered to delegate the duties and powers granted to and imposed upon the Planning and Zoning Administrator under this chapter.

(2) The Planning and Zoning Administrator is authorized to access any premises in the City upon which a sign is located for the purpose of inspection of the sign to ensure compliance with this chapter.

(3) The Planning and Zoning Administrator is further authorized to issue violation citations within the requirements of this chapter.

(b) Inspection and Final Approval Upon Completion. The Planning and Zoning Administrator or Chief Building Official shall notify the property owner or lessee of any sign determined to have been erected, installed or constructed in violation of this chapter.

(c) Periodic City Inspection. All signs shall be subject to periodic inspection following installation to verify the proper operating condition, proper maintenance, structural safety and satisfactory appearance conditions under which the permit was issued.

(d) Procedure Upon Finding of Violation.

(1) Repair order. In the event the Planning and Zoning Administrator or Chief Building Official finds a sign in need of repair or any maintenance service, a repair order shall be issued to the property owner or lessee allowing forty-five days to affect the repairs or maintenance.

(2) Order for removal of dangerous or defective sign. All signs which due to structural deficiencies, inadequate maintenance, or location, including location in the public right-of-way, present an immediate and serious hazard or potential danger to the public or property are declared a public nuisance and shall be immediately removed by the owner or the City pursuant to subsection (e)(1)A. hereof (City removal of hazardous signs).

(3) Order for removal of unlawful sign. The sign erected and the property owner or lessee shall be required to remove an unlawful sign immediately and comply with the application procedures as set forth in Section 1165.11 (Permit Requirements and Review Process).

(4) Voiding of permit. Failure to comply with a sign repair order issued by the Planning and Zoning Administrator or Chief Building Official within the specified period shall void the permit issued for the sign and shall be cause for the Planning and Zoning Administrator or Chief Building Official to order removal of the sign within fifteen days of receipt of the order.

(e) Civil Remedies and Criminal Penalty.

(1) Civil remedies. If any sign or supportive sign structure is erected, constructed, reconstructed, relocated, altered, converted or maintained, or used in violation of this Zoning Ordinance, the City, in addition to any other remedies provided for herein, shall institute proceedings as are authorized by law to prevent and enjoin such unlawful erection, construction, reconstruction, relocation, alteration, conversion, maintenance or use, or to correct or abate such violation.

A. City removal of hazardous signs. Signs which the Planning and Zoning Administrator, Chief Building Official, Department of Public Service and Engineering staff, or City Police Department officers find upon public rights-of-way or property, or which wherever located present an immediate and serious danger to the public because of their unsafe condition may be immediately removed without prior notice.

B. Neither the City nor any of its agents shall be liable for any damage to any sign removed under the provisions of this section.

(2) Criminal penalty. Any person, firm or corporation violating any provision, amendment or supplement to this chapter, or failing to obey any lawful order of the Planning and Zoning Administrator or Chief Building Official issued in pursuance thereof, shall be fined not more than one hundred dollars ($100.00) per day. Each and every day during which such violation of any provision, amendment or supplement of this chapter occurs or each and every day during which there is a failure to obey a lawful order of the Planning and Zoning Administrator or Chief Building Official, may be deemed a separate offense.
(Ord. 0212-2007. Passed 10-1-07.)

CHAPTER 1167
General Development Standards, Additional Use, Height and Area Regulations

1167.01 Purpose of chapter.
1167.02 Public, institutional buildings; height regulations.
1167.03 Height of church spires, chimneys, silos, and ground antennas.
1167.04 Conformity with lot size requirements; variances.
1167.05 Two-family, multiple dwelling; yard requirements.
1167.06 Building on corner lot; setback requirements.
1167.07 Trailer parks, tourist courts and cabins prohibited; trailer parking regulations.
1167.08 Outdoor storage, display and sales of merchandise in commercial districts.
1167.09 Construction material storage in residence districts.
1167.10 Conformity to character of neighborhood.
1167.11 Minimum lot areas where water, sewer facilities not available.
1167.12 First floor level above finish grade of residential buildings.
1167.13 Platting required; development standards minimum.
1167.14 Lot area and yard space preserved.
1167.15 Building lines established.
1167.16 Sight triangle established.
1167.17 Accessory "USTEB" permitted.
1167.18 Screening requirements.
1167.19 Public nuisance regulations.
1167.20 Property perimeter requirements.
1167.21 Preservation zones.

CROSS REFERENCES

USTEB defined - see P. & Z. 1123.47
Residence districts; regulations - see P. & Z. Ch. 1137 et seq.
Commercial districts; regulations - see P. & Z. Ch. 1153
Manufacturing districts; regulations - see P. & Z. Ch. 1155

1167.01 PURPOSE OF CHAPTER.

The district regulations hereinafter set forth in this chapter qualify or supplement, as the case may be, the district regulations appearing elsewhere in this Zoning Ordinance.
(Ord. 257-92. Passed 12-15-92.)

1167.02 PUBLIC, INSTITUTIONAL BUILDINGS; HEIGHT REGULATIONS.

Regulations of zoning district shall apply.

(Ord. 257-92. Passed 12-15-92.)

1167.03 HEIGHT OF CHURCH SPIRES, CHIMNEYS, SILOS, AND GROUND ANTENNAS.

(a) Church spires, domes, flag poles, aerials, windmills, chimneys, cooling towers, elevator bulkheads, fire towers, belfries, monuments, stacks, derricks, conveyors, stage towers or scenery lofts, tanks, water towers, silos, farm buildings, or necessary mechanical appurtenances shall conform to Federal Aviation Administration and Port Columbus Airport Zoning Regulations height limitation, whichever may be greater.

(b) Cellular phone antennas, television antennas, radio antennas, citizens band (CB) antennas, and other antennas that receive ground oriented electromagnetic waves shall be required to receive a zoning certificate and building permit. They shall meet the following requirements:

(1) They shall follow the Federal Aviation Administration height restrictions;
(2) They are set back at least ten feet from all property lines;
(3) They are constructed to withstand a wind force up to seventy miles an hour;
(4) They are placed behind the building setback line; and
(5) They meet the applicable Building Code requirements.

(c) Cellular phone antennas, television antennas, radio antennas, citizens band (CB) antennas, and other antennas in residential districts shall be exempt from receiving a zoning certificate or building permit if they meet the following requirements:

(1) They do not exceed seventeen feet above the peak of the roof of the principal residential structure, including roof mounted antennas;
(2) They are built to withstand a wind force up to seventy miles an hour;
(3) Ground mounted antenna are set back at least ten feet from all property lines;
(4) Roof mounted antennas are set back at least seven feet from all property lines;
(5) They are placed behind the building setback line; and
(6) They meet the applicable Building Code requirements.

(d) Except as otherwise provided in FCC Regulations, a station antenna structure may be erected at heights and dimensions sufficient to accommodate amateur service communications. (See PRB-1, 1-1 FCC 2D 952 (1985). Also see FCC Regulation 97.15(E)).

(e) Satellite earth stations that receive satellite oriented electromagnetic waves are regulated in Chapter 1179 and Chapter 1333.

(Ord. 50-94. Passed 6-7-94.)

1167.04 CONFORMITY WITH LOT SIZE REQUIREMENTS; VARIANCES.

Any lot of record on the effective date of this Zoning Ordinance (April 29, 1958) on which construction of any improvement is not started, nor a building permit obtained shall conform to the requirements set forth in this Zoning Ordinance. However, where any lot of record cannot conform to the lot size requirements of this Zoning Ordinance, a request may be made to the Planning Commission for a variance.
(Ord. 36-96. Passed 3-5-96.)

1167.05 TWO-FAMILY, MULTIPLE DWELLING; YARD REQUIREMENTS.

For the purpose of yard requirements, a two-family or multiple dwelling shall be considered as one building occupying a single lot, unless otherwise specified in this Zoning Ordinance.
(Ord. 257-92. Passed 12-15-92.)

1167.06 BUILDING ON CORNER LOT; SETBACK REQUIREMENTS.

On a corner lot, the main structure and its accessory buildings shall be required to set back the same distance from all street right-of-way lines, unless otherwise specified in this Zoning Ordinance.
(Ord. 257-92. Passed 12-15-92.)

1167.07 TRAILER PARKS, TOURIST COURTS AND CABINS PROHIBITED; TRAILER PARKING REGULATIONS.

(a) All trailer coach parks, camps, tourist courts, tourist cabins and tourist cottages are hereby prohibited from being located, erected or operated within the Municipality.

(b) One trailer, one camper or the like, belonging to a separate visitor may be parked and occupied on any lot on a noncommercial basis for a period not to exceed two weeks, if a zoning certificate has been obtained from the Planning and Zoning Administrator.

(c) No one, other than as provided in subsection (b) hereof may occupy and/or live in any trailer, camper or the like, in the Municipality.
(Ord. 0129-2007. Passed 6-18-07.)

1167.08 OUTDOOR STORAGE, DISPLAY AND SALES OF MERCHANDISE IN COMMERCIAL DISTRICTS.

(a) All outdoor storage, display and sales of merchandise shall be required to receive a conditional use permit for the activity to occur on commercial property. The Planning Commission review of the request shall consist of, but not be limited to, the following items:

(1) Type of merchandise.
(2) Location of area to be used on the property.
(3) Total area to be used (including width, length and depth).
(4) Height of merchandise.
(5) Signage involved with the merchandise.
(6) Time limits, if applicable.

(b) All commercial properties with outdoor storage, display and sales of merchandise occurring on the date of passage of this section, shall have six months from the effective date of the ordinance to apply for a conditional use permit.

(c) Exemptions:

(1) Seasonal sales of agricultural products, limited to forty-five days or less, with a maximum of ninety days in a given year for any person, business or property, (i.e. pumpkins, Christmas trees, etc.) shall be exempt from the conditional use permit requirement. However, a zoning permit shall still be required for the location and signage relating to the sale of the agricultural products.

(2) Sidewalk sales occurring within twenty feet of the building front and limited to not more than seventy-two consecutive hours within a six-month period.

(Ord. 103-97. Passed 6-17-97.)

1167.09 CONSTRUCTION MATERIAL STORAGE IN RESIDENCE DISTRICTS.

In a Residence District, the storage of construction materials on any one lot shall be limited to the quantity of material required for the construction of the dwelling unit or units proposed for such lot, provided the plans for such dwelling unit or units have been previously approved by the Chief Building Official.

(Ord. 0129-2007. Passed 6-18-07.)

1167.10 CONFORMITY TO CHARACTER OF NEIGHBORHOOD.

All proposed dwellings shall be in harmony with and conform to the character of that neighborhood.

(Ord. 257-92. Passed 12-15-92.)

1167.11 MINIMUM LOT AREAS WHERE WATER, SEWER FACILITIES NOT AVAILABLE.

In any area in which neither Municipal water nor sewer facilities are available, lot area shall be increased to a minimum of 20,000 square feet. In any area in which either Municipal water or sewer facilities are available, but not both, lot areas shall be not less than 10,000 square feet.

(Ord. 257-92. Passed 12-15-92.)

1167.12 FIRST FLOOR LEVEL ABOVE FINISH GRADE OF RESIDENTIAL BUILDINGS.

Residential buildings of one-story, one and one-half story and two-story construction shall not have a first floor level more than thirty inches above finish grade. All finish grades shall be in complete harmony with all abutting properties.

(Ord. 257-92. Passed 12-15-92.)

1167.13 PLATTING REQUIRED; DEVELOPMENT STANDARDS MINIMUM.

No use shall be established or altered and no structure shall be constructed or altered except upon a lot that has been platted in accordance with, or which otherwise meets, the requirements of the Subdivision Ordinance of the Municipality.

(a) Minimum Requirements. Development Standards are minimum requirements for the arrangement of lots and spaces to be achieved in all developments.

(Ord. 257-92. Passed 12-15-92.)

1167.14 LOT AREA AND YARD SPACE PRESERVED.

The lot area and yard space required for "USTEB" shall be maintained during its life and shall not be reduced below the minimum requirement, occupied by another "USTEB", or counted as yard space for any other "USTEB".

(a) Yards Required Open. The yard space required for a "USTEB" shall, during its life, remain free of all uses or occupancy except as follows:

(1) Fences, walls and landscaping shall be permitted in any required yard, or along the edge of any yard, except in a residential district which is specifically covered in Chapter 1171 or specifically prohibited in a district, provided that no fence or wall between a street and a front building line is more than forty-two inches (42") in height, except as required in this chapter under Sections 1167.20 and 1167.21, or in accordance with an approved Development Plan of a planned district.

(2) Eaves, cornices, window sills, and belt courses may project into any required yard a distance not to exceed two feet (2') unless prohibited in another code.

(3) Driveways shall be permitted to the property line provided construction is either asphalt or concrete.

(b) Yards Maintained. All yard space shall be maintained in accordance with one or more of the following provisions:

(1) Fenced as permitted or required.

(2) Landscaped by lawns, shrubberies, trees and other plantings, maintained in a neat and orderly natural state, or used for permitted accessory or ancillary use.

(3) Paved for parking as permitted.

(Ord. 0129-2007. Passed 6-18-07.)

1167.15 BUILDING LINES ESTABLISHED.

Along every street right of way, a building line shall be established from the right of way a distance of twenty-five feet in the AR-1 District, sixty feet in commercial districts, or as may be otherwise set forth in this chapter.

(a) Required Setback. A "USTEB" of land, except parking, shall locate no closer to a street right of way than the established building line.

(b) Parking Setback. Open parking or loading spaces shall be permitted to extend toward the street right of way from the established building line a distance equal to forty percent of the required setback distance unless otherwise set forth in this chapter.

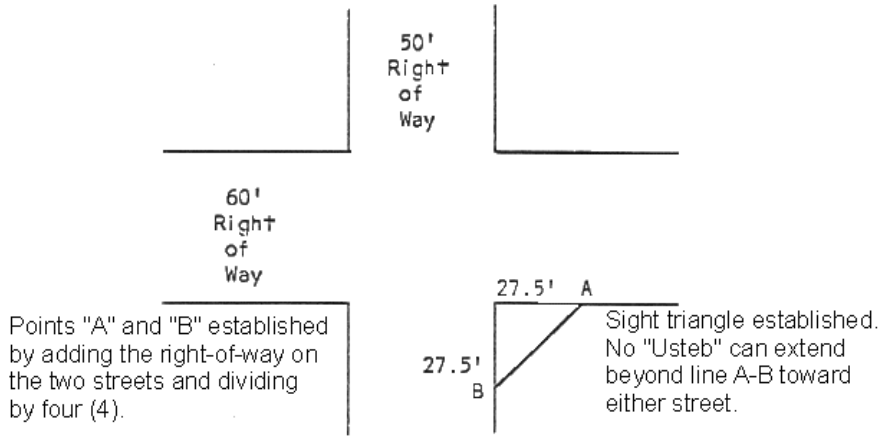
(c) Reduced Setback. If existing structures or uses on both lots adjacent to a lot have a setback less than the setback line established by this chapter, the setback on the center lot shall be the average setback established on the adjacent lots unless otherwise set forth in this chapter.

(Ord. 257-92. Passed 12-15-92.)

1167.16 SIGHT TRIANGLE ESTABLISHED.

At every intersection of street rights of way a sight triangle shall be established as described by the right-of-way lines of the intersecting streets as existing or as may be required by the Gahanna Major Thoroughfare Plan whichever is greater, and the third side. The third side is established by the line related by connecting points on each right-of-way line identified by measuring along each right-of-way line from the intersection a distance equal to the sum of the width of both rights of way divided by four.

(a) Example of Sight Triangle.



(b) Visibility Maintained. Within the sight triangle there shall be maintained a clear visibility between the heights of two feet and ten feet above the average center line grade of the intersection streets within the sight triangle, except trunks of existing trees or light or sign supports. Such supports shall have a maximum dimension of six inches or less of its horizontal section. If there are two or more supports on a framework, they shall not be closer to each other than four feet. There shall be no vehicle parking or standing space provided within the sight triangle.

(Ord. 257-92. Passed 12-15-92.)

1167.17 ACCESSORY "USTEB" PERMITTED.

Accessory "USTEB" shall be permitted in association with a principal "USTEB", provided that the area of the accessory shall be twenty-five percent or less of the gross floor area of the principal "USTEB" except in residential districts where the provisions of Section 1167.14 shall apply.

(a) Accessory "USTEB" Defined. An accessory "USTEB" shall be defined as subordinate but incidental to and in association with, and which is customarily required or provided for the principal "USTEB".

(b) Required Location in Residential Zoning District. In any residential zoning district as listed in Chapters 1139, 1141, 1143 and 1147, unattached and accessory "USTEB" buildings shall be on the same lot as the principal "USTEB" and located subject to the development standards of the zoning district in which it is located, shall be located to the rear of the dwelling.

(c) Required Location in Other Zoning Districts. In any zoning district except a residential zoning district, accessory uses or structures shall be on the same lot as the principal "USTEB" and located subject to the Development Standards of the zoning district in which it is located.

(Ord. 257-92. Passed 12-15-92.)

1167.18 SCREENING REQUIREMENTS.

Certain activities shall be screened by structures, walls, fences or landscaping so that these activities will not be detrimental to adjacent land. See Chapter 913 for additional landscaping requirements.

(a) Screening Standards. Required screening shall be provided in accordance with the following standards, except as provided in other sections of this Zoning Ordinance.

(1) Screening shall have an opaqueness or light reducing capability of eighty percent (80%) or more. If neither an instrument for measurement of light transmission nor manufacturers specifications of opaqueness are available, adequacy of the screening will be determined by comparing the amount of opening in the material against the total area.

(2) Screening shall be at least six feet but not more than eight feet in height.

(3) If screening is to be accomplished by landscaping, the landscape materials shall achieve the standards stated above within a period of five years or less.

(b) Adjacent to Residential Zones and Planned Development. The following list of activities, if developed adjacent to land in a residential zoning district, shall be screened as prescribed, except that it is separated by a street right of way eight feet or more in width.

(1) A parking area of 1,000 square feet or more provided or intended for five or more vehicles for commercial and industrial establishments.

(2) A drive-in or outdoor service facility.

(3) A commercial or industrial loading area.

(4) An outdoor display area of goods in a complete, usable and normal condition, including samples and models, offered for retail sale.

(c) Screening of Trash Containers or Receptacles.

(1) For applicable uses under General Commercial, Olde Gahanna Downtown District, except Single Family Residential, Office, Commerce and Technology District, Multi-family Residential, Planned Districts, and conditional uses in residential districts, all new and existing trash containers and/or receptacles shall be screened on three sides. Any walls so employed at new building sites shall be constructed with the same material and/or be compatible to materials of the main structure as determined by the Planning Commission. Concrete pads and approaches are required at all new building sites and shall meet City of Gahanna standards. Existing trash containers and/or receptacles shall be screened by walls constructed of compatible material to the main structure, or fencing, landscaping or an acceptable combination of these elements as determined by the Planning and Zoning Administrator. Front gates, if employed, shall be of colors consistent with the existing or proposed structure and must remain closed. Trash containers and/or receptacles shall be placed to the rear of the main structure. All litter shall be controlled on site. All trash containers and/or receptacles must remain in good repair.

(2) The height of such walls or fence structures shall be a minimum of six feet. The maximum height of walls and fence structures shall not exceed eight feet. Landscaping used as screening shall have a minimum of eighty percent (80%) opacity during full foliage. The use of landscaping in addition to the structure shall be required for all new construction, and encouraged for all existing construction. The use of year-round vegetation, such as pines or evergreens, is encouraged. Concrete or asphalt pads and approaches to such trash containers and/or receptacles must remain in good repair. When replacement or substantial repair to existing asphalt pads and approaches becomes necessary, concrete pads or approaches shall be installed to City standards. The determination of replacement shall be made by the Planning and Zoning Administrator.

(3) All trash containers and/or receptacles shall be brought into compliance with this section when a final development plan is required, when ownership of the property has been transferred, or by September 1, 2001. The Planning and Zoning Administrator shall review and approve screening plans for existing containers and/or receptacles only if the provisions of this section are fully met. If the Planning and Zoning Administrator determines that such proposed plan needs further review, he/she shall forward such proposal to the Planning Commission.

(d) Along a Public Street. The following list of activities, in addition to being screened as prescribed, shall be screened so that the activity is not visible from a public street within 300 feet of the lot on which the activity is located.

(1) Articles or materials being stored, maintained, repaired, processed, erected, fabricated, dismantled, salvaged or otherwise not being offered for retail sale in a completed, usable and normal condition.

(Ord. 0148-2009. Passed 9-21-09.)

1167.19 PUBLIC NUISANCE REGULATIONS.

(a) Prevention of Nuisance. Every "USTEB" subject to the provisions of this Zoning Ordinance shall be located, arranged and operated in accordance with the following provisions so that it will not interfere with the development and enjoyment of adjacent property.

(b) Required Limits. The following limits of development and operation are provided to control hazardous, obnoxious or other nuisance activity of uses subject to the provisions of this Zoning Ordinance:

(1) Noise. Noise or vibration shall be so controlled that at the property line on which such noise or vibration is produced it will not be at a level above that normally perceptable from other developments in the area or from the usual street traffic observed at the street right-of-way line of the lot, except occasional blast or shock required in normal operation and produced in such manner as not to create a hazard.

(2) Smoke. Smoke shall be controlled in its emission so as to be less dark in shade than that designated as No. 2 on the Ringelman Chart published and used by the U.S. Bureau of Mines, except that emission above such level shall be permitted for a period of three minutes or less during the operation of starting or cleaning a fire.

(3) Dust. Dust or particulate matter shall be so controlled as not to produce a hazardous, or obnoxious situation beyond the property lines of the lot on which such dust or particulate matter is produced.

(4) Odor or fumes. Odor or noxious fumes shall be so controlled as not to be offensive nor to create a hazard.

(5) Glare. Glare or heat from processing or other activity or lighting shall be so screened as not to be perceptable beyond the property lines of the lot on which such glare or heat is produced.

(Ord. 257-92. Passed 12-15-92.)

1167.20 PROPERTY PERIMETER REQUIREMENTS.

(a) Grass or ground cover shall be planted on all portions of the easements not occupied by other landscape material. Trees do not have to be equally spaced, but may be grouped. All landscape requirements shall be met by the applicant if his property is contiguous to property fully developed prior to the passage of this chapter. A landscape plan meeting the requirements of this section, shall be approved by the Planning Commission before land clearing and/or development occurs on the subject property.

(b) When a zoning classification abuts another zoning classification a minimum landscape with a buffer zone of three feet minimum height and width is required, which shall contain materials to achieve the opacity required, as follows (requirements can go both ways on zones):

(1) Any residential zone adjoining any office zone, required buffer zone is fifteen feet adjacent to all common boundaries except street frontage and shall include one tree for each forty feet of linear boundary, or fraction thereof, and a continuous six foot high planting, hedge, fence, wall or earth mound.

(2) Any residential zone adjoining any commercial zone, required buffer zone is fifteen feet adjacent to all common boundaries except street frontage and shall include one tree for each forty feet of linear boundary, or fraction thereof, and a continuous six foot high planting, hedge, fence, wall or earth mound.

(3) Any residential zone adjoining a residential zone operating with a conditional use (such as churches, schools). Required buffer zone is fifteen feet adjacent to all common boundaries except street frontage and shall include one tree for each forty feet of linear boundary, or fraction thereof, and a continuous six foot high planting, hedge, fence, wall or earth mound.

(4) Any residential zone adjoining any industrial zone. Required buffer zone is fifteen feet adjacent to all common boundaries except street frontage and shall include one tree for each forty feet of linear boundary, or fraction thereof, and a continuous six foot high planting, hedge, fence, wall or earth mound.

(5) Any single family residential zone adjoining a multi family residential zone. Required buffer zone is fifteen feet adjacent to all common boundaries except street frontage and shall include one tree for each forty feet of linear boundary, or fraction thereof, and a continuous six foot high planting, hedge, fence, wall, or earth mound.

(6) Any office or commercial zone adjoining any industrial zone. Required buffer zone is fifteen feet adjacent to all common boundaries except street frontage and shall include one tree for each forty feet of linear boundary, or fraction thereof, and a continuous six foot high planting, hedge, fence, wall or earth mound.

(7) Any zone adjoining a freeway or arterial street prohibiting driveways. Required buffer zone is twenty feet for residential zones and fifteen feet for all other zones adjacent to a freeway or arterial and shall include one tree for each thirty feet of linear boundary, or fraction thereof, and a continuous six foot high planting, hedge, fence, wall or earth mound.

(8) Any zone (except industrial) adjoining a railroad. Required buffer zone is twenty feet for residential zones and fifteen feet for all other zones adjacent to railroad boundaries and shall include one tree for each thirty feet linear boundary, or fraction thereof, and a continuous six foot high planting, hedge, fence, wall or earth mound.

(9) Any property boundary, including street right-of-way adjoining any utility substation, junkyard, landfill, sewage plants or similar uses. Required buffer zone is fifteen feet adjacent to all boundaries except only five feet for utility substations measured adjacent to the enclosure and shall include one tree for each thirty feet of linear boundary, or fraction thereof, and a continuous six foot high planting, hedge, fence, wall or earth mound.

(10) Any property used for vehicular sales facilities or as a service station adjoining a freeway or arterial prohibiting driveways. Required buffer zone is fifteen feet adjacent to freeway or arterial and shall require one tree for each fifty feet of linear boundary, or fraction thereof, plus one low shrub for each ten feet of linear boundary, or fraction thereof, (opacity requirements do not apply) for the first 300 linear feet of easement; if an easement for the property exceeds 300 feet in length, then the remaining easement shall contain a tree for each thirty feet of linear boundary plus a continuous six foot high planting, hedge, wall, fence or earth mound.
(Ord. 138-97. Passed 7-1-97.)

1167.21 PRESERVATION ZONES.

Preservation zones are natural areas that protect both the aesthetic appearance and environmental significance including, but not limited to, woodlands, wetlands, ravines, flood plains, streams, lakes, ponds, and/or steep slopes and can provide effective buffers between different or same land uses. Such zones should be designated on the concerned property. It is the intent of this section to encourage the use of these preservation zones in new developments including single family subdivisions, multi family, commercial and industrial construction. It is the further intent of this section not to preclude and/or prevent development, but to protect and preserve environmentally significant areas by fostering the use of buffer zones that could be integrated within the development. Preservation zones shall be used in a manner to promote and protect the public safety, convenience, comfort, prosperity, and general welfare of the City.

(a) Determination of Preservation Zones. Environmentally significant areas shall be required to have a preservation zone(s). The natural resources maps B and C in the Gahanna Planning Guide are guides in determining the environmentally significant areas. These maps shall be a guide in determining areas that shall be required to have preservation zones. However, this shall not preclude the administration, Landscape Board and/or Planning Commission from recommending and/or approving preservation zones in other areas that are considered to be environmentally significant. In determining preservation zones, the administration, Landscape Board and/or Planning Commission determines that the area needs to be protected from development and which could serve as a buffer between different or same uses.

(b) Approval of Preservation Zones.

(1) The Planning Commission shall have the authority to approve a preservation zone for a subdivision and/or a planned district. This approval shall occur during the preliminary plat stage and shall follow the procedures set out in Chapter 1105. The administration, and/or Landscape Board may recommend to the Planning Commission the location of a preservation zone.

(2) The Planning Commission shall have the authority to approve a preservation zone in accordance with the established Design Review Districts except when a preservation zone has already been approved by the Planning Commission for a Planned District. Such approval shall become part of the certificate of appropriateness.

(3) Approval of preservation zones shall incorporate the stipulations in Section 1167.21(c). Preservation zones shall become part of the final plat or final development plan for subdivisions by the Planning Commission and approved by Council. Preservation zones shall become part of the site plan that is part of the certificate of appropriateness approval.

(c) Preservation Zones.

(1) Before any activity, clearing, and/or construction begins, the entire preservation zone shall be enclosed with at least three foot high orange construction fencing to prevent any access to the area. Such fencing shall protect the root systems of vegetation within the preservation zone. The fencing can only be taken down for an individual lot when an occupancy permit has been issued for the structure on the concerned lot. The fencing shall remain on the undeveloped lots until occupancy permits are granted for each lot.

(2) Said preservation zone shall not be disturbed any time before, during, or after construction except for necessary access as approved by the Planning and Zoning Administrator.

(3) No permanent or temporary structure, building, or fence shall ever be placed upon, in, or under said preservation zone.

(4) Utilities and roadways in preservation zones may only be installed consistent with an Environmental Plan and/or Mitigation Plan.

(5) No development, clearing, thinning, construction, or work shall be performed in the preservation zone except for necessary construction as deemed necessary by the Planning and Zoning Administrator. If a preservation zone is disturbed at any time (including but not limited to utility construction and/or easement, building or grading construction) by the developer, contractor, subcontractor, house builder, property owner, or a representative, such disturbances that occur shall be restored to an approved condition. Diseased trees and/or diseased vegetation may be removed with the approval of the Planning and Zoning Administrator. Obnoxious weeds and/or brush of less than one inch caliper may be removed without destroying the integrity of the preservation zone.

(6) No dirt, stones, wood, or debris shall be placed within the preservation zone.

(7) Trees located in a preservation zone that have been pushed over, cut apart, blown over, or fall due to aging and/or deterioration are the property owner's responsibility to remove from the preservation zone.

(8) A utility company servicing and/or installing utilities in the designated preservation zone shall also be subject to these restrictions.

(9) These restrictions shall be printed on the final plat, the final development plan, and/or site plan.

(10) Drainage shall not be changed in a manner that will damage the preservation zone.

(11) The developer shall notify each property purchaser in the concerned subdivision and/or development of the preservation zone requirements. Such notification shall be in writing and shall be submitted to the property purchaser at the time of closing.

(12) The developer shall notify all contractors, utility companies, and/or cable companies doing work in the concerned subdivision of the preservation zone requirements before construction begins.

(d) Penalty.

(1) If Section 1167.21 is violated during construction, the Planning and Zoning Administrator, City Engineer, or Chief Building Official may place a stop work order on the development, stopping all construction until such time as the preservation zone is restored to an approved condition as determined by the Planning and Zoning Administrator. No person shall violate a preservation zone after occupancy.

(2) A homeowner and/or resident who violates any provision of this section or fails to comply with any of its requirements, including violations of conditions and safeguards established in connection with preservation zones, shall be found guilty of a minor misdemeanor and shall be subject to a fine not to exceed one thousand dollars ($1,000) and, in addition, shall pay all costs and expenses involved in the case, including the costs of restoring the area to its original condition prior to the violation. Each day such violation continues shall be considered a separate offense.

(3) An organization (including but not limited to a developer, contractor, and/or subcontractor) who violates any provision of this section or fails to comply with any of its requirements, including violations of conditions and safeguards established in connection with preservation zones, shall be found guilty of a minor misdemeanor as an organization and shall be subject to a fine not to exceed one thousand dollars ($1,000) and, in addition, shall pay all costs and expenses involved in the case, including the costs of restoring the area to its original condition prior to the violation. Each day such violation continues shall be considered a separate offense.

(4) Nothing herein contained shall prevent Council from taking such other lawful action as is necessary to prevent or remedy any violation.

(Ord. 0129-2007. Passed 6-18-07.)

