CODIFIED ORDINANCES OF GROVE CITY

PART ELEVEN - PLANNING AND ZONING CODE

TITLE ONE - Subdivision Regulations
Chap. 1101. Development Standards.
Chap. 1103. Minimum Standards for Improvements.
Chap. 1105. Driveway Plan Approval.

CHAPTER 1101
Development Standards

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CROSS REFERENCES

Council - see CHTR. 2.01 et seq.; ADM. Ch. 121
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Planning Commission - see CHTR., 4.01
Plat and contents - see Ohio R.C. 711.01 et seq.
Cornerstones and permanent markers - see Ohio R.C. 711.03, 711.14
Plat acknowledgment and recording - see Ohio R.C. 711.06
Engineer to approve plats; inspection of streets and acceptance - see Ohio R.C. 711.08
Minimum 4,800 square feet lot area - see Ohio R.C. 711.09
Plat approval required by Planning Commission - see Ohio R.C. 711.09
Unlawful transfer of lots - see Ohio R.C. 711.13, 711.15
Planning authority approval without plat - see Ohio R.C. 711.131
Vacating plats - see Ohio R.C. 711.17 et seq., 711.39
Planning Commission shall be Platting Commission - see Ohio R.C. 713.03
Director of Law - see ADM. 137.02 et seq.
City Engineer - see ADM. Ch. 141
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Alteration of lot grade or level - see GEN. OFF. 521.17
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Building sewer standards - see S.U. & P.S. 935.04(c)
Sewerage system capital improvements fee for subdivisions - see S.U. & P.S. 935.12
Water taps - see S.U. & P.S. 951.01 et seq.
Minimum standards for improvements - see P. & Z. 1103.01 et seq.
Street lighting requirements - see P. & Z. 1103.05
Subdivision of lots shall meet requirements of Zoning Code - see P. & Z. 1135.08
PUD plan submission - see P. & Z. 1135.14
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Computation of square area for new building permit fees - see BLDG. 1305.11
Certificates of occupancy - see BLDG. 1309.01 et seq.
Storm sewer plans to be included in subdivision plat - see BLDG. 1331.06

1101.01 PURPOSE.

The purpose of this chapter is to establish the procedures and minimum requirements for developing land in the City of Grove City.
(Ord. C 60-73. Passed 8-6-73.)

1101.02 SCOPE.

(a) The criteria and procedures established in this chapter pertain to providing public and/or private streets, sidewalks, parking lots, sewers, driveways, water lines, grading of land, siting of structures and all other site work outside the exterior limits of a structure or structures, including the appurtances and associated items, all in accordance with the standard drawing requirements stated herein.

(b) This chapter covers all improvements or developments of land in the City except:
(1) The construction of a single or two family dwelling on a platted or subdivided lot;
(2) The alteration, modification or other work on or about an existing structure when such work does not change, require a change of or add to the site improvements. The rearranging of rooms in a building without adding floor space does not require compliance with this chapter. The addition to an existing building or the changing of a building's use that increases the parking needs does require compliance with this chapter.
(Ord. C 60-73. Passed 8-6-73.)

1101.03 GOVERNING REGULATIONS.

(a) When there appears to be, or there is in fact, a conflict between this chapter and Title Three - Zoning Code, the Zoning Code shall govern.

(b) In addition to the requirements established herein, all required work shall be performed in the manner required and to the minimums established by Chapter 1103.
(Ord. C 60-73. Passed 8-6-73.)

1101.04 DEFINITIONS.

As used in this chapter and Chapter 1103:

(a) "Building setback line" means a line parallel to and at a fixed distance from the street, the purpose of which is to establish the minimum distance from a building to the street right-of-way line.

(b) "Easement" means a right or privilege of use of land as distinct from fee simple ownership.

(c) "Development" means the improvement of a tract or parcel of land.

(d) "Improvements" means any addition to the natural state of land which increases its value or utility, including buildings, street pavements with or without curbs and gutters, sidewalks, crosswalks, water mains, sanitary sewers, storm sewers. landscaping, street lighting, public utilities, paved parking areas and other appropriate items.

(1) "Site improvements" means the improvements made to the land outside the exterior limits of a structure or structures. (Ord. C60-73. Passed 8-6-73.)

(2) "Public improvements" means all improvements financed entirely or in part by public funds or which have been dedicated to public use by plat, easement or deed of transfer. (Ord. C38-76. Passed 4-19-76.)

(e) "Lot" means a representation of a portion of the earth's surface drawn to scale.

(f) "Parcel" means a specific part of a larger acreage of land.

(g) "Plan" means a drawing showing the proportion and relation of parts of improvements to each other and their surroundings.

(1) "Construction Plan" means a plan which gives information required to construct improvements including plan views, sections, profiles, details, quantities, reference specifications and standard drawings.

(2) "Development Plan" means a plan which shows the existing ground and the proposed improvements on a tract or parcel of land in enough detail to establish the scope of the improvements, their relationship to the tract and surrounding tracts and to establish the development's compliance with, or to identify the variations from, these Codified Ordinances.

(3) "Grading Plan" means a plan which shows the proposed grades for the development in a manner that reflects the scope of earthwork required and the finished site grades.

(4) "Site Plan" means a plan which shows information concerning all the site improvements and their relationship to each other and the final shape and configuration of the site with improvements.

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

(h) "Right of way" means the strip of land dedicated or otherwise acquired for use by the public for a public street.

(i) "Sidewalk" means a paved portion of a street lying outside the curb lines or edge of pavement of a roadway, intended for pedestrian use.

(j) "Street" means any avenue, boulevard, road, lane, parkway or other way for vehicular and pedestrian traffic, excluding driveways into single or two family dwellings or access to commercial or business establishments and their parking facilities. Streets shall be classified as follows:

(1) "Cul-de-sac" means a residential street having but one end open for motor traffic and the other end permanently terminated by a vehicular turn-around. A cul-de-sac shall not exceed 1,000 feet in length.

(2) "Dead-end street" means a street with only one outlet.

(3) "Freeway (limited access highway)" means a strip of public land devoted to rapid movement of vehicular traffic to which the abutting property owners have only a limited right of access.