CHAPTER 1169
Procedure for Authorizing a Conditional Use

1169.01 Nature of conditional uses; intent.
1169.02 Public hearing advertisement.
1169.03 Written applications.
1169.04 Actions of the Planning Commission.
1169.05 Conditional use approval.
1169.06 Fees for conditional uses.

CROSS REFERENCES

Zoning certificates required - see P. & Z. 1129.03
Variances: conditions and procedures - see P. & Z. 1131.01 et seq., 1191.15
Flood plain zoning, conditional uses and variances - P. & Z. 1191.06 et seq., 1191.15

1169.01 NATURE OF CONDITIONAL USES; INTENT.

Specifically listed conditional uses are provided within the zoning district regulations in recognition that such uses, although often desirable, will more intensely affect the surrounding area in which they are located than the permitted uses of such zoning districts.

The intent of the procedure for authorizing a conditional use is to set forth the development standards and criteria for locating and developing a conditional use in accordance with the nature of the surrounding area, conditions of development, and with regard to appropriate plans.

(Ord. 29-72. Passed 5-2-72.)

1169.02 PUBLIC HEARING ADVERTISEMENT.

Before approving or denying the application before it, the Planning Commission shall hold at least one public hearing on such application, notice of which shall include place, time, date and nature of such applied for in a newspaper of general circulation in the Municipality during the calendar week prior to the public hearing. Notice of said hearing shall also be mailed by ordinary mail to the street addresses of contiguous property owners of the property for which said hearing is being held. The names and addresses of all property owners entitled to notice of the public hearing shall be furnished by the applicant.

(Ord. 0152-2011. Passed 8-1-11.)

1169.03 WRITTEN APPLICATIONS.

An application form shall be filed with the Planning and Zoning Administrator.

(a) Description of Property and Intended Use. The application shall include the following statements:
  (1) A legal description of the property.
  (2) The proposed use of the property.

(3) A statement of the necessity or desirability of the proposed use to the neighborhood or community.
(4) A statement of the relationship of the proposed use to adjacent property and land use.
(5) Such other information regarding the property, proposed use, or surrounding area as may be pertinent to the application or required for appropriate action by the Commission.

(b) Plot Plan. The application shall be accompanied by three copies of a plot plan, drawn to an appropriate scale, clearly showing the following:
(1) The boundaries and dimensions of the lot.
(2) The size and location of existing and proposed buildings and/or structures.
(3) The proposed use of all parts of the lot, buildings and/or structures, including accessways, walks, off-street parking and loading spaces, and landscaping.
(4) The relationship of the proposed development to the development standards.
(5) The use of land and location of structures on adjacent property.
(Ord. 0152-2011. Passed 8-1-11.)

1169.04 ACTIONS OF THE PLANNING COMMISSION.

The Planning Commission shall hold a public hearing and act on a conditional use in one of the following ways:

(a) Approval. The Planning Commission shall approve an application for a conditional use if the following four conditions are met:
(1) The proposed use is a conditional use of the zoning district and the applicable development standards established in this Zoning Ordinance are met.
(2) The proposed development is in accord with appropriate plans for the area.
(3) The proposed development will not have undesirable effects on the surrounding area.
(4) The proposed development will be in keeping with the existing land use character and physical development potential of the area.

(b) Approval with Modification. The Commission may approve, with modification, an application for a conditional use if the proposed use is a conditional use of the zoning district and the applicable development standards are met, but plot plan modification is required:
(1) To be in accord with the appropriate plans for the area; and
(2) To prevent undesirable effects on adjacent property and the surrounding area.

Such modification may include but not be limited to a limitation on the extent or intensity of development, a requirement for additional screening by fence or landscaping, a change in the method or plan for lighting, time limits as to the length of time the use may be permitted to exist, control of access or other conditions of development as may be required. Requirements regarding the modification of plans or other appropriate actions shall be stated with the reasons for each requirement.

(c) Disapproval. The Commission shall only disapprove an application for a conditional use for any one of the following reasons:
(1) The proposed use is not a conditional use of the zoning district, or the applicable development standards are not and cannot be met.
(2) The proposed development is not in accord with appropriate plans of the area.
(3) The proposed development will have undesirable effects on the surrounding area.
(4) The proposed development is not in keeping with the existing land use character and physical development potential of the area.
(Ord. 0152-2011. Passed 8-1-11.)

1169.05 CONDITIONAL USE APPROVAL.
Upon a favorable finding, the Commission shall approve a conditional use application.
(a) Conditional Use Permit. A Zoning Certificate may be issued only for an approved conditional use within the period one year from the date of final approval by the Commission.
(b) Building Permit. A Building Permit may be obtained only for the development in accordance with the approved plot plan.
(Ord. 0152-2011. Passed 8-1-11.)

1169.06 FEES FOR CONDITIONAL USES.
A fee as established in the Development Fee Schedule set forth in Section 148.12 in Part One of these Codified Ordinances shall be paid to the City.
(Ord. 0152-2011. Passed 8-1-11.)

CHAPTER 1171
Fences

1171.01 Definitions.
1171.02 Permits.
1171.03 Fence standards.
1171.04 Commercial and Multi-Family District fences.
1171.05 Variances and appeals.
1171.99 Civil remedies and criminal penalties.

CROSS REFERENCES
Fence defined - see P. & Z. 1123.22
General screening requirements - see P. & Z. 1167.20
Preservation Zone - see P. & Z. 1167.21
No Build Zone - see P. & Z. 1123.40A
Design Review District standards - see P. & Z. 1197.09(a)(2)B.2.a., b.
Swimming pool fence - see BLDG. 1325.08

1171.01 DEFINITIONS.

(a) "Fence" means an artificially constructed barrier of any material or combination of materials erected to enclose, screen, or separate areas. For the purposes of this chapter, a fence does not mean a structure.

(b) "Chain link fence" means a fence usually made of metal consisting of loops of wire interconnected in a series of jointed links. In no case shall a chain link fence be considered a decorative open face fence.

(c) "Commercial fence erector" means an individual or a company qualified to erect, maintain and repair all types of fences covered by these Codified Ordinances and who erects a fence for hire, or as a part of a sales agreement involving home improvement or the sale of fencing material.

(d) "Decorative open fence" means a fence constructed for its beauty or decorative effect, and when viewed at right angles and enclosing the outline of all parts of the fence in its vertical plane, has an open face area of at least thirty percent (30%). Decorative open fences shall include, but not be limited to:

(1) "Rail" or "split rail fence" means a fence constructed of narrow, whole or split, wooden timbers or vinyl placed horizontally between upright supporting posts.

(2) "Picket fence" means a fence made of upright poles or slats that alternate with an open face.

(3) "Iron" or "steel fence" means a fence constructed of narrow poles that are placed vertically and horizontally to resemble a fence that would be considered to be an antique or historical.

Hardware cloth, as defined in Section 1123.28A, shall be used only in conjunction with any of the above listed decorative open fences, and must be attached to the owner's side of the fence.

(e) (EDITOR'S NOTE: Former subsection (e) was repealed by Ordinance 0002-2000, passed February 7, 2000.)

(f) "Non-enclosing fence" means a fence which allows at least thirty percent (30%) open perimeter around the area visually defined.

(g) "Privacy fence" means a fence made to inhibit public view and provide seclusion and, when viewed at right angles and enclosing the outline of all parts of the fence in its vertical plane, has an open face of less than thirty percent (30%). "Privacy fences" shall include, but not be limited to:

(1) "Basket weave" or "woven fence" means a fence made of interwoven strips or slats of flexible or semi-flexible material in which the pattern has the appearance of a plaited basket.

(2) "Louver", "ventilating", "shadow box" or "stockade" fence means a fence made of a series of slats placed at an angle or positioned so as to provide air but to deflect light perpendicular to its vertical plane.

(h) Snow fences are fences that consist of thin upright slats not to exceed forty-eight inches (48") in height.

(i) "Swimming pool" means a structure, permanent or portable, filled or capable of being filled with water to a depth of thirty or more inches at any point therein and having a water surface area of sixty (60) square feet or more and used, or designed to be used, for swimming or recreational bathing. Swimming pools shall be classified as follows:

(1) "Private swimming pool" means a swimming pool used by the owner of the pool and friends as an additional accessory use at a private residence located on the premises of a detached one- or two-family dwelling.

(2) "Regulated swimming pool" means any swimming pool other than a private swimming pool, public or semi-public in character.

(3) "Club swimming pool" means a regulated swimming pool used by any group or institution on a non-commercial basis or on a membership basis for members and friends only.

(4) "Commercial swimming pool" means a regulated swimming pool which is located on land not publicly owned and which is operated on a commercial basis or primarily for private gain.

(Ord. 0112-2009. Passed 5-18-09.)

1171.02 PERMITS.

(a) No new fence shall be erected without an approved permit, which must clearly be displayed during construction. Replacement of a fence shall be allowed without a fence permit provided materials, height and location do not vary from existing fence.

(b) Fence permits shall be granted by the Planning and Zoning Administrator only upon the basis of representation made by clear drawings and specifications indicating the location, kind of material and full dimensions in figures of such fence. Such representation shall be attached to application forms furnished by the Building and Zoning Division, and signed by the owner of the property OR by the commercial fence erector, if one is to be used. The Planning and Zoning Administrator or designee shall consider, within thirty (30) days of receipt, the fence permit application if it is determined that the application complies fully with the requirements of this chapter. Upon approving the fence permit application, the Planning and Zoning Administrator shall sign the application, attesting to its compliance with the requirements of this chapter.

If the application does not comply with the requirements of this chapter, the Planning and Zoning Administrator shall deny the application and inform the applicant that the application may be:

(1) Modified and resubmitted to the Planning and Zoning Administrator within thirty (30) days without an additional application fee; or
(2) Submitted for a variance per Section 1171.05; or
(3) Appealed to the Board of Zoning and Building Appeals per Article XII of the City Charter.

(c) Commercial fence erectors shall, prior to erection or installation of any fence within the City, verify that the required fence permit has been issued for each job. Failure to have a permit prior to erection or installation of a fence is subject to penalty under Section 1171.99.

(d) No person other than the property owner and/or a commercial fence erector, licensed in the City, shall engage in the business of erecting, maintaining or replacing fences of any type within the City. (Ord. 0112-2009. Passed 5-18-09.)

1171.03 FENCE STANDARDS.

Any fence constructed shall comply with the following standards:

(a) Fences shall not exceed six feet (6') in height except those which enclose athletic fields and courts, or define secure areas for the storage of public property, which shall not exceed twelve feet (12'), or provide a secure area in the Office, Commerce and Technology District, which shall not exceed ten feet (10').
(b) Only decorative open fences as defined in Section 1171.01(d), of a height no greater than forty eight inches (48"), may be erected in any area designated as a "No Build Zone."
(c) A fence of permitted height and design may be constructed along or upon common property lines and across any utility easement so as to allow maximum use of the area to be enclosed. Fences placed on utility easements shall provide access to manholes, utility boxes, cleanouts or other apparatus that may be used from time to time for maintenance of the utility. Fences placed on drainage easements shall allow for the proper flow of water. Fences that are being proposed to be placed on utility and/or drainage easements shall require prior approval from the City Engineer.
(d) No fence erected in a residentially or commercially zoned area shall have as part of its design or construction metal prongs or spikes, or barbed wire. Barbed wire may be permitted on the top of chain link fences in the Office, Commerce and Technology District. No fence other than an invisible fence shall have as part of its design or construction an electrified portion.

(e) A fence shall not be located within three feet (3') of a utility box, manhole or other apparatus that may be used for maintenance of the utility. However, a gate and/or removable section of fencing may be placed within this three foot restriction if such gate and/or removable section provides sufficient access to the utility box, manhole or other apparatus. When a fence obstructs access to a utility box, manhole or other public apparatus for maintaining utilities, the owner shall be required to remove and replace such fence at his/her expense without remuneration from the City. This section shall not prohibit the City from removing any fence located in a utility or drainage easement that obstructs a utility box, manhole or other apparatus or obstructs the proper flow of water.

(f) Any fence of a permitted height and design shall not extend in the front yard beyond the building setback line. Corner lots shall comply with the following:

A fence may be located one-half (½) the distance between the required building setback line and the public right of way only in the side yard if the fence is a decorative open fence and does not exceed a height of forty-two inches (42"). Such fences shall not be located so as to encroach upon the required sight triangle area established under Section 1167.16.

(g) A decorative open fence shall be permitted in the side and rear yards.

A decorative open non-enclosing fence not more than forty-two inches (42") in height may be located in front of the required building setback line not more than one-half (½) the distance between the required building setback lines and corresponding street public right-of-way. On corner lots, such fences may not be located so as to encroach upon the required sight triangle area established under Section 1167.16.

(h) Privacy and/or chain link fences shall be prohibited in the side and front yards.

(i) (EDITOR'S NOTE: Former subsection (a)(8) was repealed by Ordinance 0002-2000, passed February 7, 2000.)

(j) Any fence constructed between the required building setback line and street public right of way shall not prevent or hinder access to the residence by vehicles and personnel responding to a fire, police or medical emergency.

(k) A private swimming pool constructed on the premises of a detached one- or two-family dwelling shall be enclosed by a fence erected wholly on said premises. On a case by case basis, the Planning and Zoning Administrator may approve a fence permit application for a fence not wholly on the pool owner's property. However, if a neighbor's fence, which makes up any portion of the pool enclosure is removed for any reason, the owner of the property on which the pool is located shall be responsible for restoring the pool to an enclosed state. This restoration shall be performed within thirty (30) days of the date that the zoning division is made aware of the situation. All fences shall conform to the following requirements:

(1) For in-ground pools, the top of the fencing shall be at least forty eight inches (48') above the grade measured on the side of the fence which faces away from the pool, but not to exceed seventy-two inches (72") in height as measured from grade along the line of the fence as installed.

A. The maximum vertical clearance between grade and the bottom of the fence shall be four inches (4") measured on the side of the fence which faces away from the pool.

B. Solid fences which do not have openings, such as masonry or stone wall, shall not contain indentations or protrusions except for normal construction tolerances and tooled masonry joints.

C. Spacing between vertical members of a fence shall not exceed one and three quarter inches (1¾") in width.

D. Maximum mesh size for chain link fences shall not exceed one and three quarter inch (1¾") square unless the fence is provided with slats fastened at the top or bottom which reduce the openings to no more than one and three quarter inches (1¾").

E. In a lattice fence the maximum opening formed by the diagonal members shall be no more than one and three quarter inches (1¾").

F. Access gates to the pool shall comply with subsection k (1) a through f, and shall be equipped with a lock operated by a key, or combination lock, and shall be locked when not in use. Pedestrian access gates shall open outward, away from the pool, and shall be self-closing and have a self-latching device. Where the release mechanism of a self-latching device is located less than fifty four inches (54") from the bottom of the gate, (a) the release mechanism shall be located on the pool side of the gate at least three (3") below the top and (b) the gate and fence shall have no opening greater than one half inch (½") within eighteen inches (18") of the release mechanism.

(2) For aboveground pools, fencing shall be the same as subsection (k)(1) hereof except that if the sides of the pool are forty-two inches (42") or more above the minimum adjacent grade, and the pool is equipped with a removable ladder or a ladder that folds up and locks in an upright position when the pool is not in use, or the steps or ladder is surrounded by a fence as described in subsection (k)(1), then additional fencing will not be required. If an aboveground pool has a fence at the top of the pool, the maximum vertical clearance between the top of the pool and the bottom of the fence shall not exceed four inches (4"). A thirty-six inch (36") minimum guardrail conforming to the Residential Code of Ohio is required for any porch, balcony or raised floor surface located more than thirty inches (30") above the floor or grade below.

(l) Temporary snow fences not exceeding forty-eight inches (48") in height, may be erected in non-residential areas without permit between December 1 of any year and the following March 31 for the purpose of controlling snow drifting Across sidewalks, driveways, and roadways. Snow fences may extend beyond or be located in front of the required building setback line not more than one-half (½) the distance between the required building setback line and corresponding street public right of way. On corner lots, snow fences may not be located so as to encroach upon the required sight triangle area established under Section 1167.16. Snow fences shall not be erected or located that would:

(1) Hinder access to the residence by vehicles and personnel responding to a fire, police or medical emergency; or

(2) Cause snow to accumulate in a manner which would encroach upon or block any public right of way, hinder proper operation of Municipal snow removal equipment, or block access to or cause damage to adjacent properties.

(m) Fences shall be maintained in good condition, be structurally sound, safe, and attractively finished at all times. Any repairs or replacement ordered by the zoning division shall be made within thirty (30) days of the date of the order. Grounds between fences and property lines and between fences shall be well maintained at all times. Any fence shall be designed, constructed and finished so the supporting members thereof shall face the property of the owner of the fence. If a fence does not meet these standards, the owner of the property with the fence shall be subject to the penalty in Section 1171.99.
(Ord. 0151-2009. Passed 9-21-09; Ord. 0198-2009. Passed 9-8-09.)

1171.04 COMMERCIAL AND MULTI-FAMILY DISTRICT FENCES.

(a) All fencing required to separate the several usage districts in the City or as required for screening according to the Planning and Zoning Code or as required by the Planning Commission shall conform to these specifications as written or as may be modified by the Chief Building Official. All such fencing shall be constructed of quality materials and methods shall conform to generally accepted standards. The fence shall be six feet (6') in height, unless greater height is required by the Planning and Zoning Code.

Decorative or non-decorative fence not otherwise required by the City shall not be governed by this section, but shall be constructed as described in other sections of the Planning and Zoning Code.

(b) If wood is to be used, it shall be pressure-treated material, cedar, or redwood. Wood posts shall be not less than six inches by six inches (6" X 6") and shall be buried not less than thirty-two inches (32") in the ground, and be surrounded by concrete. Posts of any other materials shall be buried not less than thirty-two inches (32") in the ground, and be surrounded by concrete. An inch (1") or more of gravel shall be placed in the bottom of the post holes before installation of the post in order to insulate it from contact with soil but not restrict drainage of ground water. Concrete shall completely surround the post and shall be at least two inches (2") in thickness between the post and the earth. Wood stringers shall be two inch by six inch (2" X 6") wood. Boards shall be one inch by six inches by six feet (1" X 6" X 6') and placed adjacent to each other with not more than one-fourth inch (¼") gap between boards. In every case, the "neat" or "finished" side shall face the street or adjacent property.

(c) A regulated swimming pool shall be enclosed by a fence conforming to the following requirements:

(1) Regulated swimming pools shall be provided with an enclosure surrounding the pool area.

(2) The enclosure shall extend not less than six feet (6') above the ground. All gates shall be self-closing and self-latching with latches places at least four feet (4') above the ground. However, if said gate is an attached gate while the pool is open, said gate shall be locked during the off season and in season closed hours.

(3) Enclosure fences shall be constructed to prohibit the passage of a sphere larger than four inches (4") in diameter through any opening or under the fence. Fences shall be designed to withstand a horizontal concentrated load of two hundred (200) pounds applied on a one (1) square foot area at any point of the fence.

(4) The use of a pool cover, capable of supporting at least three hundred (300) pounds shall be encouraged during any period of time when the pool is closed for more than seventy-two (72) consecutive hours or during any off season, in addition to the protection afforded by the enclosure, gate, and latch described herein.
(Ord. 0112-2009. Passed 5-18-09.)

1171.05 VARIANCES AND APPEALS.

(a) Variance Procedure.

(1) The standard for granting a variance which relates solely to area requirements is a lesser standard than that applied to variances which relate to use. An application for an area variance need not establish unnecessary hardship: it is sufficient that the application show practical difficulties.

In determining whether a property owner seeking an area variance has encountered practical difficulties, Planning Commission shall consider and weigh the following factors:

A. Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance;

B. Whether the variance is substantial;

C. Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the variance;

D. Whether the variance would adversely affect the delivery of governmental services (e.g., water, sewer, refuse);

E. Whether the property owner purchased the property with the knowledge of the zoning restriction;

F. Whether the property owner's predicament feasibly can be obviated through some method other than a variance;

G. Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance;

H. Whether the fence is sufficiently compatible with the architectural and design character of the immediate neighborhood; and

I. Whether the fence will be hazardous to passing traffic or otherwise detrimental to the public safety and welfare.

(2) In granting such variance, the Planning Commission may specify the size, type and location of the fence, and impose such other reasonable terms, restrictions and conditions as it may deem to be in the public interest.

(b) Appeals. Any person affected by any decision of the Planning and Zoning Administrator or the Planning Commission made pursuant to this chapter may file an appeal with the Board of Zoning and Building Appeals.
(Ord. 0112-2009. Passed 5-18-09.)

1171.99 CIVIL REMEDIES AND CRIMINAL PENALTIES.

(a) Civil Remedies. If any fence is erected, constructed, reconstructed, relocated, altered, converted or maintained, or used in violation of this Zoning Ordinance, the City, in addition to any other remedies provided for herein, shall institute proceedings as are authorized by law to prevent and enjoin such unlawful erection, construction, reconstruction, relocation, alteration, conversion, maintenance or use, or to correct or abate such violation.

(b) Criminal Penalty. Any person, firm or corporation violating any provision, amendment or supplement to this chapter, or failing to obey any lawful order of the Planning and Zoning Administrator or his/her designee issued in pursuance thereof, shall be deemed guilty of a minor misdemeanor. Each and every day during which such violation of any provision, amendment or supplement of this chapter occurs or each and every day during which there is a failure to obey a lawful order of the Planning and Zoning Administrator, may be deemed a separate offense.

(Ord. 0112-2009. Passed 5-18-09.)

CHAPTER 1173
Residential Portable Temporary Storage Units and Construction Waste Receptacles

1173.01 Purpose and intent.
1173.02 Definitions.
1173.03 Duration.
1173.04 Location.
1173.05 Number of units.
1173.06 Use and maintenance.
1173.07 Construction waste receptacles.
1173.08 Compliance date.
1173.99 Penalty.

1173.01 PURPOSE AND INTENT.

The following regulations have been adopted to ensure that placement of portable temporary storage units complies with the health, safety, and welfare objectives of the City of Gahanna, and to preserve the aesthetic value of its residential neighborhoods.
(Ord. 0283-2008. Passed 12-15-08.)

1173.02 DEFINITIONS.

The following definitions shall apply for the purposes of this chapter:

(a) "Responsible party" shall mean the person who owns, rents, occupies, or controls the residential property.

(b) "Portable temporary storage unit" shall mean a transportable unit designed and used primarily for temporary storage of building materials (before they are utilized for building purposes); household goods; and other such materials for use on a limited basis only on residential property. Such unit shall not be considered a USTEB as defined in Chapter 1123 Definitions. Job trailers or tool sheds sited in conjunction with a building project shall not be regulated by Chapter 1173.

(c) "Supplier" shall mean the company or vendor which supplies the portable temporary storage unit to the residential property.
(Ord. 0283-2008. Passed 12-15-08.)

1173.03 DURATION.

(a) Portable temporary storage units shall be allowed for a period of thirty (30) consecutive days including the days of delivery and removal. Upon request of the Planning and Zoning Administrator, the responsible party and/or the supplier shall provide the exact date of delivery for compliance with this section. Failure to provide this information within the time frame stipulated by the Planning and Zoning Administrator may result in the removal of the temporary portable storage unit.

(b) In the event of fire, tornado, or natural disaster causing substantial damage to the primary residential structure, the property owner may apply to the City for permission to extend the time that a portable temporary storage unit may be located as a temporary structure on the property. Application for such extended duration shall be made in writing and filed with the Division of Building and Zoning office, and shall give sufficient information to determine whether such extended duration should be granted. The Planning and Zoning Administrator shall determine whether or not to grant such extended duration and the length of such extension. In the event of an adverse decision by the Planning and Zoning Administrator, the applicant may appeal such decision to the Board of Building and Zoning Appeals.
(Ord. 0283-2008. Passed 12-15-08.)

1173.04 LOCATION.

(a) Portable temporary storage units are prohibited from being placed on a public street, road, alley, or right-of-way, except as approved by the Chief of Police who shall determine the placement of the unit, and its duration.

(b) Whenever possible, the unit shall be placed on a hard surfaced driveway or parking area, and the required number of parking spaces in each single family zoning district shall at all times be maintained.

(c) Such unit shall not exceed eight feet six inches (8’6”) in height, ten feet (10’) in width, or twenty feet (20’) in length.
(Ord. 0283-2008. Passed 12-15-08.)

1173.05 NUMBER OF UNITS.

No more than one (1) portable temporary storage unit may be located on a single-family residential property at any time. If more than one unit is needed, a written request from the responsible party must be submitted to the Planning and Zoning Administrator for permission to place an additional unit on a single-family lot. In the case of a two-family, or multi-family dwelling, no more than one unit per address shall be permitted.
(Ord. 0283-2008. Passed 12-15-08.)

1173.06 USE AND MAINTENANCE.

(a) No portable temporary storage unit shall be used as a dwelling unit, or to store solid waste, construction debris, demolition debris, recyclable materials, business inventory, commercial goods, goods for property other than at the residential property where the unit is located (i.e. used for retail sales), or any other illegal or hazardous material. Upon reasonable notice to the responsible party, the City of Gahanna may inspect the contents of any portable temporary storage unit at any reasonable time to ensure that it is not being used to store said materials. At no time shall a portable temporary storage unit be used for any of these purposes.

(b) The responsible party, as well as the supplier, shall be held accountable for ensuring that the unit is maintained in good condition, free from evidence of deterioration, weathering, discoloration, graffiti, rust, ripping, tearing, or other holes or breaks at all times.
(Ord. 0283-2008. Passed 12-15-08.)

1173.07 CONSTRUCTION WASTE RECEPTACLES.

(a) Construction waste receptacles may be located on residential property in conjunction with a valid building permit for a building or site improvement project, or for home improvement projects that do not require a building permit such as roof, siding, or window replacement. No more than one (1) construction waste receptacle may be located on a single-family residential property at one time. In the case of a two-family, or multi-family dwelling, no more than one unit per address shall be permitted.

(b) When possible, the receptacle shall be placed on a hard surfaced drive or parking area, and shall remain on site only during active construction or improvements. The Chief of Police shall approve the placement and duration of any receptacle placed on a public street, road, alley, or right-of-way.
(Ord. 0283-2008. Passed 12-15-08.)

1173.08 COMPLIANCE DATE.

All portable temporary storage units must be brought into compliance with this chapter by January 1, 2009. (Ord. 0283-2008. Passed 12-15-08.)

1173.99 PENALTY.

Any person, persons, firm, or corporation violating any provision, amendment or supplement of this chapter, or failing to obey any lawful order of the Planning and Zoning Administrator issued in pursuance thereof, shall be deemed guilty of a minor misdemeanor. Each and every day during which such violation of any provision, amendment, or supplement of this chapter occurs, or each and every day during which there is a failure to obey any lawful order of the Planning and Zoning Administrator, may be deemed a separate offense.
(Ord. 0283-2008. Passed 12-15-08.)

CHAPTER 1175
Bed and Breakfast Inns

1175.01 Purpose.
1175.02 Definition.
1175.03 Conditional use permit required.
1175.04 Development standards for residential districts.
1175.05 General development standards.

1175.01 PURPOSE.

Bed and breakfast inns are unique semi-commercial operations that adapt a residential environment into a lodging concept limited in scope and operation. The regulations presented here provide a systematic set of requirements to ensure that such operations, if appropriate for a residential or commercial area, shall not adversely impact adjacent uses as a result of the commercial aspects of the structure and property. Bed and breakfast inns shall be subordinate to the principal use of a single family dwelling. The intent is not to provide an opportunity for the establishment of an intensive commercial lodging business which would be considered appropriate within an intensive commercial or planned commercial zoning district.
(Ord. 103-89. Passed 8-1-89.)

1175.02 DEFINITION.

For the purposes of the Zoning Code, a "bed and breakfast inn" means an owner-occupied residential single-family, detached structure wherein lodging and breakfast only are provided to transient guests for compensation in accordance with the development standards of this chapter. The provision of lodging and breakfast shall be subordinate to the principal use of the structure. (Ord. 103-89. Passed 8-1-89.)

1175.03 CONDITIONAL USE PERMIT REQUIRED.

A bed and breakfast inn is classified as a conditional use in those zoning districts where noted in this Zoning Code. The corresponding standards and requirements of Chapter 1169 thereby apply. Such conditional use permit shall be voided upon the sale or transfer of the property ownership. In submitting an application for conditional use permit, the applicant shall provide to the Planning Commission a floor plan illustrating the proposed operation, a site plan indicating all on-site improvements, and any additional information as required by the Commission.
(Ord. 103-89. Passed 8-1-89.)

1175.04 DEVELOPMENT STANDARDS FOR RESIDENTIAL DISTRICTS.

The following development standards apply to bed and breakfast inns that are conditional uses within single family zoning districts.

(a) Guest Rooms. There shall be no more than two guest rooms within a single family dwelling that are utilized by bed and breakfast guests. A guest room shall contain no less than 100 square feet of living space, not including closets, for two guests and thirty square feet for each additional guest up to a total of four guests per room.

(b) Parking. One off-street parking space shall be provided for each guest room and one off-street parking space for the dwelling unit. Such off-street parking spaces may be provided in an existing driveway.

(c) Signage. One on-premises sign shall be permitted for each bed and breakfast inn not to exceed two square feet in area. The sign shall not be internally illuminated. Such signs shall be limited to three colors. The applicable standards of Chapter 1165 shall apply unless otherwise superseded by this section.

(d) Employees. No individuals who are nonresidents of the dwelling may be employed in the operation of a bed and breakfast inn.

(Ord. 103-89. Passed 8-1-89.)

1175.05 GENERAL DEVELOPMENT STANDARDS.

(a) Single Family Detached Dwelling. Bed and breakfast inns shall only be permitted with a conditional use permit in single family detached dwellings.

(b) Owner/Operator. The owner/operator of the bed and breakfast shall live full-time on the inn's premises. Such owner/operator shall be the record owner of no less than fifty percent (50%) interest of the property in question.

(c) Design Review. All new construction and exterior alterations associated with the bed and breakfast inn, including nonstructural improvements, shall be reviewed by and require the approval of the Planning Commission. All such improvements shall be completed prior to issuance of an occupancy permit.

(d) Certificate of Fire and Health Officers. Certificates from Fire and Health Officers shall be required for each conditional use permit requesting approval for a bed and breakfast inn. Each guest room shall contain a separate installed smoke detector alarm approved by the Fire Officer. No premises shall be utilized for a bed and breakfast inn unless there are at least two separate exits to the outdoors.

(e) Meals. Only one meal shall be served to each guest of the bed and breakfast inn and that meal shall be breakfast. The sale and consumption of alcoholic beverages to paying guests is prohibited in a bed and breakfast inn.

(f) Consecutive Nights. Each paying guest may stay at a bed and breakfast inn for not more than seven consecutive nights at any single visit nor more than a total of fourteen nights in any given calendar year.

(g) Kitchen Facilities. Only one kitchen facility shall be permitted per structure for which a conditional use permit is granted to operate a bed and breakfast inn. No cooking facilities shall be permitted in individual guest quarters.

(h) Bathrooms. A minimum of one full bathroom, including shower, toilet and sink, shall be required for every two guest rooms to be available for the exclusive use of bed and breakfast paying guests. Bed and breakfast inns shall be serviced by public sanitary sewer and water service.