(4) "Industrial street" means one which is intended to carry heavy vehicular traffic primarily serving light or heavy industrial establishments.

(5) "Local street" means a street on which the majority of the traffic originates or terminates in the abutting properties.

(6) "Primary arterial" means an arterial street or highway which serves as an outlet for a group of secondary collector, and local streets.

(7) "Private street" means a strip of privately owned land providing access to abutting properties.

(8) "Public street" means a strip of land providing access to abutting property as dedicated upon a plat which has been duly approved, filed and recorded in the office of the County Recorder.

(9) "Residential street" means one which primarily serves dwelling units.

(10) "Secondary street" means a street which serves as a collector for local streets. (Ord. C-13-03. Passed 3-3-03.)

(k) "Street right-of-way line" means the line, sometimes referred to as the property line, between a lot and the area dedicated or otherwise acquired by the City for public street purposes, otherwise known as dedicated right of way.

(l) "Subdivision" means a development of land that includes any one or more of the following:

(1) An unimproved tract of land surveyed and divided into lots for purpose of sale;

(2) A division of land into two or more lots, tracts, sites or parcels, either one being less than three acres; .

(3) The dedication of a road, street or highway for public use through any area regardless of size; or

(4) A resubdivision of a vacated former subdivision divided into lots, tracts, sites or parcels.

(m) "Tract" means a continuous expanse of land.

(n) "Walk-way" means a dedicated public right of way limited to pedestrian traffic.

(nn) " Wet facilities" means a pond or lake designed to permanently hold water at a minimum low water depth of ten (10) feet.

(o) "Zoning" means City regulations and limitations, by districts, of the height, area and use of buildings, the use of lands and the density of population.
(Ord. C 60-73. Passed 8-6-73; Ord. C1-03. Passed 1-21-03; Ord. C13-03. Passed 3-3-03.)

(p) "Zoning Code" means Title Three of Part Eleven - Planning and Zoning Code of these Codified Ordinances.

1101.05 MINIMUM LAND DEVELOPMENT REQUIREMENTS.

The following standards are established as minimum requirements for the layout and design of site improvements for development of land in the City. Any deviation from these standards must be approved by the Planning Commission and Council. All development plans shall have provisions for the future development of adjoining land including such utility and street extensions as are necessary to serve the adjoining land.

(a) Streets shall be designed and laid out in accordance with the typical sections and standards as set forth in the Grove City Standard Drawings, as established by the City Engineer, titled "Standard Construction Drawings" the City Thoroughfare Map, and the requirements of this chapter.

(1) Primary and secondary streets shall have a maximum grade of five percent;

(2) All other streets and alleys shall have a maximum grade of eight percent;

(3) The minimum grade for any street at the gutter shall be four-tenths percent;
(Ord. C60-73. Passed 8-6-73; Ord. C13-03. Passed 3-3-03.)

(4) Streets shall be laid out so that their intersections with other streets are at least 200 feet apart. The angle of the intersection of any two streets shall vary no more than five degrees from being perpendicular or radial.
(Ord. C51-75. Passed 8-4-75; Ord. C13-03. Passed 3-3-03.)

(5) The names of new streets shall not duplicate names of existing dedicated streets except that new streets which are extensions of existing streets shall bear the names of such existing streets.

(6) When the developer desires to improve only a portion of the streets in a development, preliminary street grades and drainage facilities for the entire development shall be submitted. The developer shall not discontinue a street improvement in the middle of a block, but each proposed section shall begin and terminate at a street intersection or cross street.

(7) A. Pavement and right of way minimum widths shall be as follows:

Type of Street	Face to Face Curb (feet)	Right of Way (feet)
Primary Arterial	68	100
Secondary Street	44	80
Collector Street	36	70
Residential/Local	32	60
Cul-de-sac	28	60
Private	26	n/a
Access Road & Alley	26	50

(Ord. C 60-73. Passed 8-6-73; Ord. C13-03. Passed 3-3-03.)

B. Primary arterials, secondary streets, collector streets, shall be located in developments as shown on the Grove City "THOROUGHFARE MAP, City of Grove City, Ohio." The specific location of thoroughfares in undeveloped areas may be altered with the approval of the Planning Commission from the Thoroughfare Plan's general location in order to improve the compatibility of the thoroughfare with the proposed development.

C. On-street parking is prohibited for all streets that do not have curbing or curb and gutter. Omission of curbing or curb and gutter requires Planning Commission approval. On-street parking is prohibited on all streets designated primary arterial and secondary street.

(Ord. C 4-74. Passed 1-21-74; Ord. C13-03. Passed 3-3-03.)

(b) Every residential lot shall abut on a public street. A lot shall not border more than one public street except at intersections and when one such border is on a limited access freeway. At the intersection of two streets, property line corners shall be rounded by an arc of a minimum ot a ten foot radius. Side lines of lots shall be approximately at right angles with or radial to the street line. Lots shall be of adequate size and shape to accommodate the off-street parking requirements and to meet front, side and rear yard requirements of the Zoning Code.

(Ord. C60-73. Passed 8-6-73.)

(c) The maximum length of blocks shall not exceed 800 feet.

(Ord. C20-82. Passed 4-19-82; Ord. C13-03. Passed 3-3-03.)

(d) Sites as required by the City for parks, playgrounds, schools or other public use shall be reserved for a period of two years after the recording of a plat. If the site or sites have not been purchased or secured by option within two years, the developer is free to dispose of or use the reserved land.

(e) Sidewalks shall be a minimum of four feet on residential streets. Widths on other streets will be subject to approval of the City Engineer and the Planning Commission.

(Ord. C60-73. Passed 8-6-73.)

(f) All easements granted to or reserved by the City shall be at least twenty feet wide, unless a lesser easement is approved by the City Engineer.

(Ord. C51-75. Passed 8-4-75; Ord. C13-03. Passed 3-3-03.)

(g) Storm drainage systems for land being developed or improved shall be designed so that the peak rate of stormwater runoff after development does not exceed the peak rate of runoff before development for all storms, from the critical storm up to a 100 year frequency-twenty-four hour storm, and does not exceed the peak rate of runoff for a one year frequency storm before development of the land for all storms, from a one year frequency-twenty-four hour storm through the critical storm.