(i) Guest Register. A guest register listing the name, address and phone number of all paying guests shall be maintained by the owner/manager and shall be made available for inspection by City officials.

(j) Special Gatherings. Rental of the bed and breakfast inn for special gatherings such as wedding receptions and parties shall be prohibited in all residential zoning districts or properties adjacent to a residential zoning district.

(k) Business License. A business license shall be required to be obtained from the City prior to issuance of an occupancy permit.

(1) Public Nuisance. Bed and breakfast inns shall not be permitted and a conditional use permit shall be revoked or suspended by Council whenever the operation endangers, offends or interferes with the safety or rights of others so as to constitute a nuisance.

(Ord. 139-97. Passed 7-1-97.)

CHAPTER 1177
Home Occupations

1177.01 Purpose.
1177.02 Definition.
1177.03 Standards.
1177.04 Permit requirement.
1177.05 Applications forwarded to Planning Commission.
1177.06 Home occupation approval.
1177.07 Home occupation termination.
1177.08 Revocation of home occupation permit.
1177.09 Appeals.
1177.99 Penalty.

CROSS REFERENCES
Defined - see P. & Z. 1123.29

1177.01 PURPOSE.

The purpose of this chapter is to promote, preserve, maintain and/or advance the public health, safety and welfare by regulating home occupations which are conducted out of single family homes in residential zoning districts. Home occupations that occur in residential districts shall be evaluated to determine the local impact and to determine whether or not the residential character of that neighborhood is compromised or infringed upon due to the aforementioned activities. In all circumstances, it shall be the purpose of this chapter to maintain the appearance and quality of all residential zoning districts and confine occupational uses to areas properly zoned for commercial and related nonresidential uses of property.
(Ord. 102-97. Passed 5-20-97.)

1177.02 DEFINITION.

Home occupations are accessory uses of single family dwelling units for legitimate business, professions, trades or vocations conducted within enclosed single family dwelling units, which are clearly incidental and secondary to residential occupancy and do not change the residential character thereof. Home occupations may also be an accessory use in an AR Multi-Family District or in certain Planned Districts.
(Ord. 102-97. Passed 5-20-97.)

1177.03 STANDARDS.

(a) Home occupations meeting the regulations of this chapter shall only be permitted in the Single Family Residential Zoning Districts ER-1, ER-2, SF-1, SF-2, SF-3, R-4, Planned Residential Districts PRD and PRCD, multi family districts, AR, and Olde Gahanna Downtown Single Family and Olde Gahanna Downtown Multi Family Districts.

(b) No home occupation shall hereafter be established, altered or enlarged in any residential zoning district unless such home occupation is permitted by this Zoning Code and complies with the following restrictions and or standards:

(1) All home occupation activities shall be subordinate to the residential uses of the property in which such activities are located.

(2) All home occupation activities that are conducted in residential districts shall be conducted from within the principal dwelling unit.

(3) All home occupation activities shall be conducted by only family members residing on the premises of the concerned property.

(4) Traffic generated by all home occupation activities shall not exceed the volume of traffic that is normal for a residential neighborhood.

(5) No additions, structures or expansions for the purpose of conducting home occupation activities shall be allowed. No exterior changes to the structure shall be permitted, which include, but are not limited to, the use of signs, lights and banners.

(6) The area used for said home occupation activities shall not exceed five hundred (500) square feet or twenty-five percent (25%) of the gross floor area, whichever is less.

(7) Any and all vehicles that are related to home occupation activities and may be considered "business" or "commercial" vehicles or bearing an advertisement logo within a residential district must meet the parking requirements in Section 1163.09.

(8) Any home occupation activities shall not produce detrimental impacts, which include but are not limited to, fumes, noise, vibration, glare, odors, or electrical interference that infringes upon the public health, safety and welfare. Such detrimental impacts shall not interfere in any manner with adjacent, neighboring or other properties located in proximity to the home occupation activity.

(9) There shall be no outdoor storage of equipment or materials used in the home occupation activity.

(l0) It shall be the home owner's responsibility to ensure compliance with all applicable state and federal laws.

(Ord. 990150. Passed 4-5-99.)

1177.04 PERMIT REQUIREMENT.

(a) All persons conducting home occupations which are planned, presently existing, or which are established, changed or enlarged after this chapter is in effect, shall be required to obtain a home occupation permit from the Planning and Zoning Administrator. The Planning and Zoning Administrator shall issue a home occupation permit only if the provisions of this chapter are fully met. If the Planning and Zoning Administrator determines that such proposed home occupation may need further review, he/she shall forward such application to the Planning Commission for review and recommendation.

(b) An application for home occupation shall be filed with the Planning and Zoning Administrator, and must be accompanied with a fee as established in the Development Fee Schedule set forth in Section 148.12 in Part One of these Codified Ordinances.

(c) Such application shall include the type and the proposed length of the occupation and the following:

(1) A legal description of the property.
(2) The proposed use of the property and nature of business desired.
(3) A statement of the necessity or desirability of the proposed use to the neighborhood or community.
(4) A statement of the relationship of the proposed use to adjacent property and land use.
(5) Such other information regarding the property, proposed use, or surrounding areas as may be pertinent to the application or required for appropriate action by the Planning and Zoning Administrator and/or Planning Commission.
(6) A plot plan that illustrates the boundaries, dimensions, structures and location of off-street parking.

(Ord. 0129-2007. Passed 6-18-07.)

1177.05 APPLICATIONS FORWARDED TO PLANNING COMMISSION.

(a) The Planning Commission shall act upon a home occupation application within twenty-one days of the public hearing. Said public hearing shall be advertised in a newspaper of general circulation during the calendar week prior to the public hearing. The Planning Commission may approve a home occupation permit only if the following criteria are met:

(1) The proposed occupation meets the provisions of the Zoning Ordinance.
(2) The proposed home occupation is in accord with appropriate plans for the area.
(3) The proposed home occupation will not have undesirable effects on the surrounding area.
(4) The proposed occupation will be in keeping with the existing land use characteristics and physical development potential of the area.

(b) The Planning Commission may place conditions on such application that promote and/or preserve the public health, safety and welfare of the Municipality. Such conditions shall be binding on the applicant.

(c) The Planning Commission shall deny the home occupation application if it is determined that the criteria in Section 1177.05(a) are not met.

(Ord. 102-97. Passed 5-20-97.)

1177.06 HOME OCCUPATION APPROVAL.

(a) The Planning and Zoning Administrator shall issue a Home Occupation Permit after such home occupation application is approved by the Zoning Administrator or the Planning Commission.

(b) The Council Office shall maintain a record file of all applications for home occupations including all action taken on each application. The Clerk shall advise the Commission of any application approved by the Planning and Zoning Administrator under the provisions of Section 1177.04 at the first regular meeting of the Commission following such approval action.

(Ord. 0129-2007. Passed 6-18-07.)

1177.07 HOME OCCUPATION TERMINATION.

A home occupation shall terminate upon the dwelling or land no longer being used for such home occupations or upon the sale or change of ownership of such dwelling or land, or upon violation of any provisions of this chapter.
(Ord. 102-97. Passed 5-20-97.)

1177.08 REVOCATION OF HOME OCCUPATION PERMIT .

If any provisions of this chapter and/or conditions placed upon such home occupation permit are violated, the Planning and Zoning Administrator shall revoke such home occupation permit. The homeowner shall be notified in writing by the Planning and Zoning Administrator.
(Ord. 0129-2007. Passed 6-18-07.)

1177.09 APPEALS.

The Board of Zoning and Building Appeals is hereby designated to hear appeals for decisions of the Zoning Administrator as may be appropriate. The Board of Zoning and Building Appeals shall hear appeals from decisions of the Planning Commission.
(Ord. 102-97. Passed 5-20-97.)

1177.99 PENALTY.

Any person, firm, corporation or other entity violating any provision, amendment or supplement of this chapter, or failing to obey any lawful order of the Planning and Zoning Administrator issued in pursuance thereof, shall be deemed guilty of a minor misdemeanor. Each and every day during which such violation of any provision, amendment or supplement of this chapter occurs or each and every day during which there is failure to obey any lawful order of the Planning and Zoning Administrator may be deemed a separate offense.
(Ord. 0129-2007. Passed 6-18-07.)

CHAPTER 1179
Satellite Earth Stations

1179.01 Purpose.
1179.02 Definition.
1179.03 Residential districts.
1179.04 Nonresidential districts.
1179.05 Screening.
1179.06 Certificate required.
1179.07 Building permit required.
1179.99 Penalty.

CROSS REFERENCES
Building permit fee - see BLDG. 1312.088
Building Code regulations - see BLDG. Ch. 1333

1179.01 PURPOSE.

The purpose of this chapter is to regulate satellite earth stations (SES) in a manner that promotes, preserves, maintains, and/or advances the public health, safety, welfare and aesthetics of the City. The placement requirements of satellite earth stations are imposed to protect the visual character of the City's residential, commercial and industrial areas, and to maintain the City's overall quality of life. Whereas, other antennas are regulated in Chapter 1167, and whereas, satellite earth stations are considered to cause visual blight because of their obverse shape, it is the further intent of this chapter to reduce the visual appearance of satellite earth stations from adjacent properties.
(Ord. 51-94. Passed 6-7-94.)

1179.02 DEFINITION.

As used in this chapter, "satellite earth station" means an antenna of any size, shape or description designed for the purpose of receiving microwave transmissions directly or indirectly from satellites.
(Ord. 51-94. Passed 6-7-94.)

1179.03 RESIDENTIAL DISTRICTS.

Within residential districts the following provisions shall apply to satellite earth stations:
(a) Such earth stations shall be for the personal use of residents and their guests only.
(b) Such earth stations shall contain no graphic message or advertising.

(c) Ground-mounted satellite earth stations shall be considered structures and shall comply with the following conditions and requirements:
(1) Such satellite earth stations shall be located to the rear of the principal building or structure and shall not exceed an above-grade height of sixteen feet.
(2) Such satellite earth stations shall not be located closer than ten feet to a rear lot line, ten feet from a side lot line, one foot from any easement, or in front of the established building line.

(d) Roof-mounted satellite earth stations shall be considered accessory structures and shall comply with the following conditions and requirements:
(1) Such satellite earth stations shall be mounted directly on the roof of a primary or accessory structure and shall not be mounted on appurtenances such as chimneys, towers or spires, provided, however, that they may be mounted on a chimney as long as the diameter of said satellite earth station is equal to or less than the chimney face.
(2) Such satellite earth stations mounted on the roof of a primary or accessory structure shall not exceed a height of greater than five feet above the roof on which it is mounted. The height shall be measured vertically from the highest point of the roof to the highest point of the satellite earth station.
(3) The diameter of any satellite earth station mounted upon the roof of a primary or accessory structure shall not exceed three feet.
(4) Such satellite earth stations shall be placed on the rear side of the roof.
(Ord. 51-94. Passed 6-7-94.)

1179.04 NONRESIDENTIAL DISTRICTS.

Within nonresidential districts, the following provisions shall apply to satellite earth stations:

(a) Such earth stations shall contain no graphic message or advertising.

(b) Ground-mounted satellite earth stations shall be considered accessory structures and shall comply with the following conditions and requirements:
(1) Such satellite earth stations not mounted on the roof of a primary or accessory structure shall be located to the rear of the principal building or structure on the property where the station is located and shall not exceed an above ground height of sixteen feet.
(2) Such satellite earth stations shall not be located within thirty feet of a public right of way, fifteen feet of a rear or side lot line and not closer than thirty feet from a lot line in an adjacent residential district.

(c) Roof-mounted satellite earth stations shall be considered accessory structures and shall comply with the following conditions and requirements:
(1) Such satellite earth stations shall be mounted directly on the roof of a primary or accessory structure and shall not be mounted on appurtenances such as chimneys, towers or spires, provided, however, that they may be mounted on a chimney as long as the diameter of said satellite earth station is equal to or less than the chimney face.

(2) Such satellite earth stations mounted on the roof of a primary or accessory structure shall not exceed a height of greater than eight feet above the roof on which it is mounted. The height shall be measured vertically from the highest point of the roof to the highest point of the satellite earth station.
(Ord. 51-94. Passed 6-7-94.)

1179.05 SCREENING.

All such satellite earth stations shall be screened from view in nonresidential districts as determined by the Planning Commission.
(Ord. 140-97. Passed 7-1-97.)

1179.06 CERTIFICATE REQUIRED.

A person who desires to erect a satellite earth station shall receive a zoning certificate prior to installation.
(Ord. 51-94. Passed 6-7-94.)

1179.07 BUILDING PERMIT REQUIRED.

A person who desires to erect a satellite earth station shall also receive a building permit prior to installation in accordance with Chapter 1333 of the Codified Ordinances.
(Ord. 51-94. Passed 6-7-94.)

1179.99 PENALTY.

Any person, firm or corporation violating any provision, amendment, or supplement of this chapter, or failing to obey any lawful order of the Zoning Administrator issued in pursuance thereof, shall be deemed guilty of a misdemeanor in the third degree. Each and every day during which such violation of any provision, amendment or supplement of this chapter occurs or each and every day during which there is a failure to obey any lawful order of the Zoning Administrator, may be deemed a separate offense.
(Ord. 51-94. Passed 6-7-94.)

CHAPTER 1181
Personal Wireless Service Facilities

1181.01 Purpose and intent.
1181.02 Citation.
1181.03 Permits required.
1181.04 Definitions.
1181.05 Other facilities and previous construction.
1181.06 Standards.
1181.07 Fall zone and setback requirements.
1181.08 Submittal requirements.
1181.09 Alternatives analysis and comparison.
1181.10 Tiered applications.
1181.11 Application procedures.
1181.12 Staff reports.
1181.13 Modifications.
1181.14 Co-locations/public sites.
1181.15 Registry, monitoring, inspection, abandonment and obsolescence.
1181.16 Environmental compliance.
1181.17 Antenna Structure Registration (ASR).
1181.18 Lighting and security for tiers two and three.
1181.19 Signs/identification plaques.
1181.20 Screening and landscaping for tiers two and three.
1181.21 Access and parking for tiers two and three.
1181.22 Procedure for public hearings.
1181.23 Effect of approval.
1181.24 Miscellaneous.
1181.25 Civil action.
1181.26 Cumulative.
1181.27 Severability.
1181.99 Penalties.

1181.01 PURPOSE AND INTENT.

The purpose and intent of this Chapter of the Codified Ordinances is to establish standards for the location, siting and design of PWSFs, and the goals of this Chapter of the Codified Ordinances are to:

(a) Allow for alternative types of PWSFs in any location subject to standards.

(b) Expedite the review process for those applications choosing the least intrusive alternative of deploying PWSFs.

(c) Encourage users of monopoles and antennas to locate, site and design them in a way that minimizes the adverse visual impact of the monopoles and antennas.
(d) Enhance the ability of the providers of personal wireless services to provide such services to the community without delay, effectively, and efficiently.
(e) Promote PWSFs' compatibility with surrounding land uses, as well as protect the health, safety and general welfare of the community.
(Ord. 0164-2008. Passed 8-18-08.)

1181.02 CITATION.
This Chapter of the Codified Ordinances may be cited as the City of Gahanna Personal Wireless Service Facilities Ordinance.
(Ord. 0164-2008. Passed 8-18-08.)

1181.03 PERMITS REQUIRED.
Each personal wireless service facility (PWSF) must be issued all necessary permits and authorizations as may be required by the Codified Ordinances, which shall include, but may not be limited to having at least: one zoning permit and one building permit, each of which shall be issued by the City of Gahanna in accordance with this Chapter of the Codified Ordinances.
(Ord. 0164-2008. Passed 8-18-08.)

1181.04 DEFINITIONS.
(a) **AGL (above ground level).** The actual height of the PWSF from the ground to the highest part of the mount or the antenna, whichever is higher. Beacons, lightning rods and other appurtenances are included in this calculation of mount plus antenna.

(b) **Antenna.** A whip (omni-directional antenna), panel (direction antenna), disc (parabolic antenna) or similar device used for transmission and/or reception of radio frequency signals. An antenna alone is not a PWSF.

(c) **Antenna Array**. An antenna array is a set of one or more whips, panels, discs, or similar devices used for the transmission and/or reception of radio frequency signals, which may include omni-directional antennas, directional antennas, and parabolic antennas. The antenna array does not include the mount as defined herein.

(d) **Applicant.** A person or entity with an application before the City for a PWSF permit. The applicant must be a carrier, a landowner where the facility will be located or the proposed owner of the facility.

(e) **Application.** The actions taken as required and proscribed by this Chapter and the Codified Ordinances whereby a person or entity requests to be granted a PWSF permit and seeks approval for the location of a PWSF within the City.

(f) **Application Form.** Form referenced in Section 1181.08(g) and required to be completed by an Applicant pursuant to this Chapter and the Codified Ordinances.

(g) **Assignee (or Transferee).** An entity that may not own a PWSF but that has been assigned or transferred a lease or other indicia of ownership, control or interest in a PWSF on a third party's property. For purposes of this Chapter and where lawful, an assignee or transferee shall be accountable to the same extent as the original owner of the PWSF.

(h) **Board of Zoning and Building Appeals (BZBA).** The Board of Zoning and Building Appeals of the City, as created and empowered by Article XII of the Charter of the City of Gahanna, Ohio.

(i) **Camouflage.** A way of painting and mounting a PWSF that requires minimal changes to the host structure in order to accommodate the facility and to allow the facility to blend in with the host structure's appearance.

(j) **Carrier.** A Person who transmits electromagnetic signals to provide personal wireless services under license issued by the Federal Communications Commission (FCC) or a Person who transmits personal wireless services using unlicensed frequencies, (e.g., WiFi) within the City.

(k) **Cellular.** A mobile telephone service defined and regulated by the FCC and generally operating in the 800 MHz spectrum range.

(l) **Charter.** The Charter of the City of Gahanna, Ohio.

(m) **City**. City of Gahanna, Ohio.

(n) **City Council.** The duly elected City Council of the City of Gahanna, Ohio.

(o) **City Engineer**. The duly appointed City Engineer of the City of Gahanna, Ohio.

(p) **Clerk.** The duly appointed Clerk of Council of the City of Gahanna, Ohio.

(q) **Co-Applicant.** A person or entity that joins with an applicant in an application before the City for a PWSF permit.

(r) **Codified Ordinances.** Gahanna Codified Ordinances or the Codified Ordinances of the City of Gahanna.

(s) **Co-Location.** The use of a common structure or common site by two or more PWSFs or by one carrier for more than one range of frequencies. Any non-personal wireless service carrier on the same mount as a PWSF would be a co-location.

(t) **Commercial Mobile Radio Services (CMRS).** Per Section 704 of the Telecommunications Act of 1996, which amended Section 332(c)(7)(A) of the Communications Act of 1934, any of several technologies using radio signals at various frequencies to send and receive voice, data and video. These services include Cellular PCS, paging, Enhanced Specialized Mobile Radio and Specialized Mobile Radio, as well as unlicensed wireless services (e.g., WiFi).

(u) **Common Carrier Wireless Exchange Services**. Those services that initiate, relay or terminate a Local Exchange Carrier's or Competitive Local Exchange Carrier's telephonic message via a wireless connection.

(v) Concealment. The enclosing of a PWSF within a natural or man-made feature resulting in the facility being either invisible or made part of the feature enclosing it.

(w) **Department of Planning and Development.** The Department of Planning and Development of the City of Gahanna, Ohio.

(x) **Design.** The appearance of PWSFs such as its material, colors and shape.

(y) **Development Fee Schedule.** Fee Schedule annually established by Council pursuant to ordinance in accordance with Section 148.12 of the Code.

(z) **Disguise.** To design a PWSF to appear to be something other than a PWSF.

(aa) **Distributed Antenna System (DAS).** A network of spatially separated antenna nodes (PWSFs) connected to a common source via a transport medium that provides wireless service within a geographic area or structure which also may or may not contain fiber optic transport and/or landline components. The parts of a DAS that transmit or receive a personal wireless service carrier's signal may for application and review purposes be treated as a single complex PWSF under this Chapter.

(bb) **Elevation.** The measurement of height above sea level. Also AMSL, or above mean sea level.

(cc) **Enhanced Specialized Mobile Radio (ESMR)**. Private land mobile radio with telephone services.

(dd) **Equipment Cabinet/Equipment Shelter.** An enclosed structure at the base of the mount within which are housed the equipment for the PWSF such as batteries and electrical equipment.

(ee) **Fall Zone.** The area on the ground within a prescribed radius from the base of a PWSF. The fall zone is the area within which there might be a potential hazard from falling debris or collapsing material.

(ff) **Federal Communications Commission (FCC).** The Federal Communications Commission of the United States or any successor thereto.

(gg) **Findings of Fact**. Written findings compiled by the Planning Commission following a public hearing held in accordance with Section 1181.11 of the Code.

(hh) **Functionally Equivalent Services**. Cellular, PCS, Enhanced Specialized Mobile Radio and Specialized Mobile Radio..

(ii) **Height**. The distance measured from ground level to the highest point of a PWSF, including the antenna array, lighting equipment or lightning rods. For purposes of measuring height, all antennas or other attachments mounted on a structure shall be included in the measurements to determine overall (i.e. combined) height.

(jj) **Lattice Tower**. A type of mount that is usually ground-mounted and self-supporting with multiple legs and cross-bracing of structural steel.

(kk) **Location.** The property on which a PWSF is located or proposed to be located.

(ll) **Mitigation.** The reduction or elimination of visual impacts by the use of one or more methods:

(1) Camouflage.
(2) Concealment.
(3) Disguise.

(mm) **Modification.** The act of altering, amending or modifying the placement of, look of, location of, or control over, a PWSF from its approved description and/or design in a previously granted permit. Anything that materially changes the externally visible physical configuration of a PWSF or adds a co-locator is considered a modification for purposes of this Chapter.

(nn) **Monopole.** The shape of mount that is self-supporting with a single shaft of wood, steel or concrete and antennas at the top and/or along the shaft.

(oo) **Mount.** The structure or surface upon which antennas are mounted, e.g.:

(1) Roof-mounted. Mounted on the roof of a building.
(2) Side-mounted. Mounted on the side of a building.
(3) Ground-mounted. Mounted on the ground.
(4) Structure-mounted. Mounted in or on a structure other than a building, which may include, but shall not be limited to a tower, light stanchion, carillon, steeple, belfry, or water tower.

(pp) **Notice of Abandonment.** Written notice provided to the City by a PWSF owner in accordance with Section 1181.15(c).

(qq) **Notice of Application Completion.** Written notice provided to the City by a PWSF owner in accordance with Section 1181.11(c)(2).

(rr) **Notice of Incomplete Application**. Written notice provided to an applicant by the City in accordance with Section 1181.11(c)(4).

(ss) **Pre-Application Conference.** The conference held between the Planning and Zoning Administrator or designee and an Applicant pursuant to Section 1181.11(a).

(tt) **PWSF Application Fee.** Fee required to be deposited with the City in accordance with Section 1181.08(g).

(uu) **Permit.** A Building Permit, PWSF Permit or any other permit as may be required by the Codified Ordinances.

(vv) **Person.** Any natural or corporate person, business association or other business entity excluding any federal, state or local government agency, but including and not limited to, a partnership, a sole proprietorship, a political subdivision, a public or private agency of any kind, a utility, a successor or assign of any of the foregoing, or any other legal entity.

(ww) **Personal Wireless Service Facility (PWSF).** Facility for the provision of personal wireless services, as defined by Section 704 of the Telecommunications Act of 1996, which amended Section 332(c)(7)(A) of the Communications Act of 1934. A PWSF shall include, but not be limited to, a facility for the transmission and/or reception of personal wireless services, usually consisting of an antenna array, coaxial cables, equipment shelter and a mount.

(xx) **Personal Wireless Services.** Any personal wireless service defined in the Federal Telecommunications Act which includes Federal Communications Commission (FCC) licensed commercial wireless communications services including cellular, personal communications services (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), paging as well as unlicensed wireless services, and common carrier wireless exchange access services.

(yy) **Planning and Zoning Administrator.** The duly appointed Planning and Zoning Administrator of the City of Gahanna, Ohio.

(zz) **Planning Commission.** The Planning Commission of the City, as created and empowered by Article XI of the Charter of the City of Gahanna, Ohio.

(aaa) **Professional Engineer.** Person registered and certified as a professional engineer in Ohio in accordance with the requirements of Ohio R.C. Chapter 4733.

(bbb) **Radio Frequency Radiation (RFR).** The part of the electromagnetic spectrum characterized by electromagnetic waves with frequencies in the range of 3 kilohertz (kHz) to 300 Megahertz (MHz) and 300 MHz to 300 gigahertz (GHz) respectively. (Microwaves are a specific category of radio waves used for specific point to point communications and are included within the scope of this definition.)

(ccc) **Radio Frequency (RF) Signal.** The actual beam or radio waves sent and received by a PWSF. A signal is the deliberate product of a PWSF and a RF emission is part of that signal.

(ddd) **Request for Information and Completion.** Written request provided to an applicant by the City in accordance with Section 1181.11(c).

(eee) **Request for Previously Approved Co-Location.** Written request provided to the City by person for approval to co-locate in accordance with Section 1181.14(b).

(fff) **Right(s) of Way.** Shall be as defined in Section 931.01(c)(45) of the Codified Ordinances.

(ggg) **Security Barrier.** A secure wall, fence or other barrier with a lockable point of access which is designed to prohibit unauthorized entry or trespass.

(hhh) **Site.** That portion of a subject property where a PWSF is to be placed. Any acceptable location may have several potential sites within it.

(iii) **Siting**. The method and form of placement of PWSFs on a specific area of a subject property. Siting is neither location nor design.

(jjj) **Specialized Mobile Radio (SMR).** A form of dispatch or two-way communication used by companies that rent space or time from an SMR carrier. Used primarily for data, delivery vans, truckers or taxis within a small, definable geographic area.

(kkk) **Staff Report.** Information provided to the Planning Commission by the Planning and Zoning Administrator in accordance with Section 1181.12 of the Code.

(lll) **Standards.** Rules or measures by which acceptability is determined. PWSFs shall be measured by reasonable standards that include, but shall not be limited to visibility, safety, location, and site design.

(mmm) **Transferee.** See Section 1181.04(g) -Assignee.

(nnn) **Tower.** A self-supporting lattice, guyed or monopole structure constructed from grade that is designed and constructed primarily for the purpose of supporting one or more PWSFs or other antennas for telephone, radio and similar communication purposes. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, antenna tower alternative structures, and the like. The term also shall includes the structure and any support thereto. The term "tower" shall not include amateur radio operators' equipment, as licensed by the FCC.

(ooo) **Unlicensed Wireless Services.** Commercial mobile services that can operate on public domain frequencies and therefore need no FCC license for their sites. Examples of such services shall include, but not be limited to, WiFi and garage door openers.

(ppp) **Utility Pole.** For purposes of this Chapter of the Codified Ordinances, vertical elements in the City originally intended to be used for activities unrelated to wireless communications, such as a distribution pole for electricity, a cable pole, a traffic signal stanchion or a light pole. The placement and use of any such poles placed in the public rights of way shall additionally be governed by the requirements of Chapter 931 of the Codified Ordinances.
(Ord. 0164-2008. Passed 8-18-08.)

1181.05 OTHER FACILITIES AND PREVIOUS CONSTRUCTION.

(a) Exclusion for Amateur Radio Facilities. This Chapter of the Codified Ordinances shall not govern the installation of any amateur radio facility that is owned and operated by a federally-licensed amateur radio station operator or is used exclusively for non-commercial, receive-only antennas. No amateur radio facility shall include a PWSF without complying with this Chapter of the Codified Ordinances.

(b) Relationship to PWSFs Not Approved Under this Chapter of the Codified Ordinances.

(1) A PWSF for which a permit has been issued prior to the effective date of this Chapter of the Codified Ordinances shall be deemed a permitted use, subject to the conditions of that permit. The issuance of permit renewals or other new permits for such facilities after this Chapter of the Codified Ordinances is adopted shall be in accordance with the provisions of this Chapter of the Codified Ordinances.

(2) Damaged or destroyed facilities may be rebuilt and all such facilities may be replaced by facilities of the same type and height at the same location unless more than fifty percent (50%) of the value of the PWSF is to be replaced. All replacements and repairs shall conform to this Chapter of the Codified Ordinances. Value of the PWSF shall be determined by the Department of Planning and Development and shall consist of the then current replacement cost of the PWSF excluding electronics, radios or software.

(3) Placement of any attached array, single antenna or any other portions of a PWSF on an existing structure, whether legally non-conforming or conforming, shall require a permit to be obtained for the PWSF under the terms of Chapter 1181 of the Codified Ordinances. Normal maintenance involving replacement of then existing previously permitted and approved equipment or components at the same height and identical location shall not require prior notice or approval by the City.

(Ord. 0164-2008. Passed 8-18-08.)

1181.06 STANDARDS.

The approval of PWSFs shall be subject to meeting or exceeding the following standards.

(a) Siting Standards. PWSFs should meet the following siting standards.

(1) Wherever reasonably possible, PWSFs should be concealed within existing structures or where camouflaged conditions surround them, or on inconspicuous mounts.

(2) Placement within trees should be encouraged.

(3) Placement on existing roofs or non-wireless structures should be favored over ground-mounted PWSFs, except for Tier One facilities which can be ground mounted.

(4) Roof-mounted PWSFs should not project more than five (5) additional feet above the highest point of the building, but in no way above the height limit of the zoning district within which the PWSF is located.

(5) Side-mounted PWSFs should not project more than twenty inches (20”) from the face of the mounting structure.

(b) Design Standards. PWSFs should meet the following design standards.

(1) Color. All PWSFs should be painted, complementary with natural tones (including trees and sky), or camouflaged to match the host structure color.

(2) Size. The silhouette of the PWSF should be reduced to minimize visual impact.

(3) PWSFs within residential districts should:

A. Be appropriately screened and employ equipment shelters as required and approved by the City in accordance with this Chapter.

(4) Antennas, which may include but not be limited to: panels, whips, dishes and any array holding several antennas, should be kept as close to the mount as technologically practicable. Where and if economically reasonable and technologically possible, such antennas should be internal in design and application.

(5) The following height limitations shall apply to a PWSF its mount and any other attachments or equipment including lightning equipment or lightning rods for each zoning district as listed within the City and such heights shall be considered maximum PWSF heights acceptable under this Chapter:

A. A PWSF and its mount in an Olde Gahanna District shall not be of a height greater than seventy five feet (75') total.

B. A PWSF and its mount in a Residential District shall not be of a height greater than one hundred feet (100') total.

C. A PWSF and its mount in a Commercial, Corporate or Institutional District shall not be of a height greater than one hundred and twenty five feet (125') total.

D. A PWSF and its mount in an Industrial or Office, Commerce and Technology District shall not be of a height greater than one hundred and fifty feet (150') total.

(c) Safety Standards. PWSFs shall at a minimum meet the following safety standards.

(1) All generally accepted industry safety and construction standards regarding wind load, ice load and structural design.

(2) All Ohio Building Code (OBC) standards and EIA-TIA 222 (Version G), the American National Standards Institute (ANSI) standard for radio-television towers.

(3) All applicable Occupational Safety and Health Administration (OSHA) standards.

(Ord. 0149-2009. Passed 9-21-09.)