(1) The critical storm shall be determined by:
Determining the total volume of runoff from a one year frequency-twenty-four hour storm occurring over the area before and after development.
Determining the percent of increase in volume due to development and using this percentage and picking 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 limitation will be:
-	10	1 year
10	20	2 years
20	50	5 years
50	100	10 years
100	250	25 years
250	500	50 years
500	-	100 years

(2) Storage volume does not have to be provided for off-site upstream runoff. Flow from such areas will be routed through the development's drainage system at a rate determined in the same manner as the on-site system. Off-site land uses and the associated drainage systems prevailing at the time of development shall be considered as the pre-development condition for the purpose of calculating the flows to be routed through the development.

(3) The development's interior drainage system shall be designed to carry the runoff from a five year frequency-twenty-four hour storm, except that the year frequency twenty-four hour storm that is compatible with the existing drainage system shall be used when connecting directly to the existing system with the conduit flowing full with surcharge to the gutter line and the:
Depth of flow in natural channels being no more than bank full stage, backwater effects considered.
Depth of flow in artificial channels being no more than 0.8 bank full stage and the velocity being less than seven feet per second, unless special channel lining and erosion protection is provided.
Flow in roadside ditches being within the right-of-way and the velocity of the design being less than six feet per second with grass swales or ten feet per second with paved ditches.
Depth of flow in streets with curb and gutter being less than the curb height and the velocity of flow in the gutter at design depth being less than ten feet per second.
Street pavement being dry for one twelve foot lane on local streets and two twelve foot lanes on thoroughfares.

(4) The development's interior drainage system shall be designed so that it can carry the runoff from a 100 year frequency twenty-four hour storm with the conduits carrying not more than one-half their design capacity; the water running not more than eighteen inches deep at the gutter line on local streets, six inches deep at the crown on

thoroughfares and six inches deep in parking stall areas of parking lots; the overland and channel flows being within easements and at least five feet horizontally and one foot vertically away from any ground level entrance to a residential, office, commercial or industrial building; and without endangering property or public safety through erosion or high velocities.

(5) The rainfall intensity-duration-frequency curve for the Soil Conservation Service of the U.S. Department of Agriculture, Type II storm shall be used.

(6) Except as modified in the Codified Ordinances, the Mid-Ohio Regional Planning Commission's Stormwater Design Manual shall be used as the guide for designing storm drainage systems; however, storm drainage system designs that meet the intent and requirements of this subsection may be used.

(7) All storm water retention and detention basins shall be designed as "wet facilities". All storm water basins and/or lakes shall be designed using the City of Grove City's Storm Water Basins and Lake Design Manual as a design guideline.
(Ord. C99-77. Passed 12-19-77; Ord. C5-78. Passed. 1-16-78; Ord. C1-03. Passed 1-21-03.)

(8) Any portion of the drainage system, including on-site and offsite storage facilities, that is constructed by the developer will be continuously maintained by the owner or owners subsequent in title of the affected lands unless it is officially accepted by the City for City maintenance. The developer shall cause the maintenance obligation to be inserted in the chain of title to the affected lands as a covenant running with the land in favor of the City.

(9) All natural open watercourses shall be protected using the City of Grove City Natural Stream Protection Policy as a design guideline.
(Ord. C26-04. Passed 4-5-04.)

(h) Sanitary sewers shall be designed to maintain a minimum velocity of two feet per second. The minimum pipe diameter shall be eight inches. The sewer pipe shall be designed to carry peak flows resulting from average daily flows as indicated on the Ohio Environmental Protection Agency's "Sewage Flow Guides" for specific development improvements. Peak flows shall be obtained by using a diminishing conversion factor of from 3.4 for small flows to 1.8 for flows around fifty cubic feet per second as shown on the Grove City Sanitary Sewer Conversion Chart.

(i) The design for sewer conduit(pipe) shall conform to the requirements of the Grove City Standard Drawings, using pipe strong enough, in conjunction with the specified beddings, to withstand the trench loading and line loadings imposed now or in the known future. (Ord. C99-77. Passed 12-19-77.)

(j) Waterlines shall be designed to meet the City of Columbus' design and material criteria and shall conform to their standard drawings. The minimum size waterline with fire hydrants shall be eight inches in diameter. Fire hydrants shall be spaced so that any point of an inhabited building can be reached by less than 300 feet of fire hose from the first hydrant and 500 feet of hose from the second hydrant. All fire hydrants shall conform to the Grove City Standard Drawings. In addition thereto, waterlines shall be sized and designed, and fire hydrants located so that the fire flows per structure as shown in the latest "Guide for Determination of Required Fire Flow", Insurance Service Office, can be obtained based on sufficient water and pressure being available to the development.

(k) All surface areas not covered by a hard surface improvement or stone shall be seeded or sodded and sloped to drain.
   (1) Grass areas shall have a minimum slope or grade of eight-tenths percent.
   (2) Grass areas next to buildings shall slope away from the building at five percent for a minimum of ten feet.
   (3) Ditches in grassed areas with a bottom slope or grade between two percent and seven percent shall be sodded.
   (4) Ditches with a bottom slope or grade greater than seven percent shall have a paved or stone gutter as required by the City Engineer.

(l) All elevations and grades shall be based on sea level datum (U.S.G.S.). (Ord. C60-73. Passed 8-6-73.)

(m) Street lighting shall be provided on public streets by means of lighting assemblies using a 100 watt, 120 volt high-pressure or equivalent lighting assemblies, mounted on aluminum poles or decorative poles so approved by the Director of Public Service. Aluminum poles shall meet Standard Construction Drawings G-52 and G-53. These lighting assemblies shall be no less than twenty-four feet above the ground's surface at the pole base. These assemblies and underground cables shall be located three feet in back of the street curb and beyond the edge of the paved shoulder for uncurbed streets. The assembly shall be installed not less than 250 feet nor more than 350 feet apart. One assembly shall be located within 200 feet on the end of each cul-de-sac. One assembly shall be located at each street intersection. Blocks shorter than 500 feet apart shall not require an intermediate lighting assembly. (Ord. C10-89. Passed 2-6-89.)