1181.07 FALL ZONE AND SETBACK REQUIREMENTS.

A fall zone is different from a setback. Both can occur on the same property.

(a) Fall Zone. The following are the minimally acceptable fall zones within the City.

(1) In an Olde Gahanna district, no habitable (for living, working or any other purpose) structure may be located within a fall zone of one (1) times the height of a ground-mounted PWSF or its mount.

(2) In a residential district, no adjoining or adjacent property line may be within the fall zone of one (1) times the height of a ground-mounted PWSF or its mount.

(3) In a commercial, corporate, industrial, institutional, or Office, Commerce and Technology District, no habitable (for living, working or any other purpose) structure may be located on an adjacent or adjoining parcel within a fall zone of one (1) times the height of a ground-mounted PWSF or its mount.

(b) Setback.

(1) All PWSFs, including mounts and equipment shelters or cabinets, shall comply with the most stringent setback requirement for the subject lot in the applicable zoning district as set forth in the Codified Ordinances. If the fall zone requires a PWSF to be located farther back than the setback, then the fall zone shall govern and control placement.

(2) The antenna array for an attached PWSF is exempt from the setback requirements of this Chapter of the Codified Ordinances and from the setback for the zoning district in which they are located, provided that no such antenna array shall extend more than five feet (5') horizontally from the attachment structure at the point of attachment, nor shall such array extend over the lot line.

(3) On parcels with a main building housing a primary use, all components of the PWSF shall be located behind the main building line in the front yard. For example, a setback may be twenty feet (20'), while the existing building is thirty feet (30') back from the front property line. Therefore, a PWSF cannot be closer to the front property line than thirty feet (30').

(4) No portion of any PWSF shall project into a required setback except for the antenna array described in Section 1181.07(b)(2) above.

(Ord. 0149-2009. Passed 9-21-09.)

1181.08 SUBMITTAL REQUIREMENTS.

An applicant shall submit the following information to the City as part of an application for a PWSF.

(a) Application Information.

(1) Name, address and telephone number of applicant and all co-applicants as well as any agents for the applicant or co-applicants. Assignees must be identified to the same extent, whether co-applicants or not.

(2) Each application for the co-location must show a mount with a designed position for the other carriers that are applying for co-location.

(3) Original signatures for the applicant and all co-applicants applying for the PWSF must be submitted. If an agent will represent the applicant or co-applicant, an original signature must be provided or alternatively a certified copy of an appropriate legal verification that is satisfactory to the City and granting such authority to the agent to represent the applicant and/or co-applicant in the process must be submitted.

(b) Location Information.

(1) Identify the subject property by including the name of the nearest street or streets, and street address, if any. If there is no street address assigned, then the applicant before applying should contact the City Engineer to get a number assigned.

(2) Franklin County Parcel Identification (PID) number of subject property or, in the case of an existing or new utility pole in the right-of-way, the nearest property.

(3) An aerial image/ map to scale showing the subject property and all properties within three hundred feet (300') and the location of all buildings, including accessory structures, on all properties shown.

(4) A City-wide map showing the other existing PWSFs owned or operated by this carrier in the City and outside the City within one (1) mile of its corporate limits.

(5) The latitude and longitude coordinates of the other existing PWSFs owned or operated by this carrier in the City and outside the City within one (1) mile of its corporate limits.

(6) An applicant shall provide the City with the names and mailing addresses of all owners of record of properties that are contiguous to the subject property.

(c) Siting Information.

(1) A one inch (1") equals-forty feet (40') vicinity plan showing the following (not required for a existing or new utility pole in the right-of-way):

A. Property lines for the subject property.

B. Property lines of all properties adjacent and/or contiguous to the subject property.

C. Tree cover on the subject property and all properties adjacent to the subject property, listing average height.

D. Outline of all existing buildings, including purpose (e.g., residential buildings, garages, accessory structures, etc.) on subject property and all properties adjacent to the subject property.

E. Proposed location of antenna, mount and equipment shelter(s) and/or cabinet(s).

F. Cabinets and other equipment marked "future" or "growth" cannot be approved as part of any application, but may be shown to demonstrate that there is sufficient expansion space.

G. Location of all streets, public and private, on the subject property and on all properties adjacent to the subject property including driveways proposed to serve the PWSF.

H. Distances, at grade, from the proposed PWSF to each building on the vicinity plan.

I. Contours at each foot AMSL (Above Mean Sea Level).

J. Lines representing the sight line showing viewpoint (point from which view is taken) and visible point (point being viewed) from "Sight Lines" in Section 1181.08(c)(2) below.

(2) Sight lines and photographs as may be requested by the City based upon proposed site specifics, such submittals may include the following:

A. Sight line representation. A sight line representation shall be drawn from the closest facade of each residential building (viewpoint) included on the vicinity plan to the highest point (visible point) of the PWSF. Each sight line shall be depicted in profile, drawn at one inch (1") inch equals twenty feet (20'). The profiles shall show all intervening trees and buildings. In the event there is only one (or no) residential building on the vicinity plan, there shall be at least two (2) sight lines from the closest habitable (for living or any other purpose) structures, if any.

B. Existing (before condition) photographs. Each sight line shall be illustrated by one four inch (4") by six inch (6") color photograph of what can currently be seen from the residential building.

(3) A one inch (1") equals twenty feet (20') site plan showing the following (not required for an existing or new utility pole in the right-of-way):

A. The entire subject property, including property lines and streets (public and private) adjacent to the subject property.

B. All existing buildings, including accessory structures.

C. All existing trees.

D. Proposed security barrier for a ground mount, indicating type and extent as well as point of controlled entry.

E. All proposed changes to the existing property, including grading, vegetation removal and temporary or permanent streets and driveways.

F. Representations, dimensioned and to scale, of the proposed mount, antennas, equipment shelters, cable runs, parking areas and any other construction or development attendant to the PWSF.

(4) Siting elevations, or views at-grade from the north, south, east and west for a fifty foot (50') radius around the proposed PWSF plus from all existing public and private streets that serve the subject property. Elevations shall be at either one-quarter inch (¼") equals one foot (1') or one-eighth inch (1/8") equals one foot (1') scale and show the following:

A. Antennas, mounts and equipment shelter(s), with total elevation dimensions and AGL of the highest point.

B. Security barrier.

C. Any and all structures on the subject property.

D. Existing trees and shrubs at current height and proposed trees and shrubs at proposed height at time of installation, with approximate elevations dimensioned.

E. Grade changes, or cuts and fills, to be shown as original grade and new grade line, with two foot (2') contours AMSL.

(d) Design Information.

(1) Manufacturer's specifications and cut-sheet for the proposed PWSF. These shall be provided for the antennas, mounts, equipment shelters, cables as well as cable runs, and security barrier.

(2) Detailed materials list of the proposed PWSF (e.g., anodized aluminum, stained wood, painted fiberglass, etc.). These shall be provided for the antennas, mounts, equipment shelters, cables as well as cable runs, and security barrier.

(3) Colors of the proposed PWSF represented by a color board showing actual colors proposed. Colors shall be provided for the antennas, mounts, equipment shelters, cables as well as cable runs, and security barrier, if any.

(4) Dimensions of the PWSF specified for all three directions: height, width and breadth. These shall be provided for the antennas, mounts, equipment shelters and security barrier, if any.

(5) Appearance shown by at least two (2) digital photo-simulations (each) of the PWSF within the subject property and from the nearest public right of way. The photo-simulations shall show the antennas, mounts, equipment shelters, cables as well as cable runs, and security barrier, if any, for the total height, width and breadth.

(6) Landscape plan including existing trees and shrubs and those proposed to be added, identified by size of specimen at installation and species (not required for an existing or new utility pole in the right-of-way). Any such landscape plan shall specifically include a description of the proposed removal and/or relocation of any existing trees, shrubs or vegetation.

(e) Narrative Information.

(1) Carrier shall provide:

A. FCC license number (Radio Authorization Form).

B. Frequencies licensed to the carrier, or applicant as the case may be, to be operated to and from the proposed PWSF.

C. Information as may be required by Section 1181.17(a).

(2) Carrier shall identify:

A. Site latitude.

B. Site longitude.

C. AGL to the top of highest projection (e.g., lightning rod).

(3) Applicants shall provide:

A. One (1) alternative to the proposed PWSF.

B. The alternative should comply with criteria in Section 1181.09 of this Chapter of the Codified Ordinances for differences between the proposed PWSF and the alternative.

C. A list of additional locations, if any, that applicant considered for location of the proposed PWSF during its initial site selection process.

(4) Fire safety information.

A. Generator statement including the following:

1. That no generator will be used permanently.

2. That a generator may only be used temporarily and only under emergency circumstances or following the occurrence of force majeure events with and a description of the type, placement and rating of generator that could be used temporarily.

B. A copy of the Material Safety Data Sheets (MSDS) to be placed on-site to be submitted with the application.

C. Confirmation that plans have been sent to the appropriate local fire department.

(f) Geographic Information.

(1) Area to be served by the proposed PWSF.

A. Within the City of Gahanna.

B. Adjacent to the City of Gahanna.

(2) Relationship to other PWSFs.

A. Existing and/or proposed by the carrier.

(g) Fees. The City shall have the right to properly plan for and evaluate applications for PWSFs and to charge reasonable fees for such services to the applicant. Such fees may include, but shall not be limited, to the following:

(1) Application and PWSF Application Fee. The Planning and Zoning Administrator or designee shall evaluate each application on a case-by-case basis. To apply for City approval to locate a PWSF within the City or modify a currently permitted and approved PWSF within the City, an application must be filed with the City on the form adopted by the Department of Planning and Development which is hereby incorporated by reference and shall be referred to as the Application Form. All applications shall be accompanied by a PWSF Application Fee, which shall be used to pay for the actual costs incurred by the City that are associated with receiving, reviewing, processing and granting (or denying) an application

for location of a PWSF or a modification of a PWSF within the City. The PWSF Application Fee shall be set and/or adjusted annually by Council in accordance with Section 148.12 of the Code. The PWSF Application Fee shall be listed in the City's Development Fee Schedule. A PWSF Fee paid to the City at the time of PWSF Application shall be accepted by the City in the form of a deposit. At the time of its decision to either grant or deny an application or issue a Notice of Incomplete Application, the City shall calculate and assess the total actual costs involved with receiving, reviewing, processing and granting (or denying) the application and debit the Applicant's PWSF Application Fee for the appropriate amount. Any then remaining balance shall be returned to Applicant within sixty (60) days. Should the application review and administration process incur actual costs in excess of PWSF Application Fee originally paid by the Applicant, the City shall require the Applicant to remit such additional amounts as necessary to properly compensate the City for those added costs within sixty (60) days following the issuance or denial of an application. Any Applicant who fails to timely remit such additionally required amounts shall be subject to the penalties of this Chapter the imposition of any other legal or equitable remedies available to the City and the immediate revocation of any permit or approval for a PWSF having been issued.
(Ord. 0164-2008. Passed 8-18-08.)

1181.09 ALTERNATIVES ANALYSIS AND COMPARISON.

Each application for a PWSF shall also contain at least one (1) alternative that differs from the PWSF proposed in the application.

(a) Differences. The alternative needs not be totally different from the proposed PWSF; however, the alternative should contain measurable differences, such as:
  (1) Height. The alternative can be identical to the proposed PWSF except to be for a shorter height.
  (2) Number. The alternative could be for two or more PWSFs that are shorter than the proposed PWSF.
  (3) Location. The alternative could be located on a different property than the proposed PWSF.
  (4) Siting. The alternative could be in a different place on the same property as the proposed PWSF.
  (5) Design. The alternative could be of the same height, location and siting as the proposed PWSF, but be designed to appear differently.
  (6) Technology. The example of an alternative could be the use of a Distributed Antenna System instead of the proposed PWSF.

(b) Submittal Requirements for Alternatives. The materials submitted for each alternative should show only the differences between each of the alternatives and the proposed PWSF.

(c) Comparison of Proposed PWSF and Alternatives. The City of Gahanna Planning Commission shall compare the proposed PWSF to the alternative on the basis of the following:
  (1) Change in scale, as exhibited in relative height, mass or proportion of the PWSF within its proposed surroundings.
  (2) New visible elements proposed on a contrasting background.

(3) Different colors and textures proposed against a contrasting background.
(4) Use of materials that are foreign to the existing built environment.
(5) Conservation of opportunities to maintain community scale, not compromising buffering areas and low-lying buildings so as to start a trend away from the existing community scale.
(6) Amount and diversity of landscaping and/or natural vegetation.
(7) Preservation of view corridors, vistas, and viewsheds.
(8) Continuation of existing colors, textures and materials.

(d) Ranking of Proposed PWSF and Alternatives. The Planning and Zoning Administrator or designee shall rank the proposed PWSF and any alternative based on the criteria listed in Section 1181.09(c) above.
(1) The ranking of the proposed PWSF and each alternative shall be submitted to the Planning Commission along with each application for review by the Planning Commission.
(2) The Planning Commission shall consider the alternatives along with the proposed PWSF.
(Ord. 0164-2008. Passed 8-18-08.)

1181.10 TIERED APPLICATIONS.

(a) Department of Planning and Development. The Planning and Zoning Administrator or designee shall receive all PWSF applications and assign each application to one of the following three "tiers":
(1) Tier One. This tier is limited to applications that:
A. Place PWSFs within City of Gahanna right-of-way and comport with the requirements of Chapter 931.
B. Meet all required Location Standards, Siting Standards, Design Standards and Safety Standards that apply in this Chapter of the Codified Ordinances. In the event any of the standards in this Chapter of the Codified Ordinances are in conflict for a particular application, one or the other conflicting standard shall be met, as determined by the Planning Commission.
(2) Tier Two. This tier is limited to applications that:
A. Attach a PWSF to an existing structure other than an existing or new utility pole or built as a ground mount on land owned by the City of Gahanna.
B. Meet all required Location Standards, Siting Standards, Design Standards and Safety Standards that apply in this Chapter of the Codified Ordinances. In the event any of the standards in this Chapter of the Codified Ordinances are in conflict for a particular application, one or the other conflicting standard shall be met, as determined by the Planning Commission.
(3) Tier Three. All applications that do not qualify as either Tier One or Tier Two status shall be considered Tier Three applications.
(Ord. 0164-2008. Passed 8-18-08.)

1181.11 APPLICATION PROCEDURES.

Applicants and Planning and Zoning Administrator or designee shall use the following procedures when reviewing PWSF applications, although the Planning and Zoning Administrator or designee may waive some steps if they are redundant.

(a) Pre-Application Conference. Applicants shall meet with the Planning and Zoning Administrator or designee prior to submitting an application for a PWSF. At the pre-application conference:

(1) The applicant shall inform the Planning and Zoning Administrator or designee of the location of the proposed facility, as well as its scale and design.

(2) The Planning and Zoning Administrator or designee shall inform the applicant about the application procedures described in this section.

(b) Application Form. The applicant shall submit the City's application form and all required items as specified in this Chapter of the Codified Ordinances to the Planning and Zoning Administrator or designee when applying for PWSFs.

(c) Determination of Application Completion.

(1) Within thirty (30) days of receipt of an application for a PWSF, the Planning and Zoning Administrator or designee shall determine if the application form has been completed and if all required items have been submitted.

(2) If the Planning and Zoning Administrator or designee reasonably determines that the application form is complete and/or if all required items have been submitted, the Planning and Zoning Administrator or designee shall send the applicant a written Notice of Application Completion.

(3) If the Planning and Zoning Administrator or designee reasonably determines that the application form is not complete and/or if all required items have not been submitted, the Planning and Zoning Administrator or designee shall send the applicant a written Request for Information and Completion. The Request for Information and Completion shall list those items that are incomplete or missing and/or request further information and provide the applicant an additional thirty (30) days to complete the application and respond to the Request for Information and Completion.

(4) If the applicant does not complete the application form and submit all required items and/or requested items in accordance with a response to the Request for Information and Completion within thirty (30) days following the Request for Information and Completion, the Planning and Zoning Administrator or designee shall consider the application formally withdrawn and shall provide applicant a written Notice of Incomplete Application.

(d) Initial Review by the Planning and Zoning Administrator or designee. The Planning and Zoning Administrator or designee shall:

(1) Assign each application a designation of Tier One, Tier Two or Tier Three.

(e) Tier One Review.

(1) The Planning and Zoning Administrator or designee shall review Tier One applications for a PWSF Permit.

(2) The Planning and Zoning Administrator or designee shall within sixty (60) days following issuance of a Notice of Application Completion to review the completed application. Following review, the Planning and Zoning Administrator or designee shall either administratively approve or deny the application. Such approval or denial shall be in writing and supported by substantial evidence contained in a written record.

(3) An applicant may appeal a decision of the Planning and Zoning Administrator or designee to the BZBA.
(4) The BZBA shall conduct appeals in accordance with Chapter 147 of the Code.
(5) The decision of the BZBA shall be final.
(6) Following a final decision by the BZBA, an applicant may file an appeal pursuant to Ohio R.C. Chapter 2506.

(f) Tier Two Review.
(1) The Planning and Zoning Administrator or designee shall review Tier Two applications for a PWSF Permit.
(2) The Planning and Zoning Administrator or designee shall within sixty (60) days following issuance of a Notice of Application Completion to prepare a Staff Report to the Planning Commission containing the information in Section 1181.12 of the Code. Such Staff Report shall include:
A. A written recommendation of either approval or denial; or
B. A written recommendation for approval with proposed conditions intended to mitigate the impacts of the proposed PWSF.
(3) The Staff Report shall be transmitted to the Planning Commission for a public hearing before the Planning Commission.
(4) The Planning Commission shall, within sixty (60) days of receipt of the Staff Report, conduct a public hearing and take any testimony or additional evidence provided by either the applicant or other persons.
A. Notice of such public hearing shall be published in one or more newspapers of general circulation within the City first at least fourteen (14) days and second at least seven (7) days in advance of the public hearing and shall state the place, time, date and purpose of such public hearing. Further, the Clerk shall send notification by ordinary mail of the public hearing to owners of property contiguous to the subject property. The failure of delivery of such notice shall not invalidate any such PWSF application. The names and addresses of all property owners entitled to notice of the public hearing shall be furnished by the applicant.
B. Following the close of the public hearing process, the Planning Commission shall approve the application, approve the application with conditions or deny the application.
C. Such approval or denial shall be in writing and supported by substantial evidence contained in a written record.
D. Findings of Fact must be made on each specific issue.
E. Any conditions attached to the approval shall be designed to mitigate any adverse impacts of the proposed PWSF.
(5) An applicant may appeal a decision of the Planning Commission to the BZBA.
(6) The BZBA shall conduct appeals in accordance with the Chapter 147 of the Code.
(7) The decision of the BZBA shall be final.
(8) Following a final decision by the BZBA, an applicant may file an appeal pursuant to Ohio R.C. Chapter 2506.

(g) Tier Three Review.

(1) The Planning and Zoning Administrator or designee shall review Tier Three applications for a PWSF Permit.

(2) The Planning and Zoning Administrator or designee shall within sixty (60) days following issuance of a Notice of Completed Application to prepare a staff report shall prepare a staff report to the Planning Commission containing the information in Section 1181.12 of the Code. Such staff report shall include:

A. A written recommendation of either approval or denial; or

B. A written recommendation for approval with proposed conditions intended to mitigate the impacts of the proposed PWSF.

(3) The staff report shall be transmitted to the Planning Commission for a public hearing.

(4) The Planning Commission shall, within sixty (60) days of receipt of the Staff Report, conduct a public hearing on the application and take any testimony or additional evidence provided by either the applicant or other persons.

A. Notice of such public hearing shall be published in one or more newspapers of general circulation within the City first at least fourteen (14) days and second at least seven (7) days in advance of the public hearing and shall state the place, time, date and purpose of such public hearing. Further, the Clerk shall send notification by ordinary mail of the public hearing to owners of property contiguous to the subject property. The failure of delivery of such notice shall not invalidate any such PWSF application. The names and addresses of all property owners entitled to notice of the public hearing shall be furnished by the applicant.

B. Following the close of the public hearing process, the Planning Commission shall approve the application, approve application with conditions or deny the application.

C. Such approval or denial shall be in writing and supported by substantial evidence contained in a written record

D. Findings of Fact must be made on each specific issue.

E. Any conditions attached to the approval shall be designed to mitigate any adverse impacts of the proposed PWSF.

(5) An applicant may appeal a decision of the Planning Commission to the BZBA.

(6) The BZBA shall conduct appeals in accordance with the Chapter 147 of the Code.

(7) The decision of the BZBA shall be final.

(8) Following a final decision by the BZBA, an applicant may file an appeal pursuant to Ohio R.C. Chapter 2506.

(Ord. 0164-2008. Passed 8-18-08.)

1181.12 STAFF REPORTS.

(a) Tier One Applications. Tier One applications do not need staff reports.

(b) Tier Two and Tier Three Applications. The Planning and Zoning Administrator or designee shall prepare Staff Reports for Tier Two and Tier Three applications. The Staff Report shall contain the following:

(1) Description of the proposed PWSF.
  A. Other PWSFs in the area.
  B. Nearest three (3) PWSF sites for the same carrier to the proposed PWSF.

(2) Location.
  A. Determination of whether location standards have been met.

(3) Siting.
  A. Determination of whether siting standards have been met.
  B. Identification of any recommended measures to avoid, minimize, and/or mitigate (in that order of preference) for adverse impacts of the proposed PWSF.

(4) Design.
  A. Type of mount.
  B. Type of antenna(s).
  C. Treatment of equipment cabinet or shelter.
  D. Determination of whether design standards have been met.

(5) Alternatives analysis.
  A. Alternatives provided by the applicant.
  B. Comparison and ranking of the proposed PWSF and the alternatives as provided in Section 1181.09.

(6) Description of narrative attachments.

(7) Recommendation of either approval or denial, in writing and supported by substantial evidence contained in the written record. The recommendation may contain proposed conditions intended to mitigate any adverse impacts of the proposed PWSF.

(Ord. 0164-2008. Passed 8-18-08.)

1181.13 MODIFICATIONS.

The City of Gahanna shall require the review and approval of all modifications to PWSFs.

(a) Types of Modification. A modification of a PWSF is any of the following:

(1) A change, replacement or addition of any equipment in or on the PWSF that affects the placement of, look of, location of, or control over, the PWSF as then currently permitted and approved by the City, but specifically excludes any materially identical replacements or repairs that do not affect the then currently permitted and approved placement of, look of, location of, or control over, the PWSF.

(2) A change in a previously approved and permitted design of the PWSF that affects the placement of, look of, location of, or control over, a PWSF.

(3) Any addition to any PWSF for purposes of co-location, unless such co-location has already been approved and permitted by the City within an original PWSF approval that includes specific future co-location designs and specified acceptable positions of placement. Such previously approved and permitted co-locations as described herein shall not be considered a “modification”, but the applicant shall be subject to a co-location review as described in Section 1181.14. Additionally, the applicant shall provide the City with reasonable prior notice of co-location construction and/or attachment and certified copies of a final comprehensive site plan to include “as-built” drawings and specifications following the co-location.

(b) Applications for Modification. Applicants for modifications shall submit an application to the City for a modified PWSF. The application process and submission requirements for review and approval of modifications shall be the same as is required for a new PWSF application under this Chapter.
(Ord. 0164-2008. Passed 8-18-08.)

1181.14 CO-LOATIONS/PUBLIC SITES.

(a) Co-Location Review. The City shall review applications for co-locations based on all positions on the mount.

(b) Co-Locations Previously Approved. An application for a co-location of a PWSF that is not a modification pursuant to Section 1181.13 and is on a mount or on the ground in a position having previously been approved for co-location by the City shall only require the administrative review and approval of the Planning and Zoning Administrator or designee. The applicant shall make such a request for review and approval by completing a co-location request in the form adopted by the Department of Planning and Development which is hereby incorporated by reference and shall be referred to as a Request for Previously Approved Co-Location. The Planning and Zoning Administrator or designee shall apply the same application completion process to the Request for Previously Approved Co-Location as described in Section 1181.11(c) of the Code.

(1) The Planning and Zoning Administrator or designee shall within thirty (30) days following issuance of a Notice of Application Completion review the completed Request for Previously Approved Co-Location. Following review, the Planning and Zoning Administrator or designee shall either administratively approve or deny the Request for Previously Approved Co-Location. Such approval or denial shall be in writing and supported by substantial evidence contained in a written record.
(2) An applicant may appeal a decision of the Planning and Zoning Administrator or designee to the BZBA.
(3) The BZBA shall conduct appeals in accordance with the Chapter 147 of the Code.
(4) The decision of the BZBA shall be final.
(5) Following a final decision by the BZBA, an applicant may file an appeal pursuant to Ohio R.C. Chapter 2506.

(c) Co-Locations Not Previously Approved. Applications for co-locations on mounts not previously approved for co-location in the position applied for require a complete review and approval as a PWSF under the requirements of this Chapter.

(d) Public Sites. The City of Gahanna shall work with carriers to facilitate the siting of PWSF on City-owned property and rights-of-way by negotiating the appropriate leasing procedures. (Ord. 0164-2008. Passed 8-18-08.)

1181.15 REGISTRY, MONITORING, INSPECTION, ABANDONMENT AND OBSOLESCENCE.

(a) Registry. Each carrier shall file the following information with the Planning and Zoning Administrator on an annual basis, beginning with the date of approval.

(1) Owner/lessee/intermediary/agent and carrier(s) at the site.
(2) Location by latitude and longitude, addresses and parcel numbers.

(3) Height, AGL.
(4) Co-location status and capability (including if a former co-location has been removed), and whether a co-locatee has applied for a modification in the past year.
(5) Last date at which carrier's PWSF was modified and the nature of the modification.
(6) A list of toxic/hazardous materials at the PWSF (including in the equipment shelter), and certification that the Fire Department has been notified in conformance with EPCRA, the Emergency Planning and Community Right-to-Know Act.
(7) Instructions for emergency personnel on the approach action to be taken in case of an emergency involving any toxic/hazardous substances. (MSDS can be submitted in place of this information.)
(8) The name, telephone number, e-mail address, and mailing address of a local or regional representative of the carrier to be contacted in the event of any emergency at the PWSF site.
(9) The telephone number of a carrier contact that is available on a twenty four (24) hour a day, seven (7) days-a-week basis.
(10) A site monitoring schedule indicating how often the site is inspected and monitored by the carrier.
(11) A ground maintenance schedule for ground-mounted PWSFs indicating how often the grounds are maintained and the name and telephone number of a representative of the carrier to be contacted in the event the grounds require service before the next scheduled maintenance.

(b) Inspection. The owner or operator of PWSF shall provide for and conduct an inspection of mounts at least once every five (5) years. A report on this inspection shall be provided to the City of Gahanna verifying the structural integrity of the mount.

(c) Abandonment and Removal. Ninety (90) days subsequent to its initial build and/or location, if a PWSF ceases to be used or operated as a PWSF for a period of consecutive eighteen (18) months and has not already been removed, then such PWSF shall be considered abandoned. The owner of an abandoned PWSF shall, within thirty (30) days of the date of such abandonment, be required to provide a written Notice of Abandonment to the Planning and Zoning Administrator that the PWSF is abandoned. Failure to timely provide such required Notice of Abandonment shall be considered a violation of the Code and shall subject the owner to the penalties described in Section 1181.99. If such abandoned PWSF is not removed within sixty (60) days of the date the Notice of Abandonment was required to be provided to the Planning and Zoning Administrator, then such abandoned PWSF may be designated a nuisance by the City and the City may have the PWSF removed at the PWSF owner's expense and pursue any and all other available legal or equitable remedies. (Ord. 0164-2008. Passed 8-18-08.)

1181.16 ENVIRONMENTAL COMPLIANCE.

(a) Federal Environmental Assessment Requirements for Tiers One, Two and Three.

(1) The National Environmental Policy Act (NEPA) applies to all applications for PWSFs. NEPA is administered by the FCC via procedures adopted as Subpart 1, Section 1.1301 et seq. (47 CRF Ch. I). The FCC requires that an environmental assessment (EA) be filed with the FCC prior to beginning operations for any PWSF proposed in or involving any of the following:

A. Wilderness areas.
B. Wildlife preserves.
C. Endangered species habitat.
D. Historical site.
E. Indian religious site.
F. Flood plain.
G. Wetlands.
H. High intensity white lights in residential neighborhoods.
I. Excessive radio frequency radiation exposure.

(2) At the time of application filing an applicant shall provide to the City a complete copy of an EA (as filed with the FCC) for each PWSF site that requires such an EA to be submitted to the FCC.

(b) Radio Frequency Radiation Emissions Requirements.

(1) FCC Guidelines. Each application for a PWSF shall be accompanied by a statement by a Professional Engineer certifying that, as proposed, the PWSF complies with the FCC Guidelines for Evaluating the Environmental Effects of Radiofrequency Radiation (FCC Guidelines) concerning radio frequency radiation and emissions.

(2) Radio frequency radiation (RFR) report for Tiers Two and Three. The Planning Commission may require applicants for a Tier Two or Tier Three PWSF to submit a report containing the following information on the existing and maximum future projected measurements of RFR from the proposed PWSF, for the following situations:

A. Existing, or ambient: the measurement of existing RFR.
B. Existing plus proposed wireless facility: maximum estimate of RFR from the proposed personal wireless facility plus the existing RFR environment.
C. Certification, signed by a Professional Engineer, stating that the RFR measurements are accurate and meet the requirements for radio frequency radiation reports in this Chapter.
D. The Planning Commission may require as part of conditions of approval for Tier Two or Tier Three applications that a radio frequency radiation report as described in this Section be submitted every five (5) years and every time a modification or a co-location is proposed for the PWSF.

(c) Noise Requirements.

(1) Conformance to Gahanna Noise Ordinance. No equipment shall be operated at a PWSF so as to produce noise in excess of the applicable noise standards under Chapter 559.

(2) Noise filing requirements. The Planning Commission may require applicants for a Tier Two or Tier Three PWSF to submit a report containing the following information on the existing future projected measurements of noise from the proposed PWSFs, measured in decibels Ldn (logarithmic scale, accounting for greater sensitivity at night), for the following situations:

A. Existing, or ambient: the measurements of existing noise.
B. Existing plus proposed PWSF: estimate of noise from the proposed PWSF plus the existing noise environment.
C. Certification signed by a Professional Engineer, stating that noise measurements are accurate and meet the requirements of Section 1181.16(c) of the Codified Ordinances.

(3) The Planning Commission may require as part of conditions of approval for Tier Two or Three applications that a noise report as described in this Section be submitted every five (5) years and every time a modification or a co-location is proposed for the PWSF.
(Ord. 0164-2008. Passed 8-18-08.)

1181.17 ANTENNA STRUCTURE REGISTRATION (ASR).

(a) Any proposed PWSF on a proposed or existing mount shall submit to the City of Gahanna a copy of each of the following, if and when applicable, along with the application:

(1) FAA statement of approved height.
(2) An FAA required finding of "No Hazard"(which shall specifically include a copy of any FAA issued "No Hazard" letter listing all "conditions required" or "suggestions made" by the FAA in regards to the proposed PWSF.

(b) Tier One applications are exempt from this requirement.

(c) Tier Two and Tier Three applications shall not be accepted by the City unless the requirement in Section 1181.17(a) is met.

(d) The height of any existing and proposed PWSF mount may not exceed that cited in the FCC Antenna Registration System (ASR).

(e) Approvals of applications by the City of Gahanna for any PWSF shall not be for the height greater that is stated in the FCC ASR.
(Ord. 0164-2008. Passed 8-18-08.)

1181.18 LIGHTING AND SECURITY FOR TIERS TWO AND THREE.

(a) Lighting. A PWSF shall not be artificially lighted, except for:

(1) Security and safety lighting of equipment buildings if such lighting is appropriately down-shielded to keep light within the boundaries of the site; and
(2) Such lighting of the PWSF as may be required by the Federal Communications Commission, Federal Aviation Administration (FAA) or other applicable authority installed in a manner to minimize impacts on adjacent residences. Only red lighting shall be utilized unless otherwise recommended or required by FAA guidelines. Any such required lighting of a PWSF must in all circumstances be reviewed, accepted and approved in writing prior to any PWSF application being granted or a PWSF being illuminated.

(b) Security Barriers. A security barrier shall be required around the perimeter of ground mounts including equipment shelters and/or cabinets. The security barrier shall be maintained by the operator of the PWSF or mount for the life of the installation. No security barrier is needed around side-mounted PWSFs.
(Ord. 0164-2008. Passed 8-18-08.)

1181.19 SIGNS/IDENTIFICATION PLAQUES.

No signage shall be permitted on any PWSF other than that required for public safety purposes, by the FCC or FAA, or by this Chapter. As a condition of any approved application and the continuing use of a PWSF within the City, applicants shall be required to post weatherproof signage mounted at eye level and visible outside a ground located compound (or on the PWSF itself in the case of roof or above ground locations) that clearly identifies, the owner of each PWSF at the site and a twenty-four (24) hour telephone contact number. The signage shall be updated whenever the contact information for a PWSF changes. Any failure to post or update the required signage shall be a material violation of this Chapter and subject the applicant to the penalties of Section 1181.99.
(Ord. 0164-2008. Passed 8-18-08.)

1181.20 SCREENING AND LANDSCAPING FOR TIERS TWO AND THREE.

(a) Natural Vegetation. Existing natural vegetation shall be undisturbed to the greatest extent practicable.

(b) Landscaping. Landscaping of disturbed areas on the ground of the PWSF site and security barriers shall be required as follows:

(1) At least one (1) row of evergreen shrubs capable of forming a continuous hedge, exclusive of any required ingress or egress access, at least five feet (5') in height within two (2) years of planting shall be spaced not more than five feet (5') apart within fifteen feet (15') of the site boundary; and

(2) At least one (1) row of evergreen trees or shrubs, at least four feet (4') in height when planted and spaced not more than fifteen feet (15') apart, located interior to the perimeter of the shrubs required in Section 1181.20(b)(1) above; and

(3) Existing vegetation, topography, walls and fences combined with shrubs, or other features may be substituted for the required buffers if the Planning Commission finds they:

A. Achieve the same degree of screening as the required buffer; or

B. Do not permit further landscaping due to the limited size of the lot.

(4) Landscaping materials shall consist of xeric or drought-resistant native species and shall be maintained by the operator of the PWSF for the life of the installation.

(Ord. 0164-2008. Passed 8-18-08.)

1181.21 ACCESS AND PARKING FOR TIERS TWO AND THREE.

(a) Parking. Areas sufficient for the temporary off-street parking of at least two vehicles shall be provided for mounts. The type and configuration of parking may be approved by the Planning Commission.

(b) Private Access. A copy shall be provided to the City of Gahanna Department of Planning and Development of any street maintenance agreement for any site accessed by private easement.

(c) Tier One PWSFs. No parking areas are required.
(Ord. 0164-2008. Passed 8-18-08.)

1181.22 PROCEDURE FOR PUBLIC HEARINGS.
Public hearings required by this Chapter of the Codified Ordinances shall be noticed and conducted pursuant to the requirements of this Chapter, the Code and the Ohio Revised Code.
(Ord. 0164-2008. Passed 8-18-08.)

1181.23 EFFECT OF APPROVAL.
Any application approved pursuant to this Chapter of the Codified Ordinances shall result in a written approval. The approval shall include Findings of Fact, the terms of the approval, including any conditions of approval. Any approval granted is valid for a period of one calendar year from the date of Planning Commission approval.
(Ord. 0164-2008. Passed 8-18-08.)

1181.24 MISCELLANEOUS.
(a) Height limits set by the City of Gahanna Codified Codes for the zoning district for the permitted location shall apply unless this Chapter specifically states otherwise.
(Ord. 0164-2008. Passed 8-18-08.)

1181.25 CIVIL ACTION.
Whenever any person fails, neglects or refuses to comply with any provisions of this Chapter of the Codified Ordinances, or when any building or other structure is used or occupied so as to be in violation of or not in conformity with any provision of this Chapter of the Codified Ordinances, the City may pursue an appropriate action in law or in equity to prevent a violation of this Chapter of the Codified Ordinances or to prevent the use of such building or other structure. (Ord. 0164-2008. Passed 8-18-08.)

1181.26 CUMULATIVE.
The exercise of the rights and remedies granted in this Chapter of the Codified Ordinances shall in no way preclude or limit the City from exercising any other right or remedy either at law or in equity now or hereafter granted to it under the laws of the United States, the State of Ohio, or the Codified Ordinances of Gahanna.
(Ord. 0164-2008. Passed 8-18-08.)

1181.27 SEVERABILITY.
If any provision of this Chapter of the Codified Ordinances or the application thereof is held invalid, such invalidity shall not affect the other provisions or applications of this Chapter of the Codified Ordinances which can be given effect without the invalid provisions or application.
(Ord. 0164-2008. Passed 8-18-08.)

1181.99 PENALTIES.
Any person violating any provision of this Chapter of the Codified Ordinances shall be guilty of a misdemeanor of the third degree and shall be fined not more than five hundred dollars ($500.00) or imprisoned not more than sixty (60) days or both. Such person shall be deemed guilty of a separate offense for each and every day or portions thereof during which any violation of any of the provisions of this Chapter of the Codified Ordinances is committed, permitted or continued. (Ord. 0164-2008. Passed 8-18-08.)

TITLE FIVE - Flood Plain Zoning

Chap. 1191. Regulatory Flood Hazard Area.
Chap. 1193. Stormwater Management Policy.
Chap. 1195. Erosion and Sedimentation/Post Construction Runoff Control.

CHAPTER 1191
Regulatory Flood Hazard Area

1191.01 Statutory authorization.
1191.02 Findings of fact.
1191.03 Statement of purpose.
1191.04 Methods of reducing flood losses.
1191.05 Definitions.
1191.06 Lands to which this chapter applies.
1191.07 Basis for establishing the areas of special flood hazard.
1191.08 Compliance.
1191.09 Abrogation and greater restrictions.
1191.10 Interpretation.
1191.11 Warning and disclaimer of liability.
1191.12 Flood plain use permit and fee.
1191.13 Decision of Planning and
1191.14 Exemption from filing a flood plain use permit.
1191.15 Designation of the Flood Damage Prevention Administrator.
1191.16 Duties and responsibilities of the Planning and Zoning Administrator.
1191.17 Appeals.
1191.18 Variance procedure.
1191.19 General standards.
1191.20 Specific standards.
1191.21 Floodways.
1191.22 Prohibited uses in floodway portion.
1191.23 Permitted uses in floodway portion.
1191.24 Nonconforming uses.
1191.30 Fees and permits.
1191.99 Violations and penalties. Zoning Administrator.

CROSS REFERENCES

Flood control bonds, public capital improvement - see Ohio Const., Art. VIII, Sec. 21; Ohio R.C. 129.70 et seq.
Basis of zoning districts - see Ohio R.C. 713.10
County commissioners, flood control aid to governmental units - see Ohio R.C. 307.77
Levees - see Ohio R.C. 717.01

CROSS REFERENCES (Cont.)

Construction permits and prohibitions for dams, dikes or levees - see Ohio R.C. 1521.06
Reduction of assessed valuation for establishing reservoirs - see Ohio R.C. 1521.09
Flood hazards; marking flood areas - see Ohio R.C. 1521.14
Ohio Water Commission - see Ohio R.C. 1525.01 et seq.
Pollution - see Ohio R.C. 1533.58
Conservancy districts, purpose - see Ohio R.C. 6101.04
Variances - see P. & Z. Ch. 1131
Zoning Map adopted - see P. & Z. 1135.02
Other nonconforming use regulations - see P. & Z. Ch. 1161
Conditional use authorization procedure - see P. & Z. Ch. 1169

1191.01 STATUTORY AUTHORIZATION.

Article XVIII, Section 3, of the Ohio Constitution grants municipalities the legal authority to adopt land use and control measures for promoting the health, safety, and general welfare of its citizens. Therefore, the City of Gahanna, State of Ohio, adopts Chapter 1191, Regulatory Flood Hazard Area.
(Ord. 90-94. Passed 6-21-94.)

1191.02 FINDINGS OF FACT.

(a) The flood hazard areas of the City are subject to periodic inundation which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

(b) These flood losses are caused by the cumulative effect of obstructions in areas of special flood hazards which increase flood heights and velocities and, when inadequately anchored, damage uses in other areas. Uses that are inadequately floodproofed, elevated or otherwise protected from flood damage also contribute to the flood loss.
(Ord. 90-94. Passed 6-21-94.)

1191.03 STATEMENT OF PURPOSE.

It is the purpose of this chapter to promote the public health, safety and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

(a) Protect human life and health;
(b) Minimize expenditure of public money for costly flood control projects;
(c) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

(d) Minimize prolonged business interruptions;
(e) Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazard; and
(f) Help maintain a stable tax base by providing for the proper use and development of areas of special flood hazard so as to minimize future flood blight areas.
(Ord. 90-94. Passed 6-21-94.)

1191.04 METHODS OF REDUCING FLOOD LOSSES.
In order to accomplish its purposes, this chapter includes methods and provisions for:
(a) Restricting or prohibiting uses which are dangerous to health, safety and property due to water hazards, or which result in damaging increases in flood heights or velocities;
(b) Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
(c) Controlling the alteration of natural flood plains, stream channels and natural protective barriers, which help accommodate or channel flood waters;
(d) Controlling filling, grading, dredging and other development which may increase flood damage;
(e) Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas.
(Ord. 90-94. Passed 6-21-94.)

1191.05 DEFINITIONS.
(a) Words not particularly defined herein, shall be defined as found in the latest Illustrated Book of Development Definitions, 2004, by Harvey S. Moskowitz and Carl G. Lindblom, published by Rutgers University. Words not particularly defined therein shall be defined as found in the Dictionary of Architecture and Construction, 2006, edited by Cyril M. Harris, published by McGraw Hill. Words not particularly defined therein shall be defined as found in Webster's New Universal Unabridged Dictionary.
(1) "Accessory structure" means a structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal structure.
(2) "Appeal" means a request for review of the interpretation of the Planning and Zoning Administrator or Planning Commission of any provision of this chapter or a request for a variance.
(3) "Area of special flood hazard" means the land in the floodplain subject to a one percent (1%) or greater chance of flooding in any given year. "Areas of special flood hazard" are designated by the Federal Emergency Management Agency as Zone A, AE, AH, AO, A1-30 and A99.
(4) "Base flood" means the flood having a one percent (1%) chance of being equaled or exceeded in any given year. The base flood may also be referred to as the one-hundred (100) year flood.
(5) "Basement" means any area of the building having its floor subgrade (below ground level) on all sides.

(6) "Development" means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

(7) "Federal Emergency Management Agency (FEMA)" means the agency with the overall responsibility for administering the National Flood Insurance Program.

(8) "Flood" or "flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from:

A. The overflow of inland or tidal waters; and/or

B. The unusual and rapid accumulation or runoff of surface waters from any source.

(9) "Flood Insurance Rate Map (FIRM)" means an official map on which the Federal Emergency Management Agency has delineated the areas of special flood hazards.

(10) "Flood Insurance Study" means the official report in which the Federal Emergency Management Agency has provided the flood profiles, floodway boundaries, and the water surface elevations of the base flood.

(11) "Flood protection elevation" means elevation one foot above the base flood elevation plus any increase to flood heights caused by the proposed development.

(12) "Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than 0.5 foot. Please refer to Appendix "A" for diagram.

(13) "Floodway fringe" means that portion of the regulatory flood plain outside of the floodway. Please refer to Appendix "A" for diagram.

(14) "Historic structure" means any structure that is:

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

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

C. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or

D. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

1. By an approved state program as determined by the Secretary of the Interior; or
2. Directly by the Secretary of the Interior in states without approved programs.

(15) "Lowest floor" mean the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor; provided that such enclosure is built in accordance with the applicable design requirements specified in this chapter for enclosures below the lowest floor.

(16) "New construction" means structures for which the "start of construction" commenced on or after the initial effective date of the City of Gahanna's Flood Insurance Rate Map, and includes any subsequent improvements to such structures.

(17) "Planning Commission" means the City of Gahanna Planning Commission as defined by Title Eleven of the Charter of the City of Gahanna.

(18) "Reach" means longitudinal segments of a stream or river, which will be affected by the placement of an obstruction in a floodway or floodway fringe.

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

(20) "Structure" means a walled and roofed building or gas or liquid storage tank that is principally above ground.

(21) "Substantial damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred.

(22) "Substantial improvement" means any reconstruction, rehabilitation, addition or other improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure before the "start of construction" of the improvement.

This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include:

A. Any project for improvement of a structure to correct existing violations of State or local health, sanitary or safety code specifications which have been identified by the local Code Enforcement Official and which are the minimum necessary to assure safe living conditions; or

B. Any alteration of a "historic structure" provided that the alteration will not preclude the structures continued designation as a "historic structure"; or

C. Any improvement to a structure which is considered new construction.

(23) "Variance" means a grant of relief from the standards of this chapter consistent with the variance conditions herein.

(24) "Watercourse" means a channel in which a flow of water occurs either continuously or intermittently in a definite direction. The term applies to either natural or artificially constructed channels.

(25) "Planning and Zoning Administrator" means the person designated by the Director of Planning and Development who shall administer and enforce this chapter.

(Ord. 0124-2007. Passed 6-18-07.)

1191.06 LANDS TO WHICH THIS CHAPTER APPLIES.

This chapter shall apply to all areas of special flood hazards within the jurisdiction of the City of Gahanna, Ohio as identified by the Federal Emergency Management Agency, including any additional flood hazard areas annexed by the City of Gahanna that are not identified on the effective Flood Insurance Rate Map.

(Ord. 90-94. Passed 6-21-94.)

1191.07 BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD.

The areas of special flood hazard have been identified by the Federal Emergency Management Agency in a scientific and engineering report entitled "Flood Insurance Study, Franklin County, Ohio and Incorporated Areas". This study, with accompanying Flood Insurance Rate Maps dated August 2, 1995, and any revisions thereto, is hereby adopted by reference and declared to be a part of this chapter. The Flood Insurance Study is on file in the office of the Planning and Zoning Administrator at 200 South Hamilton Road, Gahanna, Ohio.

(Ord. 0124-2007. Passed 6-18-07.)

1191.08 COMPLIANCE.

No structure or land shall hereafter be located, erected, constructed, repaired, extended, converted, enlarged or altered without full compliance with the terms of this chapter and all other applicable regulations which apply to uses within the jurisdiction of this chapter, unless specifically exempted from filing for a flood plain use permit as stated in Section 1191.14, Exemption From Filing A Flood Plain Use Permit.
(Ord. 90-94. Passed 6-21-94.)

1191.09 ABROGATION AND GREATER RESTRICTIONS.

This chapter is not intended to repeal, abrogate or impair any existing easements, covenants or deed restrictions. However, where this chapter and another ordinance, easement, covenant or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.
(Ord. 90-94. Passed 6-21-94.)

1191.10 INTERPRETATION.

In the interpretation and application of this chapter, all provisions shall be:

(a) Considered as minimum requirements;
(b) Liberally construed in favor of the governing body; and
(c) Deemed neither to limit nor repeal any other powers granted under State statutes. Where a provision of this chapter is in conflict with State law, such State law shall take precedence over this chapter.

(Ord. 90-94. Passed 6-21-94.)

1191.11 WARNING AND DISCLAIMER OF LIABILITY.

The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This chapter does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the City of Gahanna, any officer or employee thereof, or the Federal Emergency Management Agency, for any flood damage that results from reliance on this chapter or any administrative decision lawfully made thereunder.
(Ord. 90-94. Passed 6-21-94.)

1191.12 FLOOD PLAIN USE PERMIT AND FEE.

(a) A flood plain use permit is required before construction or development begins within any area of special flood hazard established in Section 1191.07, Basis for Establishing the Areas of Special Flood Hazard. An owner, tenant, option holder or other person having a financial interest in the piece of property in question may apply for a flood plain use permit to the Planning and Zoning Administrator on forms furnished by him and shall include the following:

(1) Elevation in relation to mean sea level of the lowest floor, including basement, of all proposed structures located in special flood hazard areas where base flood elevation data are utilized;
(2) Elevation in relation to mean sea level to which any proposed structure will be floodproofed in accordance with Section 1191.20(b) where base flood elevation data are utilized;

(3) Certification by a registered professional engineer or architect that the flood proofing methods for any nonresidential structure meet the flood proofing criteria in Section 1191.20(b) where base flood elevation data are utilized;

(4) Description of the extent to which any watercourse will be altered or relocated as a result of the proposed development and certification by a registered professional engineer that the flood carrying capacity of the watercourse will not be diminished.

(5) Two sets of plans drawn to scale showing the nature, location, dimensions and elevation of the lot, existing or proposed structures, fill, storage of materials, flood proofing measures and the relationship of the above to the location of the channel.

(b) Additionally the application shall include, but not be limited to the following information, if determined necessary by the Planning and Zoning Administrator:

(1) A typical valley cross section showing the channel of the stream, elevation of land areas adjoining each side of the channel, cross sectional areas to be occupied by the proposed development and high water information.

(2) Plan, surface, view, showing elevations or contours of the ground; pertinent structure, fill or storage elevations; size, location and spatial arrangement of all proposed and existing structures on the site; location and elevations of streets, water supply, sanitary facilities, photographs showing existing land uses and vegetation upstream and downstream, soil types, and other pertinent information.

(3) Profile showing the slope of the bottom of the channel or flow line of the stream for at least 500 feet in either direction from the proposed development.

(4) Specifications for building construction and materials, flood proofing, filling, dredging, grading, channel improvement, storage of materials, water supply and sanitary facilities.

(5) Any other information requested by the Planning and Zoning Administrator.

The applicant shall include with his application, payment of an application fee as established in the Development Fee Schedule set forth in Section 148.12 in Part One of these Codified Ordinances.

(c) Time for Acting on Application. The Planning and Zoning Administrator shall act on an application in the manner above described within fourteen days from receiving the application, except when additional information is required by the Planning and Zoning Administrator.

(d) Applications for certificates of zoning compliance shall also conform to Section 1129.01.

(e) Nothing in this chapter shall be construed as prohibiting an applicant from applying for a flood plain use permit under this section concurrently with the request for a change in zoning from one zoning district to another.

(f) Flood plain use permits or certificates or zoning compliance issued on the basis of approved plans and applications authorize only the use, arrangement or construction. Any use, arrangement or construction at variance with that authorized shall be denied as violation of this chapter and punishable as provided in Section 1191.99.
(Ord. 0124-2007. Passed 6-18-07.)

1191.13 DECISION OF PLANNING AND ZONING ADMINISTRATOR.

The Planning and Zoning Administrator may attach such conditions as it deems necessary to further the purposes of this chapter. Among such conditions, without limitation because of specific enumeration, may be included:

(a) Modification of waste disposal and water supply facilities.
(b) Limitations on period of use and operation.
(c) Imposition of operational controls, sureties and deed restrictions.
(d) Requirements for construction of channel modifications, dikes, levees and other protective measures.
(e) Flood proofing measures shall be designed for nonresidential development consistent with the flood protection elevation for the particular area, flood velocities, durations, rate of rise, hydrostatic and hydrodynamic forces, and other factors associated with the regulatory flood. The Planning and Zoning Administrator shall require that the applicant submit a plan or document certified by a registered professional engineer, architect or other expert that the flood proofing measures are consistent with the flood protection elevation and associated flood factors for the particular area. The following flood proofing measures may be required without limitation because of specific enumeration:
    (1) Anchorage to resist flotation and lateral movement.
    (2) Installation of watertight doors, bulkheads, shutters or similar methods of construction.
    (3) Reinforcement of walls to resist water pressures.
    (4) Use of paints, membranes or mortars to reduce seepage of water through walls.
    (5) Addition of mass or weight to structures to resist flotation.
    (6) Installation of pumps to lower water levels in structures.
    (7) Construction of water supply and waste treatment systems so as to prevent the entrance of flood waters.
    (8) Installation of pumping facilities or comparable practices for subsurface drainage systems for buildings to relieve external foundation wall and basement floor pressures.
    (9) Construction to resist rupture or collapse caused by water pressure or floating debris.
    (10) Installation of valves or controls on sanitary and storm drains which will permit the drains to be closed to prevent backup of sewage and storm waters into the building or structures. Gravity draining of basements may be eliminated by mechanical devices.

(11) Location of all electrical equipment, circuits and installed electrical appliances in a manner which will assure they are not subject to flooding and provide protection from inundation by the base flood.

(12) Location of any structural storage facilities for chemicals, explosives, buoyant materials, flammable liquids or other toxic materials which could be hazardous to public health, safety and welfare above the flood protection elevation or provision of adequate flood proofing to prevent flotation of storage containers, or damage to storage containers which could result in the escape of toxic materials into flood waters.

(Ord. 0124-2007. Passed 6-18-07.)

1191.14 EXEMPTION FROM FILING A FLOOD PLAIN USE PERMIT.

An application for a flood plain use permit shall not be required for maintenance work such as roofing, painting and basement sealing, or for small nonstructural development activities (except for filling and grading) valued at less than one thousand dollars ($1,000). Any proposed action exempt from filing for a flood plain use permit is also exempt from the standards of this chapter.

(Ord. 90-94. Passed 6-21-94.)

1191.15 DESIGNATION OF THE FLOOD DAMAGE PREVENTION ADMINISTRATOR.

The Planning and Zoning Administrator is hereby appointed to administer and implement this chapter by granting or denying flood plain use permit application or forwarding applications for decision to the Planning Commission in accordance with its provisions.

(Ord. 0124-2007. Passed 6-18-07.)

1191.16 DUTIES AND RESPONSIBILITIES OF THE PLANNING AND ZONING ADMINISTRATOR.

The duties and responsibilities of the Planning and Zoning Administrator shall include, but are not limited to:

(a) Permit Review.

(1) Review all flood plain use permits to determine that the permit requirements of this chapter have been satisfied.

(2) Review all flood plain use permits to determine that all necessary permits have been obtained from those Federal, State or local governmental agencies from which prior approval is required. The applicant shall be responsible for obtaining such permits as required including permits issued by the Department of the Army under Section 10 of the Rivers and Harbors Act and Section 404 of the Clean Water Act.

(3) Review all flood plain use permits to determine if the proposed development is located within a designated floodway. Floodways are delineated in the Flood Boundary and Floodway Map or the Flood Insurance Rate Map of the Flood Insurance Study. Floodways may also be delineated in other sources of flood information. If the proposed development is located within a designated floodway, assure that the encroachment provision of Sections 1191.21, 1191.22 and 1191.23 are met.

(4) The Planning and Zoning Administrator shall file all charges on behalf of the City of Gahanna for all violations of this chapter and such actions shall be the act of the City.

(b) Use of Other Base Flood Elevation and Floodway Data. Areas of special flood hazard where base flood elevation data have not been provided by the Federal Emergency Management Agency in accordance with Section 1191.07 "Basis for Establishing the Areas of Special Flood Hazard", are designated as Zone A on the community's Flood Insurance Rate Map. Within these areas, the Planning and Zoning Administrator shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a Federal, State or other source, in order to administer Section 1191.20(a) "Specific Standards, Residential Construction"; Section 1191.20(b), "Specific Standards, Nonresidential Construction"; 1191.21 "Floodways"; 1191.22 "Prohibited Uses in Floodway Portion"; and 1191.23 "Permitted Uses in Floodway Portion".

(c) Information to be Obtained and Maintained. Where base flood elevation data are utilized within areas of special flood hazard on a community's Flood Insurance Rate Map, regardless of the source of such data, the following provisions apply:

(1) Obtain and record the actual elevation in relation to mean sea level of the lowest floor, including basement, of all new or substantially improved structures, and record whether or not such structures contain an enclosure below the lowest floor;

(2) For all new or substantially improved floodproofed nonresidential structures:

A. Verify and record the actual elevation (in relation to mean sea level) to which the structure was floodproofed; and

B. Maintain the flood proofing documentations required in Section 1191.12(a)(3); and

C. Maintain for public inspection all records pertaining to the provisions of this chapter.

(d) Alteration of Watercourses.

(1) Notify adjacent communities and the Ohio Department of Natural Resources prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency. A watercourse is considered to be altered if any change occurs within its banks.

(2) Maintain engineering documentation required in Section 1191.12(a)(4) that the flood carrying capacity of the altered or relocated portion of said watercourse will not be diminished.

(3) Require that necessary maintenance will be provided for the altered or relocated portion of said watercourse so that the flood carrying capacity will not be diminished.

(e) Interpretation of Flood Boundaries. Make interpretations, where needed, as to the exact location of the boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). Where a map boundary and field elevations disagree, the elevations delineated in the flood elevation profile shall prevail. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Section 1191.18, Variance Procedure.

(Ord. 0124-2007. Passed 6-18-07.)

1191.17 APPEALS.

(a) The Board of Zoning and Building Appeals is hereby designated to hear appeals from decisions of the Planning and Zoning Administrator as may be appropriate.

(b) The Board shall conduct its business and exercise all its powers and duties as they are conferred by the Charter of Gahanna and Chapter 1131.

(c) The Board of Zoning and Building Appeals is hereby designated to hear appeals from decisions of the Planning Commission.
(Ord. 0124-2007. Passed 6-18-07.)

1191.18 VARIANCE PROCEDURE.

(a) In passing upon variance applications, the Planning Commission shall consider all technical evaluations, all relevant factors, standards specified in other sections of this chapter, and:

(1) The danger that materials may be swept onto other lands to the injury of others;
(2 The danger to life and property due to flooding or erosion damage;
(3) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
(4) The importance of the services provided by the proposed facility to the community;
(5) The availability of alternative locations, for the proposed use which are not subject to flooding or erosion damage;
(6) The necessity to the facility of a waterfront location, where applicable;
(7) The compatibility of the proposed use with existing and anticipated development;
(8) The relationship of the proposed use to the comprehensive plan and flood plain management program for that area;
(9) The safety of access to the property in times of flood for ordinary and emergency vehicles;
(10) The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and
(11) The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges.

(b) Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing that items (1) to (11) in subsection (a) hereof have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.

(c) Upon consideration of the factors of Section 1191.18(a) and the purposes of this chapter, the Planning Commission may attach such conditions to the granting of variances as it deems necessary to further the purposes of this chapter.

(d) The Planning and Zoning Administrator shall maintain the records of all appeal actions and report any variances to the Federal Insurance Administration upon request.

(e) Conditions for Variances.

(1) Variances may be issued for the repair, rehabilitation or restoration of historic structures listed on the National Register of Historic Places upon a determination that the proposed repair, rehabilitation or restoration will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

(2) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

(3) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

(4) Variances shall only be issued upon:

A. A showing of good and sufficient cause;

B. A determination that failure to grant the variance would result in exceptional hardship to the applicant; and

C. A determination that the granting of a variance will not result in increased flood heights beyond that which is allowed in this chapter, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public as identified in Section 1191.20(a) or conflict with existing local laws or ordinances.

(5) Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the flood protection elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

(Ord. 0124-2007. Passed 6-18-07.)

1191.19 GENERAL STANDARDS.

In all areas of special flood hazards the following standards are required:

(a) Anchoring. All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

(b) Construction Materials and Methods.

(1) All new construction and substantial improvements shall be constructed with materials resistant to flood damage.

(2) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage; and

(3) All new construction and substantial improvements shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

(c) Utilities. The following standards apply to all water supply, sanitary sewerage and waste disposal systems not otherwise regulated by the Ohio Revised Code:

(1) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.

(2) New and replacement sanitary sewerage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters; and

(3) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

(d) Subdivision Proposals.

(1) All subdivision proposals shall be consistent with the need to minimize flood damage.

(2) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.

(3) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage; and

(4) All subdivision proposals shall meet the specific standards of Sections 1191.20(e), Subdivisions and Large Developments.

(e) Standards in Areas of Special Flood Hazard Without Base Flood Elevation Data. In all areas of special flood hazard identified as Zone A on the Flood Insurance Rate Map where base flood elevation data are not available from any source the following provisions apply:

(1) The applicant shall be required to supply the following:

A. Calculation of water surface elevations and flood protection elevations based upon a hydraulic analysis of the portions of the stream channel and other areas inundated by the base flood. Flood protection elevations shall be one foot above the water surface elevations of the base flood plus the increase in flood heights caused by the proposed development.

B. Computation of the floodway required to convey this flood without increasing flood heights to an extent which would cause substantial upstream or downstream damage to existing or reasonably anticipated future development. Computation of increases in flood heights caused by any encroachment shall be based upon the reasonable assumption that there will be an equal degree of encroachment on both sides of the stream within that reach. Any increase in flood stages attributable to encroachments on the flood plain of any river or stream shall not exceed five-tenths foot at any point along the river or stream.
(Ord. 90-94. Passed 6-21-94.)

1191.20 SPECIFIC STANDARDS.

In all areas of special flood hazards where base flood elevation data have been provided as set forth in Section 1191.07, Basis For Establishing the Areas of Special Flood Hazard, or Section 1191.16(b), Use of Other Base Flood Elevation and Floodway Data, or Section 1191.20(e), Subdivisions and Large Developments, the following provisions are required.

(a) Residential Construction. New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to the flood protection elevation.

(b) Nonresidential Construction. New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated to the level of the flood protection elevation; or, together with attendant utility and sanitary facilities, shall:

(1) Be floodproofed so that the structure is watertight with walls substantially impermeable to the passage of water to the level of the base flood elevation. In order to be eligible for lower flood insurance rates, the structure should be floodproofed at least one foot above the base flood elevation.

(2) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and

(3) Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the standards of this subsection. Such certification shall be provided to the official as set forth in Section 1191.12(a)(3).

(c) Accessory Structures.

(1) A relief to the elevation or dry flood proofing standards may be granted for accessory structures (e.g., sheds, detached garages) containing 576 square feet or less in gross floor area. Such structures shall meet the encroachment provisions of Section 1191.22 and the following additional standards:

A. They shall not be used for human habitation;

B. They shall be designed to have low flood damage potential;

C. They shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of flood waters;
D. They shall be firmly anchored to prevent flotation; and
E. Service facilities such as electrical and heating equipment shall be elevated or floodproofed.

(d) Enclosures Below the Lowest Floor. The following standards apply to all new and substantially improved residential and nonresidential structures which are elevated to the base flood elevation using pilings, columns, or posts.

Fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must:

(1) Be certified by a registered professional engineer or architect; or
(2) Shall meet or exceed the following criteria:
A. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area shall be provided;
B. The bottom of all openings shall be no higher than one foot above grade;
C. Openings may be equipped with screens, louvers, valves or other openings provided that they permit the automatic entry and exit of floodwaters.

(e) Subdivisions and Large Developments. In all areas of special flood hazard where base flood elevation data have not been provided in accordance with Section 1191.07, Basis for Establishing the Areas of Special Flood Hazard, or Section 1191.16(b), Use of Other Base Flood Elevation Data, the following standards apply to all subdivision proposals, including manufactured home subdivisions and other proposed developments containing at least fifty lots or five acres (whichever is less):

(1) The applicant shall provide base flood elevation data performed in accordance with standard engineering practices;
(2) If Section 1191.20(e)(1) is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Section 1191.19, General Standards, and Section 1191.20, Specific Standards.

(Ord. 90-94. Passed 6-21-94.)

1191.21 FLOODWAYS.

(a) Areas With Floodways. The Flood Insurance Study referenced in Section 1191.07 identifies a segment within areas of special flood hazard known as a floodway. Floodways may also be delineated in other sources of flood information as specified in Section 1191.16(b). The floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential. The following provisions apply within all delineated floodway areas:

(1) Prohibit encroachments, including fill, new construction, substantial improvements, and other development unless a hydrologic and hydraulic analysis performed in accordance with standard engineering practices demonstrates that the proposed encroachment would not result in any increase in flood levels during the occurrence of the base flood discharge.

(2) If subsection (a)(1) hereof is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Section 1191.20, Specific Standards.

(3) Any encroachment within the floodway that would result in an increase in base flood elevations can only be granted upon the prior approval by the Federal Emergency Management Agency. Such requests shall be submitted by the Planning and Zoning Administrator to the Federal Emergency Management Agency and shall meet the requirements of the National Flood Insurance Program. (Ord. 0124-2007. Passed 6-18-07.)

1191.22 PROHIBITED USES IN FLOODWAY PORTION.

The following structures and uses are hereby prohibited in the floodway:

(a) Structures designed or used for human habitation;

(b) The storage or processing of materials that are pollutants, buoyant, flammable, poisonous, explosive or could be injurious to human, animal or plant life in time of flooding, or that have a high flood damage potential;

(c) Garbage and waste disposal facilities including any further encroachment upon the floodway at existing sites.

(Ord. 90-94. Passed 6-21-94.)

1191.23 PERMITTED USES IN FLOODWAY PORTION.

The following uses may be permitted within the floodway provided that they comply with the provisions of this section and other standards established in this chapter, and any conditions attached by the Planning and Zoning Administrator to the issuance of the flood plain use permit.

Where permitted, fill or other materials shall be protected against erosion by vegetative cover, riprap or bulkheading. Consideration of the effects of a proposed use shall be based on a reasonable assumption that there shall be an equal degree of encroachment extending for a significant reach on both sides of the stream.

(a) Only the following open space uses shall be permitted, provided that they are not prohibited by any other ordinance, and, provided further, that structures accessory to the permitted uses, fill or storage of materials or equipment are compliant with Section 1191.22. In addition, no use which will adversely affect the efficiency or unduly restrict the capacity of the channels or floodways of any tributary to the main stream, drainage ditch or any other drainage facility or system is permitted.

(1) Agricultural uses such as general farming, pasturing, grazing, outdoor plant nurseries, horticulture, viticulture, truck farming, forestry, sod farming and wild crop harvesting;

(2) Industrial-commercial uses such as loading areas and parking areas;

(3) Recreational uses such as golf courses, tennis court, driving ranges, soccer fields, baseball diamonds, archery ranges, picnic grounds, boat launching ramps, swimming areas, basketball courts, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting preserves, target ranges, hunting and fishing areas and hiking and horseback riding trails;

(4) Residential uses such as lawns, gardens, parking areas and play areas;
(5) Uses or structures accessory to open space such as shelter houses;
(6) Circuses, carnivals and similar transient amusement enterprises;
(7) Roadside stands;
(8) Extraction of sand, gravel and other materials;
(9) Navigational and drainage aids, marinas, boat rentals, docks, piers, wharves, and water measuring and control devices;
(10) Railroads, streets, bridges, utility transmission lines, underground culverts, pipes and pipelines;
(11) Stables; and
(12) Other uses similar in nature to uses described in this subsection which are consistent with the provisions set out in the purpose clause.

(b) Structures, temporary or permanent, accessory to uses are permitted in accordance with Section 1191.20(b) and (c), with the additional application of the following:
(1) They have a low flood damage potential;
(2) They are constructed and placed on the building site so as to offer the minimum obstruction to the flow of flood waters. Whenever possible, structures shall be constructed with the longitudinal axis parallel to the direction of flood flow; and so far as practicable, structures shall be placed approximately on the same flood flow lines as those of adjoining structures;
(3) They are firmly anchored to prevent flotation which may result in damage to other structures, restriction of bridge openings and other narrow sections of the stream or river; and
(4) Service facilities such as electrical and heating equipment are placed at or above the regulatory flood protection elevation for the particular area or adequately floodproofed.

(c) Storage of material or equipment other than that prohibited in Section 1191.23 may be allowed upon approval of the Planning Commission if not subject to major damage by floods and firmly anchored to prevent flotation; or, that are readily removable from the area within the time available after flood warning.

(d) Public utility facilities and water oriented industries which must be adjacent to watercourses are permitted, provided that the development is located so that it shall not substantially alter flood flows, heights or velocities of the 100 year flood. Whenever necessary, compensating measures shall be required to be undertaken to offset any adverse effects of allowing the use within the floodway and to keep increases in stages of the 100 year flood within the limits specified in this chapter.

(e) Structural works for flood control such as dams, levees, dikes and floodwalls, shall not be allowed within the floodway except upon issuance of a flood plain use permit. In addition, any proposed structural work in the beds of public waters as defined in Ohio R.C. 1521.06, which shall change the course, current or cross section of the waters shall be subject to the provision of Ohio R.C. 1521.06 and 1521.07, and other applicable statutes.

(Ord. 0124-2007. Passed 6-18-07.)

1191.24 NONCONFORMING USES.

A structure or the use of a structure or premises which was lawful before June 2, 1973, but which is not in conformity with the provisions of this chapter may be continued subject to the following conditions:

(a) No nonconforming use shall be expanded, extended, replaced, reconstructed, substituted, changed, enlarged or altered in the floodway.

(b) If such use is voluntarily discontinued for two years or more, any future use of the building premises shall conform to this chapter.

(c) If any nonconforming use, created by this chapter, is destroyed by any means, including floods, to an extent of fifty percent (50%) or more of its assessed value, it shall not be reconstructed except in conformity with the provisions of this chapter. The Planning Commission may permit reconstruction if the use is located outside the floodway and, upon reconstruction is adequately floodproofed, elevated or otherwise protected in conformity with this chapter.

(d) Repairs and maintenance work required to keep a nonconforming use in sound condition may be made.

(e) Any alteration or addition to any nonconforming use which would result in substantially increasing its flood damage potential shall be protected by measures pursuant to Section 1191.13(e).

(f) Whenever a nonconforming use has been changed to a conforming use, such use shall not thereafter be changed to a nonconforming use.

(g) Uses or adjuncts thereof or accessory uses which are found by a Court of competent jurisdiction as nuisances shall not be entitled to continue as nonconforming uses.

(h) The provisions in this section are not intended and shall not be construed to permit greater expansion, extension, enlarging or replacement than is permitted under any existing Zoning Code sections relating to nonconforming uses.

(Ord. 0124-2007. Passed 6-18-07.)

1191.30 FEES AND PERMITS.

Any person desiring to do or to cause to be done any work for which a permit is required by the flood plain zoning shall, at the time the permit is issued, pay all required fees as established in the Development Fee Schedule and comply with all requirements set forth in Section 148.12 in Part One of these Codified Ordinances.

(Ord. 0124-2007. Passed 6-18-07.)

1191.99 VIOLATIONS AND PENALTIES.

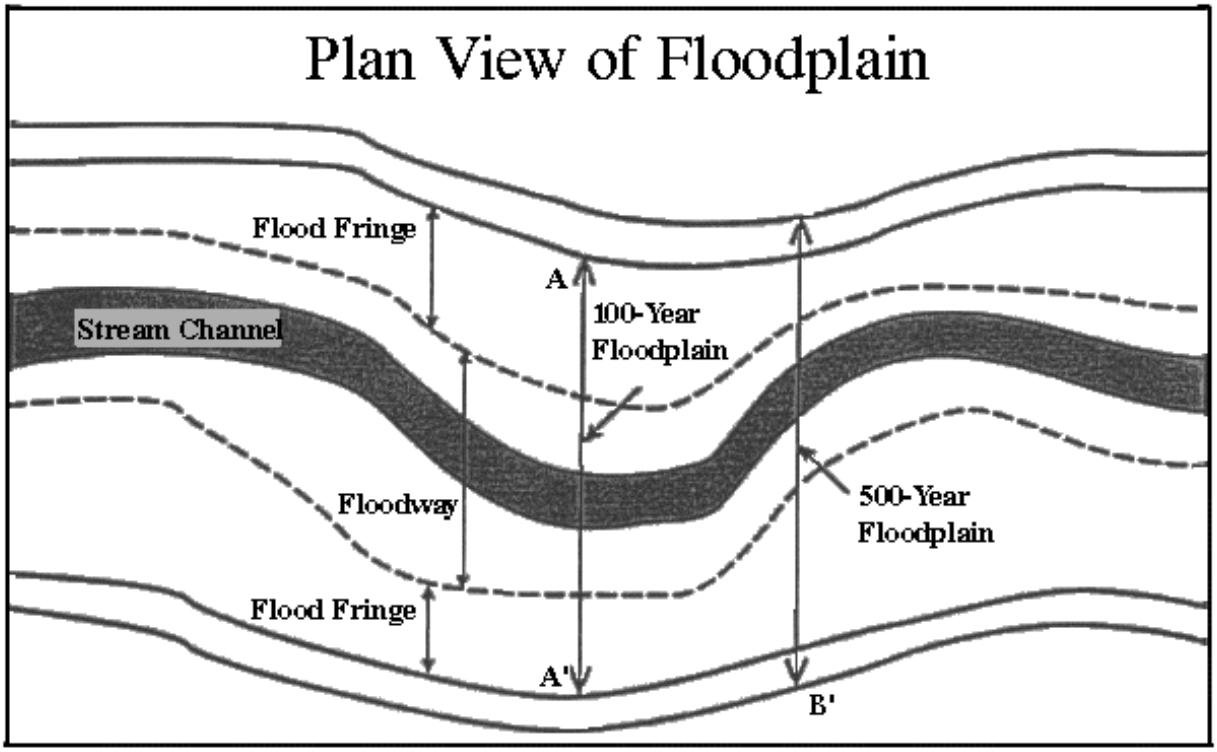
Violation of the provisions of this chapter or failure to comply with any of its requirements shall constitute a misdemeanor of the first degree. Any person who violates any provision of this chapter or fails to comply with any of its requirements shall pay all costs and expenses involved in the case, including the costs of restoring the area to its original condition prior to the violation. Each day such violation continues shall be considered a separate offense.

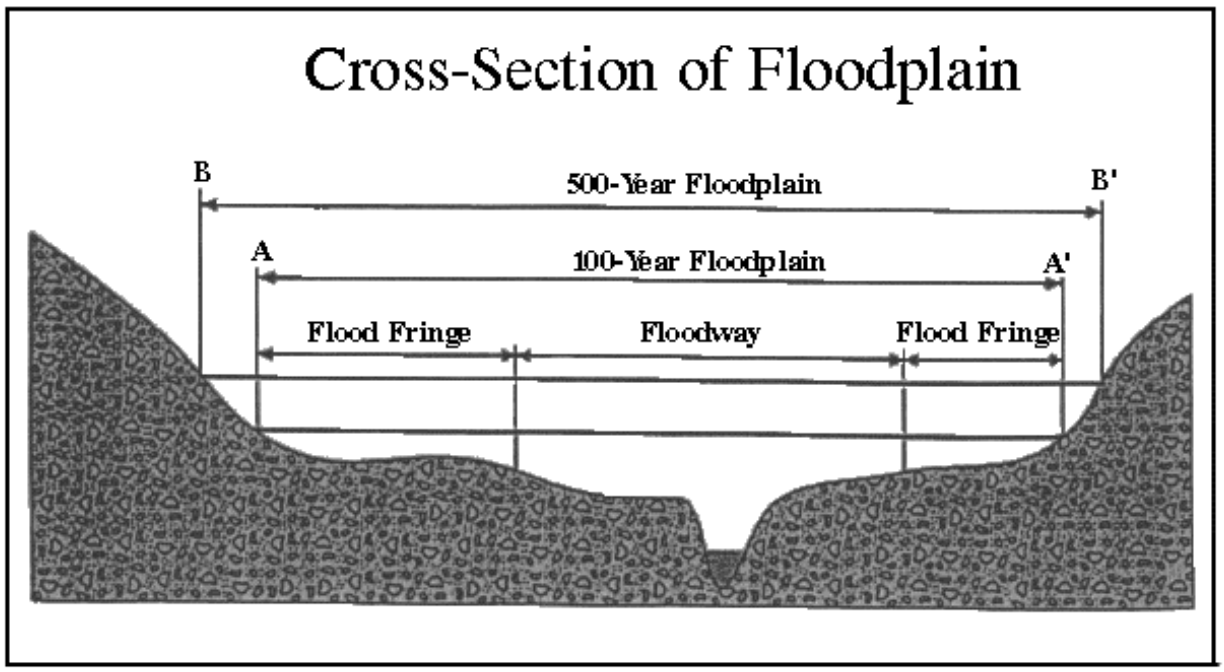
Nothing herein contained shall prevent the City of Gahanna from taking such other lawful action as is necessary to prevent or remedy any violation. The City of Gahanna shall prosecute any violation of this chapter in accordance with the penalties stated herein.

(Ord. 0124-2007. Passed 6-18-07.)

APPENDIX "A"

FLOODPLAIN: PLAN AND CROSS-SECTION VIEW





CHAPTER 1193
Stormwater Management Policy

1193.01 Enforcement and compliance.
1193.02 Design standards.
1193.03 Stormwater Runoff Policy.
1193.04 Exemptions.
1193.05 Waivers.
1193.06 Stormwater runoff control criteria.
1193.07 Stormwater system design criteria.
1193.08 Public notification of watercourse.
1193.09 Right of appeal.

CROSS REFERENCES
Drainage - see Ohio R. C. Ch. 6131
Driveway drainage - see S. & P. S. Ch. 909
Obstructing drainage - see S. & P. S. Ch. 911

1193.01 ENFORCEMENT AND COMPLIANCE.

(a) The City Engineer shall be responsible for enforcement of the Stormwater Management Policy and shall not allow any development of land area exceeding one acre in size unless such development meets the design requirements herein.

(b) The Planning Commission shall not approve the final plat of any development or subdivision over which it has jurisdiction without certification from the City Engineer that such development or subdivision shall be in full compliance with the design requirements herein. (Ord. 0021-2010. Passed 2-1-10.)

1193.02 DESIGN STANDARDS.

(a) Purpose. These standards (1193 & 1195) are to establish stormwater management using best management practices and conservations practices to minimize the impact to public waters from accelerated soil erosion and stormwater runoff caused by earth disturbance activities, subsurface drainage and land use changes connected with activities within a development area, and shall include, at a minimum, all requirements of the OEPA construction general permit for construction activities (CGP).

(b) The design standards contained in the Ohio Department of Natural Resources (ODNR) Rainwater and Land Development Manual, latest edition, shall be used to determine the technical acceptability of land development stormwater management methods as applicable and shall be used as technical guidance. The City Engineer shall determine the acceptability of all hydraulic and hydrologic engineering and design.

(c) The United States Department of Agriculture Natural Resource Conservation Service (NRCS) soil classification mapping of the City shall be used to determine soil classification for the purpose of all stormwater management design unless more detail data is prepared by a competent authority and accepted by the City Engineer.

(d) The condition of property prior to earth disturbing activity shall be used to determine predevelopment runoff coefficients and runoff curve numbers based on the most recent NRCS values. (Ord. 0021-10. Passed 2-1-10.)

1193.03 STORMWATER RUNOFF POLICY.

(a) The Stormwater Runoff Policy requires that land uses and developments which increase the runoff rate or volume shall control the discharge rate of runoff prior to its release to off-site land. The purposes of this policy are to:

(1) Permit development without increasing the flooding potential of other lands;

(2) Reduce damage to receiving streams and impairment of their capacity which may be caused by increases in the quantity and rate of stormwater discharge; and

(3) Establish a basis for design of stormwater drainage systems on lands below undeveloped areas which shall preserve the rights and options of both dominant and servient property owners and assure long-term adequacy of storm drainage systems.

(b) The Stormwater Runoff Policy applies to all land developments not specifically exempted under Section 1193.04 or granted a waiver as provided by Section 1193.05.

(c) Other sections of this chapter specify the performance requirements of on-site drainage systems and runoff control standards.
(Ord. 0021-2010. Passed 2-1-10.)

1193.04 EXEMPTIONS.

Exemptions are appropriate for certain land use activities which clearly do not generate significant increases in stormwater runoff. Where exemptions are granted under this section, they shall apply to the requirements for runoff control only and do not in any way imply a relaxation of requirements for adequate and proper on-site drainage or the ability of the system to accept runoff from the tributary land nor a relaxation of any other local, state or federal requirements. The following land uses and developments are exempted from stormwater runoff controls:

(a) Land preparation for active agricultural areas, orchards, sod farms and nursery operations;

(b) Land grading or leveling for erosion control under direction of the local soil conservation district;

(c) Land located within the Regulatory Flood Hazard Area established under Chapter 1191 when developed for permitted or conditional uses defined under Sections 1191.13 and 1191.15. (Ord. 0021-2010. Passed 2-1-10.)

1193.05 WAIVERS.

(a) It is conceivable that development situations not automatically subject to exemptions under Section 1193.04 may exist such that development shall have none of the harmful effects associated with increases in runoff rates and volume. Such developments are eligible for a waiver. The waiver applies only to the requirement that runoff be controlled, and does not in any way imply a relaxation in the requirement for adequate on-site drainage or the ability to accept runoff from land tributary to the development.

(b) The waiver application shall request in writing that such requirements for stormwater runoff control be waived. The application shall include sufficient detail to determine that granting a waiver shall not result in increased flooding and that the added volume of runoff shall not damage the receiving stream.

(c) A condition of the waiver shall be that any addition, extension or modification of a development for which a waiver has been granted shall be required to provide stormwater runoff control for the entire site if preceding limitations are exceeded by subsequent additions, extensions or modifications.

(d) The following land uses and developments are eligible to apply for a waiver on stormwater runoff control requirements contained in this chapter:

(1) Development areas abutting and tributary to Big Walnut Creek on which surface watershed flows directly into Big Walnut Creek.

(e) All waiver applications shall be recommended by the City Engineer and the Planning Commission and approved by Council.

(f) In no case shall a waiver eliminate or replace any other local, state or federal permit or compliance requirements. (Ord. 0021-2010. Passed 2-1-10.)

1193.06 STORMWATER RUNOFF CONTROL CRITERIA.

(a) Stormwater runoff control shall address both peak rate of runoff and total volume of runoff. The peak rate of runoff from an area after development shall not exceed the peak rate of runoff from the same area before development for all return period storms from one year up to a 100-year return period; twenty-four hour storm. In addition, if it is found a proposed development shall increase the volume of runoff from an area, the peak rate of runoff from certain more frequent storms shall be controlled further.

There are two reasons why increases in volume of runoff require a peak runoff control standard more restrictive than controlling to the predevelopment condition. First, increases in volume mean runoff will be flowing for a longer period of time. When routed through a watershed, these longer flows may join at some point or points downstream creating new peak flows and create flooding and erosion and problems associated with increased peak flow. This is known as the “routing problem”. Second, longer flow periods of large runoff quantities place a highly erosive stress on natural channels. This stress may be minimized by reducing the rate of discharge. The permissible peak rates shall be determined as follows:

(1) Determine the total volume of runoff from a one-year return period, twenty-four hour storm, occurring over the area before and after development; and

(2) Using TR-55 Methodology, or other volume based Methodology acceptable to the City Engineer (the rational method is not acceptable), determine the percentage of increase in volume due to development and using this percentage, pick the critical storm from the following table:

If the percentage of increase in volume of runoff is: Equal to or greater than	And less than	The critical storm for discharge limitations shall be (Years)
-	10	1
10	20	2
20	50	5
50	100	10
100	250	25
250	500	50
500	-	100

(b) The peak rate of runoff from the critical storm occurring over the development shall not exceed the peak rate of runoff from a one-year return period storm occurring over the same area under predevelopment conditions. Storms of less frequent occurrence (longer return period) than the critical storm, shall have a peak rate of runoff not greater than the same storm under predevelopment conditions. As an example, if the total volume is to be increased by thirty-five percent (35%), the critical storm is a five-year storm. The peak rate of runoff for all storms up to this intensity shall be controlled so as not to exceed the peak rate of runoff from a one-year return period storm under predevelopment conditions in the area. The runoff from a more intense storm, up to a 100-year return period storm must be controlled so as not to exceed the predevelopment peak rate from the same return period storm.

(c) Appropriate stormwater runoff control addresses both peak rate and total volume of runoff. In addition to peak rates of stormwater runoff, methods for minimizing post construction increases in stormwater runoff volumes are strongly encouraged. Methods for reducing runoff volumes may include those listed below.

(1) Retarding flow velocities by increasing friction; for example, grassed road ditches rather than paved street gutters where practical; discharging roof water into vegetated areas; or grass and rock lined drainage channels;

(2) Grading and construction of terraces and diversions to slow runoff and use of grade stabilization structures to provide a level of control in flow paths and stream gradients;

(3) Induced infiltration of terraces and diversions to slow runoff and use of grade stabilization structures to provide a level of control in flow paths and stream gradients;

(4) Provisions for retention and detention; for example, permanent ponds and lakes with stormwater basins provided with proper drainage, multiple use areas for stormwater detention and recreation, wildlife, transportation, fire protection, aesthetics, or subsurface storage areas.

(5) Other methods for controlling post construction water quality as approved by the City Engineer.

(6) Attenuation of runoff rates from upstream areas is not required to be provided. Flow from such areas will be routed through the drainage system in the development under consideration at a rate determined in the same manner as the on-site system. Anticipated future development, however, must be considered in the designers' hydrologic analysis. Off-site land uses prior to development, or anticipated to be constructed in the future, shall be considered as the pre-development condition for the purpose of calculating changes in runoff.

(7) All stormwater management and sediment control practices shall be designed, constructed and maintained with consideration for the proper control of mosquitoes and other vectors. Practices may include, but are not limited to:

A. There should be no depressions in a normally dry detention facility where water might puddle when the water level is receding. Underdrains are encouraged where appropriate.

B. All structures shall be designed in accordance with ODNR'S rainwater and land development handbook (most recent edition).

(d) Numerous methods of rainfall-runoff computation are available on which the design of storm drainage and flood control system may be based. The rational method, the NRCS hydrologic methods (available in TR-20, TR-55 and HEC-1) are accepted as adequate for determining peak runoff rates for drainage areas. USGS methodologies are also acceptable. Other methods may be accepted with the concurrence of the City Engineer.

The total watershed that produces stormwater runoff across the site proposed to be developed shall be included when estimating flood discharge runoff. Dependent on watershed size, the following principal methods shall be considered acceptable to estimate design discharge.

(1) For small watersheds of 25 acres or less, the design runoff may be determined by the rational method. This method may also be used for catch basin hydrology. The rational method shall not be used for sizing attenuation basins or any other facility that requires estimation of runoff volumes.

(2) For 5-100 acres of an urbanizing watershed, the design runoff may be estimated by using the method as Published, Urban Hydrology for Small Watersheds (TR55). This method may be applicable to areas up to 300 acres depending upon the topography. TR-20 and HEC-1 may be acceptable for larger areas. The designer is encouraged to meet with the City Drainage Engineer prior to selecting a methodology for large watershed.

(3) Other method approved by the City Engineer.

(Ord. 0021-2010. Passed 2-1-10.)

1193.07 STORMWATER SYSTEM DESIGN CRITERIA.

(a) Design Storms/System Design.

(1) Initial drainage system. The initial drainage system is the part of the storm drainage system which is used regularly for collecting, transporting and disposing of storm water runoff, snowmelt and miscellaneous minor flows. The capacity of the initial drainage system should be equal to the maximum rate of runoff expected from a design storm of established frequency.

A. All new storm sewer systems must be adequate to convey anticipated runoff of a watershed from a 5-year storm at just full flow. Pressure flows for 5 year design storms are unacceptable.

B. The storm sewer hydraulic grade line shall be determined for the 10 year storm event. The hydraulic grade line at the 10 year storm shall be below the grate and/or cover of all structures. The hydraulic grade line should never be below the normal depth of flow in the conduit. If calculations illustrate this condition, then the designer shall use the normal depth of flow elevation as the hydraulic grade line (HGL) elevation.

C. Discharge outlets must be adequate to accept additional runoff from the proposed development without overloading. If the existing outlet is inadequate for such additional flow, an improved outlet or some time-release method of discharge (detention), satisfactory to the City Engineer, must be provided. A tailwater analysis must be completed and used as part of all hydraulic design.

D. Hydraulic analysis of all culverts shall be performed per Federal Highway Administration, Report No. FHWA-IP-85-15, Hydraulic Design Series No. 5, "Hydraulic Design of Highway Culverts", September 1985. Culverts shall be designed to easily convey the 10-year design storm. Headwater depth shall not be within 12" of the final pavement (lowest point in road) elevation for the 50-year storm.

E. All culverts shall be designed with a uniform barrel cross section throughout their length. Location alignment, material specifications, and end treatments (e.g., headwalls, wingwalls, riprap, apron slabs), shall be approved by the City Engineer.

(2) Major drainage system. The major drainage system is that part of the storm drainage system which carries the runoff which exceeds the capacity of the initial drainage system. The major drainage system shall have the capacity to carry runoff from a storm with a return period of not less than 100 years without posing significant threat to property or public safety.

A. Major system design shall be considered and accomplished for all development to alleviate potential adverse impact from flooding due to infrequent storms. Sufficient easements shall be provided to protect the major flow paths from being filled, blocked or otherwise disturbed.

B. Where a system outlets to an erodible channel, measures shall be taken to lessen potentially destructive velocities. Maximum velocities for discharge into erodible channels shall flow ODOT standards.

(b) Initial Storm: Physical Design Criteria for On-Site Improvements.

(1) Depth of flow in natural channels shall not exceed bank full stage with backwater effects considered.

(2) Depth of flow in artificial channels shall not exceed 0. 8 bank full stage. Velocity of flow shall be determined in accordance with the design criteria for open channels and shall not exceed seven feet per second. Where flows exceed this rate, special channel lining and erosion protection shall be provided. Design approach shall follow the guidelines of the ODNR Rainwater and Land Development Manual.

(3) Depth of flow in road side ditch swales shall not exceed one foot or be of such depth that flow would extend out of the right of way if the side ditch is less than one foot in depth. Velocity at this depth shall not exceed six feet per second with grass swales or ten feet per second with paved ditches.

(4) Depth of flow in streets with curb and gutter shall not exceed the curb height. Velocity of flow in the gutter at design depth shall not exceed ten feet per second. In addition to the above, the following are maximum encroachments of the minimum five-year initial design storm onto the pavement.

A. For minor streets carrying traffic from the individual residence to collector and secondary streets, the flow may spread to the crown of the street.

B. For collector or secondary streets, one lane shall be free from water.

C. For primary streets, one lane in each direction shall be free from water.

D. For freeways, no encroachment is allowed on traffic lanes.

(5) In the design of the conduit, the conduit may be designed on the basis of flowing full with surcharge to gutter line. Backwater effects shall be considered.

(c) Major Storm: Physical Design Criteria for On-Site Improvements.

(1) The major storm floodway and floodway fringe for natural streams shall be as defined by the U. S. Army Corps of Engineers, the U. S. Department of Housing and Urban Development or the Ohio Department of Natural Resources, where such determinations have been made.

(2) Many of the drainageways associated with the major storm system are in areas beyond those designated as floodway or floodway fringe. For these areas, the major storm flood limits shall be determined by the U. S. Corps of Engineers HEC-2 method or other accepted methods of determining water surface profiles using the major design storm runoff. One-half foot elevation shall be added to the flood profile as freeboard for protection in the event of future encroachments into the floodway fringe or in the drainageway.

(3) Where the street is designed as the major drainageway, the depth of flow shall not exceed eighteen inches of width at gutter line for local and collector streets and shall not exceed six inches depth at roadway crown for primary streets and freeways. The same maximum depth criteria shall apply where a major drainageway crosses the street. Where a major drainageway is located outside a street, dedicated stormwater easements shall be provided.

(4) In determining the required capacity of surface channels and other drainageways provided for the major storm runoff, the street storm inlets and conduit provided for the initial design storm shall be assumed to be carrying not more than one-half their design capacity. This is a safety factor to allow for the surcharged outlets, obstructed inlets or other malfunctions.

(d) Stormwater Detention/Retention. Stormwater detention or retention is required for all developers unless a waiver is granted for areas designed for storage of stormwater by detention or retention incorporated into the natural features of the general area. Cooperative planning and joint owner construction of detention discharge control or retention facilities and use of natural land contours is strongly encouraged. No such facilities shall be permitted which may become aesthetically unpleasing, construction or maintenance problems. The City encourages such facilities which are designed as multipurpose spaces such as open space, recreation and/or scenic areas. Detention/retention areas shall also comply with all post construction runoff requirements, including those of the Ohio EPA construction general permit.
(Ord. 0021-2010. Passed 2-1-10.)

1193.08 PUBLIC NOTIFICATION OF WATERCOURSE.

Land developers shall place in all sales offices copies of the land development grading plan with graphic and written descriptive information clearly showing and describing the purpose of all drainage easements, floodway routing, flood hazard areas and other watercourses contained on or designed into the land development.
(Ord. 0021-2010. Passed 2-1-10.)

1193.09 RIGHT OF APPEAL.

Any person dissatisfied with a decision made by the City Engineer pursuant to Chapter 1193 shall have the right to appeal in writing the decision to the Board of Zoning Appeals within ten days after such decision is made. The Board of Zoning Appeals shall act upon the written appeal at its next regular meeting held after the receipt of such appeal by the Clerk or the appeal is deemed to be denied. lf the appeal is denied by the Board of Zoning Appeals the person filing the appeal may within ten days after such decision is made, appeal in writing such decision to Council which shall act upon the written appeal at its next regular meeting held after receipt of such appeal by the Clerk, or the appeal is deemed to be denied.
(Ord. 0021-2010. Passed 2-1-10.)

CHAPTER 1195
Erosion and Sedimentation/Post Construction Runoff Control

1195.01 Purpose.
1195.02 Definitions.
1195.03 Sediment and erosion control plan required.
1195.04 Sediment and erosion control standards and criteria.
1195.05 Post construction runoff control.
1195.06 Maintenance and operation plans.
1195.07 Fees.
1195.08 Enforcement.
1195.09 Violations.
1195.10 Appeals.
1195.99 Penalty.