1101.051 MONUMENTS.

Monuments shall be placed at each change of direction of a subdivision, dedication or development boundary at the point of intersection of the centerlines of all streets, at the beginning and end of each street centerline curve and at the center of each cul-de-sac. Monuments in the street centerlines shall be placed upon the completion of paving. Monuments outside of the street pavement shall be placed or verified upon the completion of work in the immediate area of the monuments' location. Monuments on the street centerline shall be railroad spikes not less than six inches long or three-quarters inch by thirty inch solid iron bars with the exact point marked with a center punch or "X". The tops of monuments on the street centerline shall be set at least one-quarter inch below the pavement surface. Monuments outside the paved area shall be three-quarter inch by thirty inch iron pipe.
(Ord. C68-77. Passed 9-19-77.)

1101.06 REQUIRED IMPROVEMENTS.

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

(a) Streets and parking areas, graded full width and paved, including drainage structures, bridges, sidewalks, curbing and other improvements as shown on the Standard Drawings;
(b) Sanitary sewers, including manholes, services and all appurtenances;
(c) Water distribution system including mains, services, valves, fire hydrants and all appurtenances;

(d) Storm sewers, including manholes, inlets and all the appurtenances;
(e) Monuments and stakes;
(f) Street signs designating the name of each street at each intersection within the development. Street signs shall conform to the standard established by the City;
(Ord.C 60-73. Passed 8-6-73.)
(g) Street lighting including poles, underground conduits and appurtenances;
(Ord. C66-74. Passed 10-21-74.)
(h) All other improvements shown on the plans as approved by the City.
(Ord. C60-73. Passed 8-6-73.)
(i) No aboveground utilities shall be permitted in any zoning district regardless of location. All service, utility and fire hydrants shall be approved by the City Engineer, Director of Public Service and appropriate Township Fire Officials, and shall comply with the City's Standard Construction Drawings.
(j) If, in the opinion of the owner of any subdivision, or a portion thereof, or any interested utility company, the installation of underground facilities is economically or physically infeasible, such owner or utility company shall apply to the Planning Commission for exemption of the subdivision or portion thereof from the requirements of this section when submitting both preliminary and final application forms as provided by the City. Such exemption request shall include the reasons therefor, and submittal therewith of appropriate exhibits, documents and data as may be necessary to substantiate the request. The Planning Commission shall review the request as part approval and/or denial of the preliminary or final plan. (Ord. C10-89. Passed 2-6-89.)
(k) Mailboxes as approved by the Planning Commission for each parcel or lot.
(Ord. C50-89. Passed 7-17-89.)

1101.07 SUBMISSION PROCEDURES.

The following procedures shall be followed from the time that land to be developed is properly zoned for the proposed development to the completion of all improvements. All plans and documents required herein shall be prepared and submitted at no cost to the City.

(a) An owner wishing to develop land shall submit eighteen (18) copies of a Development Plan, and such other information as the owner desires, to the Planning Commission fourteen (14) days prior to the date of the Commission's meeting. The owner may present additional plans, renderings or other supportive material to the Commission at the meeting. The owner may also submit a Preliminary Plan for comment prior to submitting a Development Plan; however, the comments and discussions rendered by City Officials concerning the Preliminary Plan shall in no way be binding upon the City when the owner submits the Development Plan for final approval and these comments and discussions rendered should not be relied upon by the owner, when submitting for approval a Development Plan.
(Ord. C60-73. Passed 8-6-73; Ord. C67-94. Passed 10-3-94; Ord. C65-97. Passed 11-17-97.)
(b) The Commission shall examine and take action on the Development Plan within forty-five days after it has been filed. Upon approval or disapproval by the Commission, the Development Plan, together with the Commission's recommendations, shall be forwarded to Council for its approval or denial. The decision of Council shall be final and shall be

considered a legislative act. The approval of a Development Plan shall be effective for a maximum period of twelve months. If Construction Plans, Grading Plans and specifications have not been submitted to the Building Department within the twelve months, the approval of the Planning Commission and Council shall be null and void. If a Building Permit has not been issued within eighteen months of the legislative approval of the Development Plan, such approval shall be null and void. (Ord. C16-85. Passed 3-18-85; Ord. C4-98. Passed 2-2-98.)

(c) Upon approval of the Development Plan, a plat shall be submitted for land being subdivided. The plat shall be submitted and processed in the manner required for the Development Plan. After approval by Council, the owner may elect to construct certain portions or all of the public improvements prior to filing and recording of the plat. Such an election by the owner does not relieve the owner of the requirement to provide public improvements in accordance with Chapters 1101 and 1103 of the Codified Ordinances. At such time as the owner desires to file and record the plat with the County Recorder, the owner shall guarantee the construction of the public improvements in accordance with Section 1101.10(g).

(d) Following the approval of the Development Plan, the owner shall submit to the City Engineer two copies of Construction Plans and Grading Plans, along with an itemized estimated cost of constructing the site improvements. (Ord. C38-76. Passed 4-19-76)

The items of the estimates shall be grouped as follows:

(1) Street and parking area improvements, including curb, pavement, sidewalks and storm drainage;

(2) Water mains, including lines, valves and hydrants;

(3) Sanitary sewers, including manholes, Y's, Tee's and cleanout;

(4) Site improvements, including seeding and sodding.

(e) The Engineer shall review the plans and subject to his satisfaction, they shall be approved or returned with comments. The cost of this review shall be paid for by the developer from the moneys deposited as required in Section 1103.05.

(f) Upon approval of the Construction and Grading Plans, four sets of Construction Plans and two copies of the Grading Plans shall be given to the Engineer, a developer's agreement in such form and such terms as are required by the Engineer and Director of Law, shall be signed and all appropriate fees, bond and deposits shall be made, executed and deposited with the City.

(g) Construction shall not begin on the development unit forty-eight hours after completion of all requirements listed in subsections (a) to (f) hereof, shall be performed and completed in accordance with the provisions of Chapter 1103.

(h) When the proper City officials have affixed their signatures to a set of tracings, such tracings become the property of and will remain in the custody of the City, except that the developer will be required to correct the plans to conform to the "as built" conditions. Public improvements will not be accepted by the City until the "as built" tracings are delivered to the Engineer together with two prints thereof.

(i) In order to be heard by the Planning Commission, a fee of $150 for a Preliminary Development Plan, $300 for a Development Plan, or $50 for a Plat, payable to the City for deposit in the General Fund, shall accompany the application or petition. This fee is for the purpose of defraying the costs of plan review, legal, legislation, notices, official publications required by the City and any other incurred costs and shall not be refundable even if the application is disapproved by the Planning Commission or Council.
(Ord. C60-73. Passed 8-6-73; Ord. C49-01. Passed 8-6-01.)

1101.08 PLAN CONTENT.

The following items shall be included in the plans and agreements submitted to the City. These items establish the minimum required to adequately describe a development.

(a) A Development Plan shall include:
(1) Proposed name of the development and its location;
(2) Names and addresses of owners and developers;
(3) Date, north arrow and plan scale. Scale shall be one inch equals 100 feet or larger scale;
(4) Boundary lines of the proposed development and the total approximate acreage encompassed therein;
(5) Locations, widths and names of all existing public streets or other public ways, railroad and utility rights of way or easements, parks and other public open spaces, permanent structures and section and corporation lines within or adjacent to the tract;
(6) Existing sewers, water mains, culverts and other underground facilities within the tract, adjacent to the tract or that will be used in developing the tract, indicating pipe sizes, grades and locations;
(7) The adjoining lines of adjacent tracts, parcels or lots;
(8) Existing zoning restrictions;
(9) Existing ground configuration, drainage channels, wooded areas, watercourses and other significant physical features;
(10) Layout of proposed streets, including their names and rights of way, easements, sewers, waterlines, culverts and other major improvements;
(11) Layout, numbering and dimensions of lots if more than one;
(12) Layout, location and dimensions of proposed structures, not required for subdivision;
(13) Parcels of land intended to be dedicated or temporarily reserved for public use or reserved by deed covenant with the condition proposed for such covenant, and for the dedications;
(14) Building setback lines with dimensions;
(15) Tentative street grades and sewer size and slope;
(16) Driveway plan in conformance with Chapter 1105 entitled "Driveway Plan Approval"; (Ord. C79-87. Passed 9-8-87.)
(17) Color rendering of building(s), complete with a listing of all colors, including Pantone 1999-2000 Reference Numbers or if Pantone is not available, the manufacturer's reference/serial number with sample, and materials, with samples, to be used.
(18) If a Homeowner's Association is to be established for the requested development, the following shall be required.
A. Plan shall show the entry sign(s) to the subdivision and it shall denote "A Private Homeowner's Association";

B. A notation on the plan shall stipulate that:

1. A copy of the deed restrictions shall be posted in all model homes;
2. The builder shall keep on file a signed deed restriction disclosure statement from each new home buyer.

(Ord. C39-00. Passed 5-15-00; Ord. C06-06. Passed 3-6-06.)

(b) A plat shall include:

(1) The boundary of the development, based on an accurate transverse with dimensions in feet and hundredths of feet, and bearings in degrees, minutes and seconds;

(2) The municipal, township, county, section or adjacent property lines accurately tied to the lines of the subdivision by distances and bearings;

(3) The radii, central angles, points of curvature, tangent bearings and lengths of all chord dimensions;

(4) All lot lines with accurate dimensions in feet and hundredths of feet, and bearings in degrees, minutes and seconds;
(Ord. C60-73. Passed 8-6-73.)

(5) All lot numbers indicated on the plat must match the lot number on the approved development plan;
(Ord. C61-03. Passed 7-21-03.)

(6) An accurate location of all monuments and of all iron pins to be set on street right of way lines at street intersections and at the beginning and end of curves. (Ord. C68-77. Passed 9-19-77.)

(7) The exact location, width and name of all existing streets, easements and public lands;
(8) The name and location of the development;
(9) The names of owners;
(10) The date, north arrow and scale of plat. The scale shall be one inch equals fifty feet or a larger scale;
(11) The names and deed book references of adjacent property owners;
(12) An accurate boundary data of any areas to be dedicated or reserved for public use, with the purposes indicated thereon, and of any area to be reserved by deed covenant for the common use of all property owners;
(13) A certificate by a registered land surveyor that the premises covered by the plat have been surveyed, that the plat is correct and that the monuments shown on the plat will be set in accordance with Section 1101.051.
(Ord. C68-77. Passed 9-19-77.)
(14) A notarized certification by the owner or owners of their adoption of the plat and the dedication of the streets and other public areas to public use as is shown on the plat;
(15) Proper form for the approval of the Planning Commission with space for signatures;
(16) A space for approval signatures of the City Engineer, Director of Public Service and Mayor;
(17) A proper form for approval and acceptance by Council, with space for ordinance number and also space for the signature and certification of the Clerk of Council;
(18) The space for notation of transfer by the County Auditor and recording by the County Recorder.
(19) A reproduced cloth print of the plat, as recorded, shall be furnished to the Engineer within thirty days after recording and prior to the beginning of the construction of any streets and utilities. (Ord. C60-73. Passed 8-6-73.)
(20) For plats that are tied to an approved development text, all notes indicating restrictions are to be shown on the plat. (C61-03. Passed 7-21-03.)

(c) Construction Plans shall be prepared for all sanitary sewers, water mains, pavements, sidewalks and storm sewers which are proposed for construction. Construction Plans shall also include an erosion and sedimentation control plan consistent with the requirements of the "Authorization for Storm Water Discharges Associated with Construction Activity under the National Pollutant Discharge Elimination System" (also known as the 'NPDES Construction Permit'), as promulgated and updated by the Ohio Environmental Protection Agency. (Ord. C26-04. Passed 5-5-04.)