1195.01 PURPOSE.

This chapter is adopted for the purpose of controlling the pollution of public waters by sediment from accelerated stormwater runoff caused by earth-disturbing activities and land use changes connected with developing urban areas. Control of such pollution shall promote and maintain the health, safety and general well-being of life and inhabitants within the City.
(Ord. 0021-2010. Passed 2-1-10.)

1195.02 DEFINITIONS.

(a) For the purpose of this chapter certain rules or word usage apply to the text as follows:

(1) Words used in the present tense include the future tense; and the singular includes the plural, unless the context clearly indicates the contrary.

(2) The term "shall" is always mandatory and not discretionary; the word "may" is permissive.

(3) The word or term not interpreted or defined by this section shall be used with a meaning of common or standard utilization, so as to give this chapter its more reasonable application.

(b) "Channel" means a natural stream that conveys water; a ditch or channel excavated for the flow of water.

(c) "Development area" means any contiguous (abutting) area owned by one person or operated as one development unit and used or being developed for nonfarm commercial, industrial, residential or other nonfarm purposes upon which earth-disturbing activities are planned or underway.

(d) "District" means the Franklin Soil and Water Conservation District, organized under Ohio R.C. Chapter 1515.

(e) "Ditch" means an excavation either dug or natural for the purpose of drainage or irrigation with intermittent flow.

(f) "Drainageway" means an area of concentrated water flow other than a river, stream, ditch or grassed waterway.

(g) "Dumping" means grading, pushing, piling, throwing, unloading or placing.

(h) "Earth-disturbing activity" means any grading, excavating, filling or other alteration of the earth's surface where natural or man-made ground cover is destroyed and which may result in or contribute to erosion and sediment pollution.

(i) "Earth material" means soil, sediment, rock, sand, gravel and organic material or residue associated with or attached to the soil.

(j) "Erosion" means:

(1) The wearing away of the land surface by running water, wind, ice or other geological agents, including such processes as gravitational creep.

(2) Detachment and movement of soil or rock fragments by wind, water, ice or gravity.

(3) Erosion includes:

A. "Accelerated erosion" means erosion much more rapid than normal, natural or geologic erosion, primarily as a result of the influence of the activities of man.

B. "Floodplain erosion" means abrading and wearing away of the nearly level land situated on either side of a channel due to overflow flooding.

C. "Gully erosion" means the erosion process whereby water accumulates in narrow channels during and immediately after rainfall or snow or ice melt and actively removes the soil from this narrow area to considerable depths such that the channel would not be obliterated by normal smoothing or tillage operations.

D. "Natural erosion (geologic erosion)" means wearing away of the earth's surface by water, ice or other natural environmental conditions of climate, vegetation, etc., undisturbed by man.

E. "Normal erosion" means the gradual erosion of land used by man which does not greatly exceed natural erosion.

F. "Rill erosion" means an erosion process in which numerous small channels only several inches deep are formed; occurs mainly on recently disturbed soils.

G. "Sheet erosion" means the removal of a fairly uniform layer of soil from the land surface by wind or runoff water.

(k) "Grassed waterway" means a broad or shallow natural course or constructed channel covered with erosion-resistant grasses or similar vegetative cover and used to conduct surface water.

(l) "Landslide" means the rapid downward and outward movement of large rock material and/or soil mass under the influence of gravity in which the movement of the soil mass occurs along an interior surface of sliding.

(m) "Person" means any individual, corporation, partnership, joint venture, agency, unincorporated association, municipal corporation, County or State agency, the Federal government, or any combination thereof.

(n) "Public waters" means water within rivers, streams, ditches and lakes except private ponds and lakes wholly within single properties, or waters leaving property on which surface water originates.

(o) "Sediment" means solid material both mineral and organic, that is in suspension, is being transported, or has been moved from its site of origin by wind, water, gravity or ice, and has come to rest on the earth's surface above or below sea level.

(p) "Sediment basin" means a barrier, dam or other suitable detention facility built across an area of waterflow to settle and retain sediment carried by the runoff waters.

(q) "Sediment control plan" means a compilation of maps and a written description, acceptable to the City Engineer, of methods for controlling sediment pollution from accelerated erosion on a development area of one or more contiguous acres or from erosion caused by accelerated runoff from a development area of one or more contiguous acres.

(r) "Sediment pollution" means failure to use management or conservation practices to abate wind or water erosion of the soil or to abate the degradation of the waters of the State by soil sediment in conjunction with land grading, excavating, filling or other soil-disturbing activities on land used or being developed for nonfarm commercial, industrial, residential or other nonfarm purposes.

(s) "Slip" means landslide as defined in subsection (l) hereof.

(t) "Sloughing" means a slip or downward movement of an extended layer of soil resulting from the undermining action of water or the earth-disturbing activity of man.

(u) "Soil loss" means soil relocated on or removed from a given site by the forces of erosion and the redeposit of the soil at another site on land or in a body of water.

(v) "Storm frequency" means the average period of time within which a storm of a given duration and intensity can be expected to be equaled or exceeded.

(w) "Stream" means a body of water running or flowing on the earth's surface or channel in which such flow occurs. Flow may be seasonally intermittent.

(x) "Topsoil" means surface and upper surface soils which presumably are darker colored, fertile soil materials, ordinarily rich in organic matter or humus debris.

(y) "100-year floodplain" means land susceptible to being inundated by water from a base flood that has a one percent or greater chance of being equaled or exceeded in any given year.

(z) "Clearing" means the removal of trees, brush, and other unwanted material in order to develop land for other uses, or to provide access for site work.

(aa) "Best Management Practice (BMP)" means a range of management procedures, schedules of activities, prohibitions on practices and other management practices which have been demonstrated to effectively control the quality and/or quantity of water runoff and which are compatible with the planned land use.

(bb) "Municipal separate storm sewer systems (MS4)" refers to a storm sewer system owned and operated by the Municipality in which it is located. These storm sewer systems may discharge into local rivers and streams and are regulated by the Environmental Protection Agency to reduce the amount of pollutants that reach these bodies of water from the storm sewer system.
(Ord. 0021-2010. Passed 2-1-10.)

1195.03 SEDIMENT AND EROSION CONTROL PLAN REQUIRED.

(a) A Sediment and Erosion Control Plan shall be submitted to the City Engineer prior to any earth disturbing activity on property of one acre or more for residential development or re-development, and on all land disturbances of one acre or more for commercial, manufacturing, multi-family development or redevelopment and public utility construction. Such plan may be submitted as a part of the detailed engineering plans. A copy of the approved Stormwater Pollution Prevention Plan (SWPP) and Notice of Intent (NOI) must be posted on site, submitted to the City for review, and available for review throughout the entire construction process. For earth disturbing activity on residential property of less than one acre, the need for erosion and sediment control activity shall be determined by the City Engineer, Chief Building Inspector or Zoning Officer.

(b) Sediment Control Plan Content. A sediment control plan for a proposed development, with maps drawn to a scale of one inch equals fifty feet, shall be submitted to the City Engineer containing the following information:

(1) Location of the area and its relation to its general surroundings including but not limited to:

A. Off-site areas susceptible to sediment deposits or to erosion caused by accelerated runoff; and

B. Off-site areas affecting potential accelerated runoff and erosion control;

(2) Existing and proposed topography and drainage of the development area and adjacent land within 100 feet of the boundaries. A topographic map should contain an appropriate contour interval to clearly portray the conformation and drainage pattern of the area:

A. Existing and proposed drainage watersheds, including the size of each watershed in acres (entire watershed area, not just the individual site).

B. Surface water locations including springs, wetlands, streams, water bodies, etc. on or within 200 feet of the site. This should include the locations of riparian, or wetlands setbacks, floodway, and the 100-year floodplain.

(3) The location of existing buildings, structures, utilities, water bodies, drainage facilities, vegetative cover, paved areas (streets, roads, driveways, sidewalks, etc.) and other significant natural or man-made features on the development area and adjacent land within 100 feet of the boundaries;

(4) A general description of the predominant soil types, their location and their limitations for the proposed use. Special attention should be given to hydric or highly erodible soils.

(5) Proposed use of the development area including present development and ultimate utilization with detail on soil cover, both vegetative and impervious;

(6) Section/phasing limits of the development area;

(7) All proposed earth disturbance including:

A. Areas of excavation, grading and filling;

B. The finished grade, stated in feet horizontal to feet vertical, of cut and fill slopes;

C. Kinds of utilities and proposed areas of installation;

D. Proposed paved and covered areas in square feet or to scale on a plan map;

E. Makeup of proposed surface soil (upper six inches) on areas not covered by buildings, structures or pavement. Description shall be in such terms as original surface soil, subsoil, sandy, heavy clay, stony, etc.; and

F. Proposed kind of cover on areas not covered by buildings, structures or pavement. Description shall be in such terms as: Lawn, turf grass, shrubbery, trees, forest cover, rip-rap, mulch, etc.

(8) Provisions for temporary and permanent erosion control shall follow the latest edition of the Ohio Department of Natural Resources (ODNR), Rainwater and Land Development Manual and shall be depicted on the plan and shall also comply with OEPA CGP.

(9) Provisions for the management of stormwater, derived both on-site and from upper watershed areas, including the control of accelerated on-site runoff, to a stable receiving outlet;

(10) Location of designated construction entrances where vehicles will enter/exit site. A detail for this entrance must be included on the plan.

(11) Provisions for maintenance of control facilities including easements to ensure short as well as long term erosion and sediment pollution control and stormwater management;
(12) Proposed construction sequence and time schedule for all earth disturbing activities and installation of provisions for erosion and stormwater management;
(13) Design computations and applicable assumptions for all structural measures for erosion and sediment pollution control and water management. Volume and velocity of flow shall be given for all surface water conveyance. This information shall also be provided for surface water outlets;
(14) Seeding mixtures and rates, lime and fertilizer application rates, and kind and quantity of mulching for both temporary and permanent vegetative control measures;
(15) Location of any in stream activities, including stream crossings.
(16) Location of permanent storm water management practices to be used to control pollutants after construction operations are complete.
(17) Estimate of cost of erosion and sediment control and water management structures and features;
(18) Title, scale, direction, legend and date of all plan maps;
(19) Names and addresses of the person(s) preparing the plan, the owner and the person responsible for the development area;
(20) Certification that all earth disturbance, construction and development shall be done pursuant to the plan;
(21) Total area of the site, and the area of the site that is expected to be disturbed, including off-site borrow areas;
(22) A calculation of the runoff coefficients for both the pre-construction and post construction site conditions.
(23) An estimate of the existing percentage based on the site's predevelopment condition as well as proposed percentage based on the site post-development condition impervious area created by the construction activity.
(24) Location of storm water and sediment and erosion control BMP's. A detail specification for each must be included in the plan.

The City Engineer may waive specific requirements for plan detail or may require additional information to show that work shall conform to basic requirements of this chapter, solely at his/her discretion.

(c) Plan Review. The City Engineer shall within fifteen working days of receipt of a Sediment Control Plan, indicate its approval or disapproval (status of compliance or noncompliance) to the person who filed the plan. Indication of disapproval (noncompliance) shall include the plan deficiencies and the procedures for filing a revised plan. Pending preparation and approval (determination of compliance) of a revised plan, earth-disturbing activities shall proceed only in accordance with conditions outlined by the City Engineer.
(Ord. 0021-2010. Passed 2-1-10.)

1195.04 SEDIMENT AND EROSION CONTROL STANDARDS AND CRITERIA.

(a) In order to control sediment pollution of water resources the owner or person responsible for the development area shall use conservation planning and practices to maintain the level of conservation established by the following standards:

(1) Timing of sediment-trapping practices. Sediment control practices shall be functional throughout earth-disturbing activity. Settling facilities, perimeter controls and other practices intended to trap sediment shall be implemented as the first step of grading and within seven days from the start of grubbing. They shall continue to function until the upslope of a development area is restabilized.

(2) Stabilization of denuded areas. Denuded areas shall have soil stabilization applied within seven days if they are to remain dormant for more than twenty-one days. Areas within fifty feet of a stream must be seeded within three days if they are to remain dormant for more than twenty-one days. Permanent or temporary soil stabilization shall be applied to denuded areas within seven days after final grade is reached on any portion of the site, and shall also be applied within seven days to denuded areas which may not be at final grade, but shall remain dormant (undisturbed) for longer than twenty-one days. Temporary seeding, and mulching may be disturbed several times during construction, and replacement applications will be required. The design standards contained in the latest edition of ODNR's Rainwater and Land Development Manual shall be used to determine appropriate stabilization specifications and methods.

(3) Settling facilities. Concentrated stormwater runoff from denuded areas shall pass through a sediment-settling facility.
The facility's storage capacity shall be sized per the current requirements of the construction general permit.

(4) Sediment barriers. Sheet flow runoff from denuded areas shall be filtered or diverted to a settling facility. Sediment barriers such as sediment fence or diversions to settling facilities shall protect adjacent properties and water resources from sediment transported by sheet flow.

(5) Storm sewer inlet protection. All storm sewer inlets which accept water runoff from the development area shall be protected so that sediment-laden water shall not enter the storm sewer system without first being filtered or otherwise treated to remove sediment, unless the storm system drains to a settling facility.

(6) Working in or crossing streams.

A. Streams including bed and banks shall be restabilized immediately after in-channel work is completed, interrupted or stopped.
To the extent practicable, construction vehicles shall be kept out of streams. Where in-channel work is necessary, precautions shall be taken to stabilize the work area during construction to minimize erosion. The design standards contained in the latest edition of Ohio Department of Natural Resources' Rainwater and Land Development Manual shall be used to determine appropriate stabilization specifications and methods.

B. If a live (wet) stream shall be crossed by construction vehicles regularly during construction, a temporary stream crossing shall be provided.

(7) Construction access routes. Measures shall be taken to prevent soil transport onto surfaces where runoff is not checked by sediment controls or onto public roads.

(8) Sloughing and dumping.

A. No soil, rock, debris or any other material shall be dumped or placed into a water resource or into such proximity that it may readily slough, slip or erode into a water resource unless such dumping or placing is authorized by the City Engineer and, when applicable, the U.S. Army Corps of Engineers, for such purposes as, but not limited to, constructing bridges, culverts and erosion control structures.

B. Unstable soils prone to slipping or landsliding shall not be graded, excavated, filled or have loads imposed upon them unless the work is done in accordance with a qualified professional engineer's recommendations to correct, eliminate or adequately address the problems.

(9) Cut and fill slopes. Cut and fill slopes shall be designed and constructed in a manner which shall minimize erosion. Consideration shall be given to the length and steepness of the slope, soil type, upslope drainage area, groundwater conditions and slope stabilization.

(10) Stabilization of outfalls and channels. Outfalls and constructed or modified channels shall be designed and constructed to withstand the expected velocity of flow from a post-development, ten-year frequency storm without eroding.

(11) Establishment of permanent vegetation. A permanent vegetation shall not be considered established until ground cover is achieved which, in the opinion of the approving agency, provides adequate cover and is mature enough to control soil erosion satisfactorily and to survive adverse weather conditions.

(12) Dewatering. Sediment laden water that is removed from trenches, or other facilities must be directed to a sediment basin, detention/retention pond, or other equally effective sediment control device. Dewatering activities shall not cause turbid discharges to surface waters. At no time can untreated discharge from any sediment laden depression, structural, or non-structural, be pumped directly into a stream, storm sewer inlet, or onto the street.

(13) Maintenance. All temporary and permanent erosion and sediment control practices shall be designed and constructed to minimize maintenance requirements and be coordinated with post construction runoff controls. They shall be maintained and repaired as needed to assure continued performance of their intended function. The person or entity responsible for the continued maintenance of permanent erosion controls, and assurance of adequate funding, shall be identified to the satisfaction of the plan-approving authority. (Ord. 0194-2010. Passed 12-20-10.)

1195.05 POST CONSTRUCTION RUNOFF CONTROL.

(a) Post-construction runoff controls are permanent controls designed to maintain a receiving stream's characteristics. Owner/developer must provide detailed drawings and maintenance plans for all Post-Construction Best Management Practices (BMPS). Maintenance plans shall also be provided by the permittee to the post-construction operator of the site (including homeowner associations). The permittee, land owner or other entity with legal control over the

property shall be required to develop and implement a maintenance plan to comply with local MS4 requirements. The use of innovative and/or emerging storm water management post-construction technologies shall be at the discretion of the City Engineer and could require monitoring to ensure compliance with OEPA'S Construction General Permit (CGP) Requirements Part III, Section G.2E. The post-construction portion of the storm water pollution prevention plan shall include the following:

(1) Description of post-construction BMPS to be installed during construction, including estimated installation schedule and sequencing plan (including post-construction sediment removal and installation of final outlets).

(2) Rationale for selection - to address anticipated downstream impacts (on the channel and floodplain, morphology, hydrology and water quality).

(3) Detailed post-construction BMP drawings and specifications.

(4) BMP maintenance plan for all BMPS selected and presented to post-construction operator. This maintenance plan shall include a disposal statement for structural BMPS to ensure pollutants collected with structural BMPS are disposed of in accordance with local, state and federal regulations.

(b) Post-Construction Runoff Control Design. Selected structural BMPS shall be sized for protection of watercourses from erosion (quantity) and include water quality volumes for controlling sediment volumes.

WQ_v = Volume of runoff from A 0.75 inch rain event

WQ_v is determined according to following method:

$WQ_v = C * P * A/12$

WHERE:

WQ_v = Channel protection and water quality volume in acre-feet

C = Runoff coefficient appropriate for storm less than 1 inch.

(Table 1195.1 or $C = 0.858I^3 - 0.781^2 + 0.774I + 0.4$
The equation being the preferred method)

P = 0.75 inch precipitation depth

A = Area draining into the BMP in acres

I = Watershed imperviousness ratio (percent total impervious divided by 100)

TABLE 1195.1 RUNOFF COEFFICIENTS FOR WQ_V CALCULATIONS

LAND USE	RUNOFF COEFFICIENT (C)
INDUSTRIAL & COMMERCIAL	0.8
HIGH DENSITY RESIDENTIAL (8 DWELLINGS/ACRE)	0.8
MEDIUM DENSITY RESIDENTIAL (4 TO 8 DWELLINGS/ACRE)	0.4
LOW DENSITY RESIDENTIAL (4 DWELLINGS/ACRE)	0.3
OPEN SPACE AND RECREATIONAL AREAS	0.2

NOTES:

- Where the land use will be mixed, the runoff coefficient should be calculated using a weighted average.
- An additional volume equal to 20 percent of the WQ_V shall be incorporated into the BMP for sediment storage and/or reduced infiltration capacity during construction.
- BMPS shall be designed such that the drain time is long enough to provide settlement treatment, but short enough to provide storage available for successive rain events as described in Table 1195.2

TABLE 1195.2 DRAWDOWN TIMES FOR POST CONSTRUCTION BMPS

BEST MANAGEMENT PRACTICE (BMP)	DRAWDOWN TIME OF WQV (HOURS)
INFILTRATION	24 TO 48
VEGETATED SWALE OR FILTER STRIP	24
EXTENDED DETENTION BASIN (DRY BASIN)	48
RETENTION BASIN (WET BASIN)	24
CONSTRUCTED WETLAND (ABOVE PERMANENT POOL)	24
MEDIA FILTRATION, BIO-RETENTION	40

* Provide both a permanent pool and an extended detention volume above the permanent pool, each sized for 75% WQ_V.

(c) Recommended Post-Construction Best Management Practices. The post-construction best management practice controls in Table 1195.2 are identified in OEPA'S CPG and shall be incorporated in project development and design.

The City Engineer will also consider non-structural practices in combination with these structural practices in reviewing site plans. Supporting documentation of non-structural BMP estimated pollutant removal information, map of on-site BMP locations, description of BMP type, and frequency with which the BMPs include: Site impervious area sweeping, natural buffers, pervious pavements, etc.

All BMPs shall be designed and constructed per the ODNR Rainwater and Land Development Manual.

(d) Post Construction Runoff BMP Drawdown Curve. A drawdown curve (Volume vs. Drawdown Time) shall be calculated and drawn for each BMP and submitted to the City Engineer.

(e) Stormwater Control. Ponds are one of the most widely used BMPs for meeting water quantity requirements and providing water quality treatment. The pond improves water quality by detaining stormwater for an extended period of time in a permanent pool to allow pollutants to settle. Pollutants removed include suspended solids, organic matter, dissolved metals, and nutrients. These are enhancements that can be accomplished with ponds to increase the effectiveness of pollutant removal.

These enhancements are outlined in ODNR's rainwater and Land Development Manual. Some of them are specifically required by the OEPA's CGP. Both the handbook and manual shall be followed in designing and constructing ponds and other approved BMPs. This chapter includes some of the OEPA requirements and ODNR guidelines, but does not replace those documents. Pond BMPs must specifically follow these guidelines. BMPs other than ponds shall include consideration for all of the below elements and shall address each item to the greatest extent practical.

(1) Land area - Land constraints, such as small sites or highly developed areas, may preclude the installation of a pond. The wet pond BMP is most useful for large subdivisions, or development sites. Owners of small properties may cooperatively construct a single large wet pond to serve several sites. Fewer ponds are preferred to numerous individual small ponds. Wet detention ponds are effective in meeting stormwater quantity and water quality (post construction runoff control) goals. Well designed wet ponds can also provide an aesthetic amenity.

(2) Soils and minimal water supply - Wet detention ponds must maintain a permanent pool of water. Wet ponds are recommended for medium to large drainage areas (generally greater than 10 acres).

(3) Retrofit - Wet ponds provide opportunities for retrofit coverage for existing development. With minor excavation and/or modification of the outlet, existing dry ponds can be converted to wet ponds. The retrofits can generate greater water quality benefits for the receiving stream, helping the (community) meet water quality goals. Retrofit opportunities are encouraged in the City of Gahanna.

(4) Maintenance - Adequate maintenance access and easements from public or private right-of-way to the basin shall be reserved. The access shall be on a slope of 5:1 (vertical to horizontal) or shallower, stabilized to support heavy construction equipment, and provide direct access to both the forebay and the riser outlet. An adequate area for temporary staging of spoils, prior to ultimate disposal shall be provided. This area shall be protected such that no sediment laden runoff will be directed back into the stormwater management system or onto private property. An easement must be provided over the disposal area.

(5) Pond shape and depth - Surface area to volume ratio shall be maximized to the extent feasible. Depths of the permanent pool should be varied and average between 3 and 6 feet. A minimum length-to-width ratio of 3:1 should be used unless structural measures are used to extend the flow path. Ponds should be wedge-shaped, narrower at the inlet and wider at the outlet. Irregular shorelines are preferred. A marsh fringe should be established near the inlet or forebay and around at least 50 percent of the pond's perimeter. A shelf, a minimum of 4 feet wide at a depth of one foot, will surround the interior of the perimeter to provide suitable conditions for the establishment of aquatic vegetation, and to reduce the potential safety hazard to the public. For safety purposes and to minimize erosion, basin side slopes will not be flatter than 20:1, nor steeper than 3:1. Steeper slopes may be allowed if fencing at least 5 feet in height is provided, although fencing is discouraged for aesthetic reasons.

(6) Basin inlet/outlet design. - Velocity dissipation measures shall be incorporated into basin designs to minimize erosion at inlets and outlets, and to minimize the resuspension of pollutants. Inverts for inlet pipes shall discharge at the elevation of the permanent pool and perpendicular to the surface to allow the pool to dissipate the energy of the inflow. Stone riprap shall extend from the pipe invert to the pond bottom to prevent erosion. Antiseep collars should be installed on any piping passing through the sides or bottom of the basin to prevent leakage through the embankment. To the extent feasible, the distance between inlet and outlet shall be maximized. The length and depth of the flow path across basins can be maximized by:

A. Increasing the length-to-wdith ratio of the entire design.
B. Increasing the dry weather flow path within the system to attain maximum sinuosity.

(7) Dual orifices, or other designs should be used to assure an appropriate detention time for all storm events. Where a pipe outlet or orifice plate is to be used to control discharge, it should have a minimum diameter of six inches. If this minimum orifice size permits release rates greater than those specified in these rules, alternative outlet designs will be utilized that incorporate self-cleaning flow restrictors, such as perforated risers, that provide the required release rate. The outlet should be well-protected from clogging. A reverse-slope-submerged orifice or hooded, broad crested weirs are recommended options. If a reverse-slope pipe is used, an adjustable valve may be necessary to regulate flows. Orifices used to maintain a permanent pool level should withdraw water at least one foot below the surface of the water.

(8) Backwater (tailwater) on the outlet structure from the downstream drainage system shall be evaluated when designing the outlet. All outlets shall be designed to be easily accessible for heavy equipment required for maintenance purposes.

(9) All basins shall include provisions for a defined emergency spillway constructed on undisturbed soil.

The emergency spillway should be set at the elevation of the 100-year or more frequent storm. Where feasible, a drain for completely dewatering wet ponds should be installed for sediment removal and other maintenance purposes.

(10) Riser design - Hoods or trash racks should be installed on the riser to prevent clogging. Grate openings should be a maximum of 3 inches. The riser should be placed near or within the embankment, to provide for ready maintenance access. Inlet and outlet barrels and risers should be constructed of materials that will reduce future maintenance requirements. The riser pipe should be a minimum of 24 inches in diameter for riser pipes up to 4 feet in height. Riser pipes greater than 4 feet in height should be 48 inches in diameter. Riser pipes shall be constructed with poured-in-place concrete bottoms.

(11) The height of water in detention facilities shall not be excessive and shall comply with the ODNR dams and reservoir safety requirements.

(12) A table of elevations (stage-storage-discharge table with storage volume and discharge rates) shall be provided with the final engineering and construction plans for all basins. Profile view drawings of the outlet structure, with elevations, shall also be included.

(13) Prior to final acceptance of the pond improvements, as-built data shall be submitted to the City Engineer verifying that the structure(s) have been built as designed and will function accordingly. The as-built information shall be prepared and stamped by a registered professional Civil Engineer or a registered Landscape Architect.

(Ord. 0021-2010. Passed 2-1-10.)

1195.06 MAINTENANCE AND OPERATION PLANS.

(a) All stormwater treatment practices shall have an enforceable operation and maintenance agreement to ensure the system functions as designed.

(b) This agreement shall include any and all maintenance easements required to access and inspect the stormwater treatment practices, and to perform routine maintenance as necessary to ensure proper functioning of the stormwater treatment practice.

(c) A legally binding covenant specifying the parties responsible for the proper maintenance of all stormwater treatment practices shall be secured prior to issuance of any permits for land disturbance activities. An executed copy of the agreement shall be provided to the City of Gahanna, prior to project acceptance. (Ord. 0021-2010. Passed 2-1-10.)

1195.07 FEES.

The sotrmwater pollution prevention plan review, filing, and inspection fee is part of a complete submittal and is required to be submitted to the City Engineer and the Franklin County Storm Water Conservation District before the review process begins. Please consult with the City Engineer for current fee schedule. (Ord. 0021-2010. Passed 2-1-10.)

1195.08 ENFORCEMENT.

(a) All development areas may be subject to external inspections by the City of Gahanna, its authorized agents, or the Ohio Environmental Protection Agency to ensure compliance with the approved SWPPP.

(b) After each external inspection, the City or its authorized agents shall prepare and distribute a status report to the applicant.

(c) If an external inspection determines that operations are being conducted in violation of the approved SWPPP, the City is authorized to take action as detailed in Section 1195.09 of this regulation. (Ord. 0021-2010. Passed 2-1-10.)

1195.09 VIOLATIONS.

(a) No person shall violate or cause or knowingly permit to be violated any of the provisions of this regulation, or fail to comply with any of such provisions or with any lawful requirements of any public authority made pursuant to this regulation, or knowingly use or cause or permit the use of any lands in violation of this regulation or in violation of any permit granted under this regulation.

(b) Upon notice, the authorized representative of the City of Gahanna may suspend any active soil disturbing activity for a period not to exceed ninety (90) days, and may require immediate erosion and sediment control measures whenever he or she determines that such activity is not meeting the intent of this regulation. Such notice shall be in writing, shall be given to the applicant, and shall state the conditions under which work may be resumed. In instances, however, where the City finds that immediate action is necessary for public safety or the public interest, he or she may require that work be stopped upon verbal ordering pending issuance of the written notice. (Ord. 0021-2010. Passed 2-1-10.)

1195.10 APPEALS.

Any person dissatisfied with a decision made by the City Engineer pursuant to Chapter 1193 shall have the right to appeal in writing the decision to the Board of Zoning and Building Appeals within ten days after such decision is made. The BZBA shall act upon the written appeal at its next regular meeting held after the receipt of such appeal by the Clerk or the appeal is deemed to be denied. If the appeal is denied by the BZBA the person filing the appeal may within ten days after such decision is made, appeal in writing such decision to Council which shall act upon the written appeal at its next regular meeting held after receipt of such appeal by the Clerk, or the appeal is deemed to be denied. (Ord. 0021-2010. Passed 2-1-10.)

1195.99 PENALTY.

(a) Any person, firm, entity or corporation, including but not limited to, the owner of the property, his agents and assigns, occupant, property manager, and any contractor or subcontractor who violates or fails to comply with any provision of this regulation is guilty of a misdemeanor of the third degree. A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues.

(b) The imposition of any other penalties provided herein shall not preclude the City instituting an appropriate action or proceeding in a court of proper jurisdiction to prevent an unlawful development, or to restrain, correct, or abate a violation, or to require compliance with the provisions of this regulation or other applicable laws, ordinances, rules, or regulations, or the orders of the City of Gahanna. (Ord. 0021-2010. Passed 2-1-10.)

TITLE SEVEN - Design Review
Chap. 1197. Design Review.

CHAPTER 1197
Design Review

1197.01 Purpose and intent.
1197.02 Duties and responsibilities.
1197.03 Application.
1197.04 Fee.
1197.05 Certificate of appropriateness required.
1197.06 Planning Commission action.
1197.07 Standards for design review.
1197.08 Design Review Districts established.
1197.09 Design Review District standards.
1197.10 Variances required.
1197.11 Action on applications to be recorded.
1197.12 Appeal of denied applications.
1197.99 Penalty.

CROSS REFERENCES
Board of Zoning and Building Appeals - see CHTR. Art. X
Design standards for subdivisions - see P. & Z. Ch. 1109
Planning Commission zoning powers - see P. & Z. 1125.01, 1125.02
Zoning certificate required - see P. & Z. 1129.01
Variance procedures - see P. & Z. 1131.02 et seq.
Development standards for zoning districts - see P. & Z. Ch. 1167

1197.01 PURPOSE AND INTENT.

The primary purpose of the design review standards is to create a design environment that enhances the community and promotes the public health, safety and welfare of the City by establishing design standards that enhance and/or preserve the architectural integrity and exterior appearance of the community. The standards prescribed in this section shall apply to any new, addition, or modified structures within the City Design Review Districts to encourage responsible development practices. The secondary purpose of the standards is to protect and promote the aesthetic posterity of the City and its environs. The Planning Commission shall evaluate applications and implement the standards described in this chapter for the appropriate Design Review District.