(1) All plans shall be made on tracing cloth sizes 24 inches by 36 inches, with a one-inch border on the left and a one-half inch border around the balance of the sheet. The proposed work shall be shown in both plan and profile, and in sufficient detail to clearly show all work to be done. In general, the scale shall be one inch equals fifty feet horizontal and one inch equals five feet or one inch equals ten feet vertical, except where necessary to show details or special work. Plans shall contain general notes and a summary of estimated quantities. All drawings shall be made in ink and a title block shall be included in the lower right hand corner of each sheet except on the title sheet. Spaces shall be provided on the first sheet for the approval signatures of the City Engineer, Director of Public Services, Director of Public Safety, Administrative

Assistant and Mayor. On drawings for water lines, an additional space shall be provided for the signature of the Director of Public Service of the City of Columbus.

(2) The general notes shall include a reference to the specifications required in Chapter 1103.

(3) Supplemental specifications may be submitted as separate documents on eight and one-half by eleven inch typewritten paper or may be added onto the tracings.

(4) The first sheet for all plans shall include location map, development title, required signature spaces, standard drawing lists and index when required. (Ord. C60-73. Passed 8-6-73; Ord. C69-77. Passed 9-19-77.)

(5) Construction plans shall also include an erosion and sedimentation control plan consistent with the requirements of the "Authorization for Storm Water Discharges Associated with Construction Activity under the National Pollutant Discharge Elimination System" (also known as the 'NPDES Construction Permit'), as promulgated and updated by the Ohio Environmental Protection Agency. (Ord. C19-03. Passed 4-7-03.)

(d) A Grading Plan shall be prepared for all development covered under this regulation. The Grading Plan may be combined with other plans, if such a combination is neat and the information easily read. The Grading Plan shall show:

(1) The development title, sheet scale, north arrow and location map, unless it is made a part of Construction Plans. The scale shall be one inch equals fifty feet or a larger scale;

(2) The floor elevations for first floor and all floors below grade of proposal structures;

(3) The proposed elevations, slopes and grade of the site improvements; (Ord. C 60-73. Passed 8-6-73.)

(4) The finished grade of a residential lot, at any point, shall not exceed the maximum elevation of the top of the curb measured at the lot curb line more than three feet.

(5) The slope of driveways serving single-family residences shall maintain a slope of not less than three percent (3%) and no greater than ten percent (10%). (Ord. C22-88. Passed 4-18-88.)

1101.09 DEVELOPMENT FEES.

(a) Recreation Development Fees. In addition to the fees and deposits required by other sections of the Codified Ordinances, a recreation development fee shall be paid by the developer in accordance with the following schedule:

(1) For each single-family dwelling constructed in:
2004 - $200 2005 and thereafter - $550

(2) For each unit in a multifamily dwelling constructed in:
2004 - $200 2005 and thereafter - $550
(Ord. C109-89. Passed 12-18-89.)

(3) For each office, commercial or industrial development: two hundred dollars ($200) per acre of the development plus two cents ($.02) per square foot for all buildings within the development. The minimum fee for each office, commercial or industrial development shall be two hundred dollars ($200).

(4) No fee shall be imposed for any alteration, addition or modification to an existing dwelling, except that at such time as an existing office, commercial or industrial building is altered, enlarged or modified to provide additional floor area, the foot fees as established in subsection (a)(3) hereof shall be collected for additional floor area.

(5) At such time as an existing dwelling is changed to office, commercial or industrial use, the fees as described in subsection (a)(3) hereof shall be paid. (Ord. C37-81. Passed 8-3-81.)

(6) The fees so collected shall be deposited in a Recreation Development Fund for use in helping to construct, erect, purchase or otherwise obtain or upgrade parks and recreational facilities. (Ord. C60-73. Passed 8-6-73.)

(b) Public Sites/Open Space Requirements.

(1) Upon the submission of a proposed residential development there shall be dedicated on said plan, areas dedicated to the city for public purposes, or reserved for park, playground, recreational, educational or open space. Said dedication shall be exclusive of public right-of-way and any street, road, highway, sidewalk, entrance feature areas, landscape areas without recreational amenities (i.e. buffer landscaping adjacent to right-of-way) and areas within the 100-year floodplain. The dedicated land can include passive recreational areas including bike paths, certain commercial recreational areas, tree stands or dedicated green space and storm water retention areas (not detention or dry basins) that meet the city's pond design criteria and are incorporated into the overall development plan for aesthetic purposes. In the event that a storm-water retention area is proposed to be dedicated to satisfy the provisions of this section the same shall not constitute more than 15% of the area dedication required by this provision. In addition, areas containing overhead utilities and/or easements may be used to meet the land requirement only if approved by Planning Commission and City Council.

(2) The foregoing is intended as examples of appropriate public site/open space dedication and not as an exclusive list. Appropriate public site/open space dedication shall be determined as set forth below:

A. The goal of the city is to provide 20 acres of appropriate open space/public land or other recreational areas for every 1,000 residents.

B. The land dedication requirement of this section shall be computed as follows for single-family developments:

1. Determine the number of proposed single-family dwelling units;
2. Multiply the number of proposed units times the "average single-family household size" as established by the most current U.S. Census Summary of Occupancy and Housing Characteristics for Grove City. The current figure according to the 2000 census data is 2.73 occupants per household;
3. Divide the figure determined in subsection (B)(2) hereof by 1,000 (people); and
4. Multiply the figure determined in subsection (B)(3) hereof by 20 (acres/1,000 people). This figure represents the amount of acreage that must be dedicated to satisfy the public sites/open space requirements of this section for single-family developments.

C. The land dedication requirement of this section shall be computed as follows for all other residential developments:

1. Determine the number of proposed dwelling units;
2. Multiply the number of proposed units times the "average multi-family household size" as established by the most current U.S. Census Summary of Occupancy and Housing Characteristics for Grove City. The current figure according to the 2000 census data is 2.29 occupants per household;
3. Divide the figure determined in subsection (C)(2) hereof by 1,000 (people); and
4. Multiply the figure determined in subsection (C)(3) hereof by 20 (acres/1,000 people). This figure represents the amount of acreage that must be dedicated to satisfy the public sites/open space requirement of this section for other than single-family developments.

D. For developments that include both single-family and non-single-family residential units, the respective calculations shall be made for the entire site.

(3) The proposed dedicated land, together with the restriction imposed on the same, must be deemed to be appropriate by the Planning Commission and City Council before the development plan and/or plat is approved. The Planning Commission and City Council shall determine the dedicated land to be appropriate only if the proposed dedicated land can be used to accomplish the goals of this section and the provisions of subsection (1) and (2) hereof. When making a determination of whether the proposed dedicated land is appropriate, the Planning Commission and City Council shall consider the comments received through the administrative review process. Other information and comments that the Planning Commission and City Council deems appropriate may be used in determining the appropriateness of the land to be dedicated.

(4) To the extent that the required land dedication established by this section is not sufficient either because no land is dedicated or the land that is proposed for dedication is determined not to be appropriate due to size, configuration, location or type, by the Planning Commission and City Council, then a monitory payment shall be made. All payments made pursuant to this subsection shall be deposited in the Recreation Development Fund.

(5) Calculation of the monitory payment in lieu of land shall be made as follows and paid prior to the approval of the record plat:

A. Determine the total amount of acreage required pursuant to subsections (2)B., (2)C. and (2)D. hereof;

B. Subtract the total amount of acreage approved as appropriate by the Commission and City Council, pursuant to subsection (3) hereof;

C. Multiply the amount of acreage determined above by $30,000 which represents the average cost of an acre of developed park land; and

(6) All public sites/open space shall be deemed final by dedication through an approved plat or dedication ordinance by Council.

(7) Deviations from the foregoing requirements regarding either the Land Contribution or the Park Fee may be granted for "good cause". Nothing herein shall be interpreted as requiring the grant of any deviations. "Good cause" shall be limited to situations where the applicant is providing significant infrastructure improvements that benefit areas outside the proposed development area or contributing land directly to the school district for school purposes.

(c) Urban Forestry Fees. In addition to the fees and deposits required by the Codified Ordinances, an urban forestry fee shall be paid by the builder in accordance with the following schedule:

(1) For all newly developed single family residential lots: $400 per lot.

(2) The fees so collected shall be deposited in the Community Environment Fund for the exclusive use of purchasing, planting, replacement and maintenance of trees and administration of the urban forestry program.
(Ord. C18-99. Passed 7-6-99. Ord. C94-04. Passed 10-18-04.)

1101.10 OBLIGATIONS OF OWNER; BOND; VIOLATION OF PROVISIONS.

In consideration of the approval of the Construction and Grading Plans, the owner of the land being developed shall be subject to the following regulations:

(a) No lot, parcel or tract shall be transferred from the proposed development nor shall any construction work on such development, including tree removal and grading, be started that may affect the arrangements of public streets or other public improvements until the owner has obtained the necessary approvals of the Construction and Grading Plans and obtained the necessary tree removal approvals from the Service Director, his or her designee or the Urban Forester;
(Ord. C18-99. Passed 7-6-99.)

(b) No conveyance shall be made of any lot or parcel smaller in frontage or area than indicated on the plat except for the purpose of increasing the area of another lot;

(c) All construction work and materials used in connection with improvements shall conform to the requirements of the City and be installed under the City Engineer's general supervision at no expense to the City;

(d) The Engineer shall be notified in writing three days before any construction is to begin. The Service Director, his or her designee or the Urban Forester shall be notified in writing three business days before any tree removal is to begin; (Ord. C18-99. Passed 7-6-99.)

(e) The owner shall hold the City free and harmless from any and all claims for damage of every nature arising or growing out of the construction of improvements or resulting from improvements and shall defend, at his own cost and expense, any suit or action brought against the City by reason thereof, except such liability of the City resulting from its sole negligence;

(f) All improvements and utilities will be satisfactorily installed within one year from the date of approval of the Construction Plans or within such time schedule as presented and approved by Council; (Ord. C60-73. Passed 8-6-73.)

(g) Upon filing of the plat or easements for public improvements, the construction of the public improvements shall be guaranteed by filing with the City evidence satisfactory to the Director of Public Service of one of the following:

(1) A performance bond equal to the estimated construction cost as approved by the City Engineer for the public improvements;

(2) A certified check equal to fifty percent of the estimated construction cost as approved by the City Engineer for the public improvement; or

(3) Subject to the approval of the Director of Finance, a certification to the City by the institution, person or corporation financing the construction of the public improvements stipulating that the funds in the amount of the estimated construction cost are available and set aside from all other funds;

That these funds will not be released to the owner, developer, or their agent, unless a release is signed by the City;

That such release by the City only certifies that as best as the City can determine, the construction was completed to the City's satisfaction and does not relieve the owner and/or developer of the City's maintenance guarantee requirement;

That ten percent of all moneys released will be placed in an escrow account for use by the City should there be cause for the City to have to finish any work through the default, neglect or negligence of the owner, developer, or their agents;

That only the City shall have the right to release the funds in the escrow account; and

That acceptance of the public improvements by the City and the posting of the one year maintenance guarantee shall constitute release of the funds in the escrow account lacking any formal release by the City.

(Ord. C44-77. Passed 5-16-77.)

(h) All permits and approvals shall be obtained and all fees and deposits paid prior to beginning any construction of any improvements;

(i) During construction and prior to acceptance of any public improvement, the owner shall remove or cause to be removed such dirt and debris and foreign matter from all public rights of way, improvements and/or easements as were deposited, left or resulted from the construction of improvements of any nature within the development, within twenty-four hours after being notified by the City that such work is required. Such removal shall be done to the satisfaction of the Director of Public Service;

(j) Execute a development agreement in such form and on such terms and conditions as specified by the Engineer and Director of Law;

(k) No person or owner shall violate any of the regulations established in this section and upon violation the City shall have the right to:

(1) Stop all work on the development site forthwith;

(2) Hold the bonding company responsible for the completion of the public improvement according to the approved construction drawing and the agreement;

(3) Use the certified check, if any, or proceeds thereof, for the purpose stated in subsection (k)(2); (Ord. C60-73. Passed 8-6-73.)

(4) Use the funds in the escrow account to continue any unfinished work or replace any unaccepted work to a point that to the satisfaction of the Director of Public Service all public improvements will not create a health or safety hazard or create maintenance or repair expense to the city because of their state of completion. (Ord. C 42-75. Passed 6-23-75.)