Applications for a Certificate of Appropriateness shall be subject to review by the Commission to determine that the proposals meet the following criteria:

(a) Are stylistically compatible with other new, renovated, and existing structures in the applicable Design Review District in order to maintain design continuity and provide protection of existing design environment;

(b) Contribute to the improvement and upgrading of the architectural and design character of the Design Review District;

(c) Contribute to the continuing economic and community vitality of the Design Review District; and

(d) Maintain, protect and enhance the physical surroundings of the Design Review District.

In determining compliance with these criteria, the Commission shall incorporate the following design standards as outlined for each individual Design Review District. In the evaluation and approval of applications, the Commission shall use each design standard that it determines to be appropriate in complying with the criteria above. Local concerns, economic feasibility and the existing design environment should be a part of the evaluation and approval process. (Ord. 0212-2011. Passed 12-19-11.)

1197.02 DUTIES AND RESPONSIBILITIES.

(a) The Planning Commission shall develop and implement design standards for each Design Review District established in Section 1197.08, shall review such standards on a regular basis to assure that they are adequately updated, and shall recommend any needed changes in a timely manner to Council for approval.

(b) It shall be the responsibility of the Commission to evaluate the design and Planning for each new, renovated or expanded structure or overall development proposed for a site located within any of the established design review districts.

(1) In reviewing plans, the Commission shall examine:

A. Building design to include building massing and general architectural character, exterior surface treatments, fenestration, composition of all building elevations and the overall building color scheme.

B. Site development to include arrangement of buildings and structures on the site, use of signage, means of integrating: parking and drives, points of access to public streets, internal access drive patterns and placement, variety, quantity and size of landscape materials.

C. Overall impact of the proposed project or development on the surrounding properties to determine the effect the project or development will have upon the appearance and environment of the district.

(2) In evaluating the design and planning for each new, renovated or expanded structure or development within a Design Review District, the Commission shall endeavor to assure that exterior appearance and environment of such buildings, structures and spaces shall:

A. Enhance the attractiveness and desirability of the district in keeping with its purpose and intent.

B. Encourage the orderly and harmonious development of the district in a manner in keeping with the overall character of the district.

C. Improve residential amenities in any adjoining residential neighborhood.

D. Enhance and protect the public and private investment in the value of all land and improvements within the district and each adjoining district or neighborhood.

(3) The Commission, in performance of its duties, may prescribe modification of the proposed architectural design or site planning as may be appropriate to assure the proposed development complies with the design standards developed for the district under consideration.

(Ord. 0212-2011. Passed 12-19-11.)

1197.03 APPLICATION.

Written application for a Certificate of Appropriateness shall be submitted to the Planning and Zoning Administrator who shall review such application for proper form and contents. Upon acceptance of the application, the Planning and Zoning Administrator shall process the application in accordance with the provisions of this chapter.

(Ord. 0125-2007. Passed 6-18-07.)

1197.04 FEE.

Application fee for a Certificate of Appropriateness shall be as established in the Development Fee Schedule set forth in Section 148.12 in Part One of these Codified Ordinances.

(Ord. 0125-2007. Passed 6-18-07.)

1197.05 CERTIFICATE OF APPROPRIATENESS REQUIRED.

(a) A Certificate of Appropriateness must be obtained prior to commencing new construction or any remodeling, reconstruction or other building modification which would come within the jurisdiction of the Planning Commission. Such certificate shall not be required in the case of normal and customary building maintenance activities provided such activities do not render the structure concerned incompatible with the standards of the Design Review District as established by the Planning Commission under Section 1197.09.

(b) (1) A Certificate of Appropriateness for signage shall have all work completed within that twelve-month period.

(2) A Certificate of Appropriateness for landscaping with regard to new construction shall have all work completed within twelve months from date of occupancy. Any dead plant material shall be immediately removed and replaced at least by the next planting season. A Certificate of Appropriateness for landscaping on remodeling, reconstruction or other building modification shall have all landscaping completed within twelve months of final inspection.

(3) Any Certificate of Appropriateness which becomes invalid shall require the applicant to reapply.

(Ord. 0212-2011. Passed 12-19-11.)

1197.06 PLANNING COMMISSION ACTION.

(a) The responsibility of review and approval or denial of the application for a Certificate of Appropriateness shall rest with the Planning Commission. The applicant shall submit with his application, drawings, materials, sketches and proposed exterior of any new, renovated or existing building or structure within the Gahanna Design Review District.

(b) The Planning Commission shall review each application and approve, approve with modifications or conditions or disapprove such application within forty-five days of the meeting unless said requirement is waived by the applicant. Upon approval by the Commission, the Planning and Zoning Administrator shall issue a Certificate of Appropriateness to the applicant within fifteen days thereafter. Upon disapproval by the Commission, the Planning and Zoning Administrator shall not issue a Certificate of Appropriateness for such project.
(Ord. 0212-2011. Passed 12-19-11.)

1197.07 STANDARDS FOR DESIGN REVIEW.

(a) The Planning Commission shall review an application for a Certificate of Appropriateness to determine if proposed new construction or alteration to an existing structure promotes, preserves and enhances the overall architectural character of the Design Review District in which the structure is proposed to be located and to endeavor to assure that the proposed structure or alteration would not be incompatible with existing structures within the surrounding area.

(b) In conducting this review, the Commission shall examine and consider the design elements of the proposed structure including but not limited to the following:

(1) Building height.

(2) Building massing or the relationship of the building width to its height and depth, and its relationship to the pedestrian's visual perspective.

(3) Fenestration to include the size, shape and materials of individual windows or door units and the overall harmonious relationship of window, door, or other openings within the building facade.

(4) Exterior detail and relationships which shall include all projecting and receding elements of the building exterior including but not limited to the horizontal or vertical expression and composition which is conveyed by these elements.

(5) Roof shape which shall include form and material.

(6) Exterior materials which shall include consideration of material compatibility among various elements of the structure, the texture and color of each material and the visual impact the materials, when considered as a whole, will have upon the viewer's visual perspective.

(7) Landscape design and plant materials which shall include site lighting and use of landscape features such as plant material, mounding, fencing or other details to highlight architectural features or screen and soften undesirable views.

Additional design elements that shall be considered will be listed in the applicable design guidelines document for each Design Review District.
(Ord. 0094-2002. Passed 5-20-02.)

1197.08 DESIGN REVIEW DISTRICTS ESTABLISHED.

Gahanna Design Review Districts as defined herein are established to control, encourage and regulate the character, placement, relationship and design of buildings, structures and spaces within the boundaries of each defined district.

(a) "Design Review District 1 (DRD-1)" includes the general area known as Olde Gahanna as defined by the established Olde Gahanna Districts. Buildings and/or structures dedicated entirely to a single family use and which do not include in part or whole a commercial use listed in Chapter 1150, Olde Gahanna District, of the Codified Ordinances shall be exempt from receiving a Certificate of Appropriateness from the Planning Commission.

(b) "Design Review District 2 (DRD-2)" includes all land within the City which is now zoned or may be zoned at a future time under Chapter 1149 as a Multiple-Family Residence District or is combined with Section 1152.02, Limited Overlay District.

(c) "Design Review District 3 (DRD-3)" includes all land within the City which is now zoned or may be zoned at a future time under Chapter 1153 as a General Commercial District, Chapter 1154, Restricted Institutional District or is combined with Section 1152.02, Limited Overlay District.

(d) "Design Review District 4 (DRD-4)" includes all land within the City which is now zoned or may become zoned at a future time under Chapter 1155, Office, Commerce and Technology District or Chapter 1157, Planned Industrial Park Districts or is combined with Section 1152.02, Limited Overlay District.

(e) "Design Review District 5 (DRD-5)" includes all land within the City which is now zoned or may become zoned at a future time under Chapter 1151, Planned Districts, or any variations thereof, to the extent that land uses defined under DRD-2, DRD-3 or DRD-4 may be incorporated into the Planned Development.

(f) "Design Review District 6 (DRD-6)" includes all land within the City which is now zoned or may become zoned at a future time under Chapters 1136, 1137, 1139, 1141, 1143, 1145, 1147 or 1150 Residential Districts, or is combined with Section 1152.01, Residential Overlay District, which now have or may have at a future time a conditional use permit. (Ord. 0212-2011. Passed 12-19-11.)

1197.09 DESIGN REVIEW DISTRICT STANDARDS

(a) Olde Gahanna District Except Single Family Residential (DRD-1). Focused planning objectives enhance exceptional design by establishing the character, form, and shape of both activities and spaces. In the Downtown Mixed Use Neighborhood District, two main planning principles will help to create a reinvigorated central node of community activity.

(1) First, the planning emphasis must be to preserve and enhance the environmental quality of existing natural amenities with sensitive design in the Downtown Mixed Use Neighborhood District.

(2) Second, this emphasis also extends to the pedestrian. The downtown district must incorporate pedestrian needs into the design process. Olde Gahanna must redevelop so that buildings are grouped to create pedestrian plazas and courts - creating the best environment for the experience of living.

Emphasizing the interrelationship of the pedestrian and natural amenities in a development is the hallmark of exceptional design. In Olde Gahanna, this emphasis will coordinate the different design elements weaving them all together into a coherent townscape.

Design recommendations encourage and direct a form of development and redevelopment that achieves the physical qualities necessary to maintain and enhance Olde Gahanna's economic vitality and its unique character. Design shall maintain this character by emphasizing historic character, building size and scale relationships, and valued landmarks while encouraging an eclectic creative mix of architecture, outdoor pedestrian spaces, and landscaped areas. All work performed on the exterior of any building within the Olde Gahanna District, excluding single family, shall follow the requirements of this chapter and Chapter 1150.

The following design and planning objectives should guide the creative integration of exceptional design elements into development projects:

(1) Focus on big walnut creek: protect, preserve and interrelate development and activities in and around our natural resource, big walnut creek. Link new spaces with the creek using pathways, vistas, open space, and activities.

(2) Create an open space framework: create a community gathering space around the creek which has become a new center for Olde Gahanna.

(3) Focus on the pedestrian: maintain the priority of the pedestrian space and ensure ease and safety of access and circulation.

(4) Create a unique, people oriented setting" new development should create a unique setting focused on people with spaces that invigorate, excite, and invite. This environment will enhance the primary social experience. If successful, all citizens and businesses within Olde Gahanna will profit both in quality of life and economic vitality.

(5) Create balance: all land uses, buildings, and pathways will work together as a balanced system. A balanced relationship of building/community elements in harmony with the topographical features of the site creates optimum land use and exceptional design.

(6) Be creative and innovative: creative design and innovative planning can empower developers to take full economic advantage of the prestige and marketing power of a recognized vibrant community with a built in market.

Criteria for project evaluation: the eventual nature and character of Olde Gahanna will evolve over time and will depend upon the directional input of the City and its project reviews. The following evaluation guidelines are based on quality preferred design relationships and objectives. These guidelines create a clear, concise method of communication with the applicant. This checklist will help to ensure that each project plan submitted will be examined in terms of how it addresses design objectives and how each project plan creatively applies the basic elements of quality design as defined within the Olde Gahanna design guidelines.

Along with the following and the requirements stated in Chapter 1150, all development issues in this district shall be subject to guidelines listed in the Olde Gahanna Design Guidelines document.

(1) Applications for a certificate of appropriateness in DRD-1 shall be additionally subject to review by the Commission to determine that the project meets the following criteria:

A. Community goals: Does the project plan conform with community development goals or master plan.

B. Natural features: Does the project plan integrate building's, landscaping, and activities with the site and the surrounding area's natural features and especially Big Walnut Creek.

C. Historic preservation: Is the project plan sensitive to historic preservation. (if applicable).

D. Context: Does the project plan have good context by successfully relating to and enhancing adjacent structures and open spaces. Does it contribute to the open space framework.

E. Balance and creativity: Does the project plan contribute to a creative, eclectic architectural style that is in harmony and balance with its surroundings.

F. Pedestrian needs: Is the project plan sensitive to pedestrian needs by encouraging pedestrian safety, activity, and accessibility.

G. Unique character: Does the project plan help to create and expand the area's sense of place, reinforce Olde Gahanna's unique character, and enhance its people-oriented setting.

H. Facades: Are all visible building facades addressed architecturally and contextually. For creekside projects, special emphasis shall be placed on creating people-oriented facades along Big Walnut Creek.

(2) Additional requirements are as follows:

A. Architecture.

(1) Purpose and Intent. The architectural design of commercial buildings must create and enhance community image. Scale will play an important role in the creation of pedestrian friendly mixed use development patterns. The "scale" of a building refers to its relationship to other buildings and the street. Scale in this context is a perceived relationship established by the apparent bulk of a building as seen from a public vantage point or abutting property. In most cases, scale is considered to be a product of a building's apparent height and width. The relative nature of this term is important to consider in the approval of architectural design.

B. Architectural Style & Building Composition:

1. Variations in façade elements shall be incorporated into all sides of the principal building reducing the perceived mass and scale.
2. A building frontage shall be architecturally articulated to avoid the appearance of a blank wall. Compositions that express rhythms and patterns of windows, columns, trellises, wall articulation, arcades, material changes, awnings, canopies, clerestory, or other features shall be included.
3. Buildings must incorporate variation in building height, building mass, roof forms and changes in wall planes in the architectural design to mitigate the linear effect of strip development.
4. Materials and architectural features used on the primary façade shall be incorporated on the side and rear façade for architectural consistency whenever a side or rear façade is visible from a public street, residential property, or if parking is located at the side or rear of a building.
5. All buildings and structures shall conform to Federal Aviation Administration and Port Columbus Airport zoning regulations height limitation, whichever may be more restrictive.
6. The height of a building shall be a minimum of sixteen (16) feet above grade.
7. A building frontage that exceeds fifty (50) feet shall include vertical piers or other vertical visual elements to break the plane of the building frontage.
8. Architectural features such as columns, pilasters, canopies, porticos, awnings, brackets or arches shall be included.

C. Main entrances shall be clearly identifiable from primary driveways and drop offs:

a. Building entrances shall contrast with the surrounding wall plane.
b. Tinted glass, painted doors, or recessed features may be used to create a shaded effect.
c. Main entrance doorways shall incorporate decorative framing.
d. Primary entrance shall be accessible without a complex ramp system.

D. Building materials:

a. Building exterior materials shall be factory finished, stained, integrally colored, or otherwise suitably treated. Materials may include:
   i. Brick
   ii. Stone veneer, cultured or natural
   iii. Insulated glazing and framing systems
   iv. Architectural pre-cast concrete

v. Painted or stained site-cast concrete
vi. Eifs
vii. Architectural metal as building accent only
viii. Wood

b. Highly reflective materials such as bright aluminum or metal are not permitted as the primary building material.
c. Smooth faced concrete block, tilt-up concrete panels, or metal siding is prohibited on the primary façade and not to exceed more than twenty five (25%) percent of the rear and side facades.

E. Color:
a. Color palettes for building exteriors must be complementary with the colors of adjacent structures.

F. Roof forms, rooflines and materials:
a. Sloped roofs and roof facades shall be traditional materials, natural or simulated, such as slate, wood shakes, dimensional shingles, factory finished metal standing seam or copper.
b. One story buildings are required to have a sloped roof. Sloped roofs shall be a minimum 6/12 pitch and a maximum 12/12 pitch with the eave line at a minimum of twelve (12') feet above grade.
c. Buildings two stories or greater may have a flat roof but shall be required to incorporate a parapet wall and cornice treatment along the entire perimeter of the roof.
d. Eco-friendly roofs are encouraged.

G. Windows:
a. For each primary building frontage, at least sixty (60%) percent of the area between the height of two (2') feet and ten (10') feet above the nearest sidewalk grade shall be window glass not tinted more than fifteen (15%) percent, permitting a view of the building's interior to a minimum depth of four (4') feet.
b. Reflective glass is not permitted.
c. For any new installation or replacement of upper story windows, the new/replacement windows shall be clear/non-tinted glass.
d. Windows shall not be blocked, boarded up, or reduced in size, unless otherwise required by code for securing a vacant structure.
e. Hand crafted stained glass as accent windows shall be permitted.
f. At least twenty five (25%) percent of multi story building frontages shall be window glass unless historic documentation dictates otherwise.

H. Mechanical equipment:

a. All mechanical equipment shall be one hundred (100%) percent screened from view from the public right-of-way and from adjacent properties by using walls, fences, roof elements, penthouse type screening devices or landscaping. All roof-mounted mechanical equipment shall be screened from public view to two (2') feet above the height of the equipment. The design, colors and materials used in screening shall be architecturally compatible with the rooftop and the aesthetic character of the building.

b. Mechanical equipment shall be located to the back half of the building if ground mounted.

I. Awnings:

a. All primary exterior entrances shall have an awning or architectural treatment directly over the doors to aid in identifying the entrance.

b. The shape of the awning shall be related to the window or door opening; barrel shaped awnings shall be used with arched windows while rectangular awnings shall be used to complement rectangular windows.

c. Awnings shall be made of canvas or similar waterproof materials. Use of aluminum, fiber glass, plastic or similar materials is not permitted, except as structural components. Permanent steel canopies with standing seam roofs are acceptable provided they are consistent with the overall theme of the façade.

J. Balconies:

a. No balcony will be added to an existing building without prior approval of the planning commission as to style and size. An adequate vertical clearance shall be maintained. Wrought iron, turned wooden railings or other natural materials are encouraged for exterior balconies.

(3) Parking. (Other than Chapter 1163 of the Codified Ordinances.) On-street parking shall be encouraged. Surface parking lots are discouraged, but when permitted shall be located behind structures and shielded from pedestrian view with any of the following: heavy landscaping, decorative fencing or decorative stone or brick walls. Parking structures shall have proper facades to conceal parked cars from pedestrian view. Parking structures shall be permitted only as a part of a mixed use project. Access to parking should be from side streets, alleys, and service drives.

(4) Landscaping.

1. Landscaped areas. Landscaped areas may include grass, uniformly trimmed hedge rows, shade and ornamental trees, vegetable and herb gardens, and flowerbeds. Outdoor sculpture and art is encouraged.

2. Fences. Decorative fences are permitted in areas directly in front of and to the side of active facades and may also delineate outdoor patio or commercial spaces. Side and rear yards may have fences.

a. Type. Acceptable materials include wood (nature, bleached or painted a recommended paint color), metal and masonry. Chain link fencing is prohibited. Decorative walls constructed of brick, stone or stucco may be substituted for fences.

b. Height. Heights of side and rear yard fences shall not exceed six feet except for dumpster screening as stated in Chapter 1167. Decorative front and side yard fences shall be limited to a maximum height of 42 inches.

3. Pathways. Streets and traffic ways within this area should be pedestrian friendly with minimum ten-foot wide sidewalks, street trees, landscaping and appropriate lighting.

(b) Multi-family Dwellings (DRD-2).

(1) Parking. (Other than Chapter 1163 of the Codified Ordinances)

A. Parking in multiple family developments shall be provided to facilitate residents and add visual interest to the development.

1. Distance. The length from the parking area to the main and auxiliary structures of the development should be a maximum of 400 feet.

2. Landscaping. The general layout of the parking area shall integrate a diverse use of vegetation to promote and define patterns of vehicular and pedestrian traffic. Curved linear designs should be encouraged to provide a natural and interesting effect to the development.

3. Access. Adequate parking should be provided with access to recreational and open space facilities. Sidewalks shall be effectively distributed throughout the development to provide pedestrian access and circulation for the entire development.

4. Lighting. Be designed to be on the concerned property and shall be metal halide. The lighting components should be visually interesting and serve not only to illuminate the parking area, but also to enhance the aesthetics of the parking area and the multiple family dwellings.

(2) Landscaping. Preserving and enhancing environmentally sensitive areas within the development will be a major consideration and effective landscaping practices should be considered.

A. Topography. Areas of development that have significant topographic features such as ravines, lakes, ponds, rivers, streams, creeks, wetlands or woodlands should be preserved to maintain the natural environment within the development. (Refer to Chapter 1167, Preservation Zones of the Codified Ordinances.)

B. Aesthetics. Aesthetic, as well as environmental concerns should be addressed to increase and diversify the tax base and preserve the intrinsic value of the area and neighboring properties.

1. Vegetation. Generous use of native vegetation such as shade trees and shrubbery is encouraged to promote the rural environment that presently defines the City.

2. Natural elements. Whenever possible, screening should be of natural elements such as mounding and vegetation; fences should be avoided.
3. Open space. Open space and diverse arrangements of landscaping are issues that should be explored to maintain the rural residential character of the community.
4. Signage. Signage shall be as low profile as possible and shall be in conformance with neighboring properties and/or uses.

C. Screening. Effective use of natural devices should be employed to minimize the environmental impact of high density multiple family dwelling units and to create a subtle land use transition. Trees, mounding, waterways or a combination of these devices should be used to screen land uses and enhance the appearance of the development. Natural features within the development should be screened to protect the unique attributes of the natural environment from runoff and other externalities associated with high density living conditions.

(3) Building materials. The visual effect of the development should complement the surrounding structures. Colors, setting, styles and other physical issues should be addressed to ensure responsible development practices. Protecting property conditions and values creates a higher quality of life and a more valuable tax base for the City.

A. Colors. Colors should be of a specific palette that fosters a harmonious relationship with other land uses and structures in the vicinity of the multi-family development.
1. Type. Natural, historic, earthtones or similar colors would be least likely to contrast with the existing color scheme.
2. Aesthetics. Consideration should be given to the color of existing and surrounding structures and developments.

B. Materials. Materials should be of the nature that will enhance the development and existing land values. Bricks, slate, wood, cement, stucco or other materials should provide diversity, but, at the same time, should be consistent with the area that they will be impacting.
1. Type. Decorative stone and bricks are preferred, but decorative wood or vinyl siding may be used as long as they are approved by the Planning Commission.
2. Other materials. Should be approved by the Planning Commission and be in conformity with existing structures.
3. Aesthetics. The existing features of the area and the visual orientation should be complimented by the location and style of new developments; contrast and conflict should be avoided.
a. Adjacent buildings and different architectural styles shall be made compatible by such means as screens, sight breaks and materials.
b. Exterior lighting shall be part of the architectural landscape and building design.
c. All exterior building materials shall be of durable quality.

(c) General Commercial, Restricted Institutional (DRD-3).

(1) Parking. (Other than Chapter 1163 of the Codified Ordinances.)

A. Parking in commercial areas shall add visual interest to the development and enhance the development.

1. Distance. The length from the parking area to the main commercial building being serviced by the parking area shall not be greater than 550 feet.
2. Access. The entrances and exits from the commercial development should be well decorated and landscaped to minimize unsightly visual appearance of commercial developments but should not obstruct the sight triangle.
3. Lighting. The lighting components should be visually interesting and serve not only to illuminate the parking area but, also, to enhance the aesthetic appearance of the parking area and commercial development. Metal halide lighting shall be encouraged.
4. Parking areas. Small individual parking areas should be encouraged over large parking areas that serve many.
5. Landscape islands. Islands of landscape (grass, trees, shrubs, etc.) shall be in the center and at the perimeter of the commercial development parking areas. (See Chapter 1163 of the Codified Ordinances for interior landscaping requirements.)

(2) Screening. Focusing on conflicting land uses and the externalities that are created should be minimized with screening efforts by the developer of the commercial development.

A. Natural Elements. Earth mounding and trees should be considered to reduce neighborhood noise that is created by the commercial developments.

B. Other devices. Other screening devices may be necessary to protect adjacent property values depending on the development's problems and secondary impacts and should be evaluated by the Planning Commission on a case-by-case basis.

C. Vegetation. Generous use of vegetation should be encouraged to produce a natural atmosphere and create a subtle transition of land uses of varying intensities.

(3) Landscape. Materials should be indigenous to the climate of Central Ohio and visually separate land uses of conflicting intensities. Visual interest and aesthetic enhancement of the development and its relationship to surrounding properties should be examined to ensure that the landscaping is appropriate for the development. Variety, size, spacing, color and the geographic orientation should be considered during the evaluation to determine the effect on the commercial site.

(4) Building Materials. The visual impact of commercial structures and developments is an issue that requires local government to retain some control over the type and style of individual developments.

A. Materials. Brick, stone, cement, decorative aluminum, wood, or other materials that will enhance the development in a positive manner and create visual interest and diversity should be encouraged.

B. Colors. Specific colors and color schemes should be designed to ensure universal harmony on all commercial developments.

1. Quality. Durability and other structural considerations should be given to building materials to ensure that development is of high quality.

2. Aesthetics. Orientation of the development should focus on and compliment the surrounding topographic features and existing developments.

a. The Planning Commission should determine whether the proposed intensity of use and the visual appearance of this intensity is aesthetically pleasing.

b. Lighting devices should be decorative and enhance the commercial development, as well as adequately light the development.

c. Signage shall be as low profile as possible and shall be in conformance with neighboring properties and/or uses.

(d) Office, Commerce & Technology (DRD-4).

(1) Parking. (Other than Chapter 1163 of the Codified Ordinances.)

A. Parking in office, commerce and technology developments shall accommodate manufacturing employees and not degrade the appearance of the development and the general area.

1. Distance. The maximum length from the parking area to the main manufacturing structure should not exceed 600 feet.

a. Adequate walkways and landscaped islands should be distributed throughout the office, commerce and technology development. These should emphasize the use of perimeter and central landscape features and easily observe patterns of circulation.

2. Lighting. The devices that illuminate the parking area of the office, commerce and technology facility should be of decorative nature to ensure visual interest as well as compliance with lighting requirements. Metal halide lighting shall be encouraged.

3. Access. The office, commerce and technology facility should be limited in number of accesses but well defined to all traffic. Use of decorative directional signage should be utilized to minimize problems with vehicular traffic. Entrance and exit lanes should be separated by a median of twenty feet which should contain dense vegetation and trees.

4. Location. The Planning Commission should be concerned with the location of the proposed parking area and the screening design that will minimize visual contact with the general public. Parking areas should be behind the office, commerce and technology facility.

(2) Landscaping and Screening. Integration of natural screening elements should be used to maximize visual interest and foster a natural relationship between the development and the land. (See Chapter 1167 of the Codified Ordinances.)

A. Existing Landscaping. The use of large existing trees such as pines, oaks, and maples for landscaping and screening requirements is encouraged. These types of materials should also assist in defining the circulation pattern within the manufacturing development.

B. Aesthetics. Ponds, streams, or other waterways are encouraged in office, commerce and technology developments to promote aesthetic qualities that otherwise may not be present in the development. Minimizing externalities such as noise, pollution, and refuse that are associated with manufacturing processes should be accomplished to preserve land values and to maintain the rural nature of the City's community. More aggressive measures may be required to protect the natural environment from manufacturing facilities. The piping of natural watercourses shall be discouraged.

(3) Building Materials. The relationship between the structure and the land is most often defined by the materials used in the development. In order to protect land values of adjoining parcels, explicit materials, colors, styles, etc. should be established to control development. However, since most of this development will occur in the Office, Commerce and Technology District, a more liberal standard may be used to control development.

A. Bricks. The types and colors of bricks should be chosen to ensure a harmonious relationship between developments and the environment. Industrial type materials will need to be gathered for this purpose. Examples should be gathered from brick manufacturers and brick distributors in Central Ohio so there is a diverse range of materials for structural design.

B. Walls. Stone or cement walls that will enhance the design of the area will be encouraged in developments that have large structures.

C. Roofing. Roofing styles which encourage diversity by use of varying angles and peaks is one issue that should be addressed to provide an interesting aesthetic orientation to the development. ECO friendly roofs are encouraged.

D. Windows and entryways. Large windows are encouraged in areas where manufacturing processes will allow them. Entryways into the office and reception areas should enhance the visual interest of the development as well as provide direction to visitor areas.

E. Screening. The screening of mechanics and/or equipment shall be in accordance with Chapter 1167 of the Codified Ordinances.

F. Signage. Signage shall be as low profile as possible and shall be in conformance with neighboring properties and/or uses.

(e) Planned Districts (DRD-5). Since the Planning Commission has control of the commercial developments in planned districts, the general commercial requirements outlined for DRD-3 will apply to most developments. However, the Commission may wish to concentrate on demanding more open space and buffer zones between differing land uses. These design attributes should be evaluated by the Commission on a case-by-case basis.

(f) Residential Districts with Future Conditional Uses (DRD-6).

(1) Parking. (Other than Chapter 1163 of the Codified Ordinances.)

A. Screening- Parking areas for conditional uses should be screened with dense vegetation to minimize visual externalities that may degrade the residential nature of the area. Internal landscaping should be determined on a case-by-case basis.

1. Traffic Patterns. Circulation patterns should be established by the use of directional arrows, vegetation, directional signs or other acceptable means.

2. Access. Sidewalks to the residential area from the conditional use should be established to incorporate the development into the neighborhood. The pedestrian access should include landscape on the site of development and add to the character of the development.

(2) Landscape. Sufficient use of diverse vegetation should incorporate the existing topographic features and the existing residential neighborhood. Trees, shrubs and earth mounds are encouraged to add aesthetic value to the existing community's identity.

A. Preservation of existing natural element. Preserving mature foliage and other natural features of the site should be encouraged. Large trees and unique features will add intrinsic value to the development and community in general.

B. Aesthetics. Distance, color, and the general landscape orientation of the conditional use should focus primarily on the relationship of the neighborhood and residences. Diversity is encouraged provided that it does not degrade the residential area or environment. Vegetation that is indigenous to Central Ohio is encouraged.

(3) Building Materials. Considering the close proximity of conditional uses in residential areas, it is important that the materials used in these types of developments conform to or at least compliment the surrounding community.

(4) Signage. Signage shall be as low profile as possible and shall be in conformance with neighboring properties and/or uses.

(Ord. 0212-2011. Passed 12-19-11.)

1197.10 VARIANCES REQUIRED.

(a) An application for a Certificate of Appropriateness in which the design under consideration would require a variance granted by the Planning Commission or City Council prior to construction shall not be considered until a final determination has been made on all required or requested variances under the procedures established in Chapter 1103 or 1131. If, during the course of a review, the Commission determines that a variance will be required in order to implement the proposal under consideration, it shall suspend further action on the application until such time as the variance has been approved by the Planning Commission or City Council or the application has been amended to eliminate the need for the variance.

(b) The Planning Commission shall not have the authority or power to grant an exception to any section of the Ohio Basic Building Code during the course of any review conducted under the provisions of this chapter.

(Ord. 0212-2011. Passed 12-19-11.)

1197.11 ACTION ON APPLICATIONS TO BE RECORDED.

The Planning Commission shall maintain a record of all applications for a Certificate of Appropriateness including all action taken on each application.
(Ord. 141-97. Passed 7-1-97.)

1197.12 APPEAL OF DENIED APPLICATIONS.

In the event an application for a Certificate of Appropriateness is denied by the Planning Commission, the applicant may, within twenty calendar days of date of denial, file a written appeal with the Clerk of Council. Such appeal shall be heard by the Board of Zoning and Building Appeals as prescribed under Chapter 147, Board of Zoning and Building Appeals of the Codified Ordinances. (Ord. 0212-2011. Passed 12-19-11.)

1197.99 PENALTY.

Any person, firm, partnership, corporation, or syndicate in violation of this chapter or failing to obey any lawful order of the Planning and Zoning Administrator issued in pursuance thereof shall be deemed guilty of a minor misdemeanor. Each day the violation continues or occurs may be considered a separate and new offense.
(Ord. 0212-2011. Passed 12-19-11.)