(5) Proceed in the manner described and the penalties provided for in Section 1103.99. (Ord. C 60-73. Passed 8-6-73.)

1101.11 COSTS TO BE SHARED BY THE CITY.

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

(a) A utility or street shall be considered excessive to needs of the land being developed when:

(1) The City specifically requires a size or configuration for the purpose of meeting the future needs of the City as provided for in approved systems studies or by ordinance.
(2) There is additional pavement width and depth and additional length of storm sewers and other improvements required for all thoroughfares.
(3) The City requests that a waterline be twelve inches in diameter or more when such size is not required to meet the needs of the land being developed.
(4) A sanitary sewer line is twelve inches in diameter or more unless this size is required for the land being developed by reason of grade or trench loading requirements of the land being developed or because of anticipated flow from the land being developed.
(5) Other conditions warrant cost sharing and such conditions are approved by Council.

(b) The City shall share in the cost of improvements by:
(1) Paying for the material costs only for the size difference of the waterline, sanitary sewer pipe and the appurtenances thereto between what is required for the land being developed and what is excessive to the needs of the land being developed.
(2) Paying for the materials F.O.B. the plant in the quantities necessary to equal the cost of providing the excessive pavement width and depth for all thoroughfares.
(3) Paying for the materials F.O.B. the plant, factory, supply depot or warehouse for such other improvements that are excessive to the land being developed as approved under subsection (a)(5) hereof.
(4) Paying a proportionate share of the engineering and design costs for preparing the construction plans for an improvement excessive to the needs of the land being developed when such excessive improvements eligible for cost share require more than oversizing of waterlines, sanitary sewer lines and appurtenances thereto or additional pavement width or depth.

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

(d) Upon approval by Council of the Development Plan for the land being developed, the following procedure shall be followed:
(1) The City Engineer shall identify all improvements eligible for cost sharing;
(2) The Engineer shall estimate the cost of the City's portion of such improvements;
(3) An ordinance shall be submitted to Council for approval, appropriating funds to cover the City's portion;
(4) Upon completion and acceptance of the work and quantities thereof by the Engineer, the costs shall be certified to the Administrative Assistant by the Engineer.

(e) Failure of the developer or the owner of the land at the time of the improvements construction to provide the Engineer with copies of billings, invoices, contracts, agreements or such other evidence of costs as the Engineer deems necessary within six months of completion and acceptance of the improvements by the City shall constitute just cause to declare the City's agreement to cost share as provided herein null and void and no reimbursement shall be made or moneys paid without reapproval of Council.
(Ord. C60-74. Passed 9-16-74.)

(f) (EDITOR'S NOTE: Subsection 1101.11(f) was repealed by Ordinance C23-84, passed April 2, 1984.)

1101.99 PENALTY.

Whoever violates any provision of this chapter shall be fined not more than five hundred dollars ($500.00). A separate offense shall be deemed committed each day during or on which an offense occurs or continues.

CHAPTER 1103
Minimum Standards for Improvements

1103.01 Purpose.
1103.02 Reference specifications.
1103.03 Definitions; additional sanitary sewer requirements; tests.
1103.04 Additional water system requirements.
1103.05 Street lighting requirements, mailboxes and fire hydrants.
1103.06 Inspection and recording site improvements.
1103.07 Construction layout.
1103.08 One year guarantee for improvements; bond.
1103.99 Penalty.

CROSS REFERENCES

City Engineer - see ADM. Ch. 141
Director of Public Safety - see ADM. 147.02
Backfilling for street excavations - see S.U. & P.S. 905.05
Sewers - see S.U. & P.S. 935.01 et seq.
Storm sewers - see S.U. & P.S. 939.01 et seq.
Development standards - see P. & Z. 1101.01 et seq.
Definitions - see P. & Z. 1101.04
Improvements defined - see P. & Z. 1101.04(d)
Street lighting - see P. & Z. 1101.05(k)
Required improvements - see P. & Z. 1101.06
Removal of debris prior to acceptance of improvements - see P. & Z. 1101.10(i)
Building Inspector - see BLDG. 1303.02 et seq.

1103.01 PURPOSE.

The purpose of this chapter is to establish minimum standards for constructing sanitary sewers, water mains, pavements, storm sewers and other site improvements within the corporate limits of the City.
(Ord. C 61-73. Passed 8-6-73.)

1103.02 REFERENCE SPECIFICATIONS.

All work shall be performed in accordance with the standards for materials, workmanship and procedures established in the latest edition of the specifications and standard drawings in Table A hereof except as such standards are added to or modified herein, or in the approved Construction Plans and Contract Documents. The reference to sections or items of the specifications in Table A shall include all work covered by that section or item. Therefore, the reference to Section 200, EARTHWORK of the ODTS also refers to ITEM 201, Clearing and Grubbing or ITEM 203, Roadway Excavation and Embankment as well as 203.13, Subgrade.

(a) Where used in this chapter, the abbreviations set forth in the left hand column immediately below stand for the published standards or governmental units described immediately to the right of the abbreviation.
(1) CCS = City of Columbus Construction and Material Specifications.
(2) CC = City of Columbus.
(3) CGC = City of Grove City.
(4) ODT = State of Ohio, Department of Transportation.
(5) ODTS = State of Ohio, Department of Transportation, Construction and Material Specifications. (Ord. C61-73. Passed 8-6-73.)

(b) Table A

Type of Work	Reference Specifications	Standard Construction Drawing
Earthwork	Section "200 EARTHWORK", ODTS	
Roadway bases	Section "300 BASES", ODTS	CGC
Roadway pavement	Section "400 FLEXIBLE PAVEMENT" and Section "450 RIGID PAVEMENT", ODTS	CGC
Structures	Section "500 STRUCTURES", ODTS	ODT
Incidentals (See Note #1)	Section "600 INCIDENTALS", ODTS	ODT and CGC
Roadside and unpaved areas	Section "650 ROADSIDE", ODTS	ODT
Waterline system	Section "800 WATER SUPPLY and DISTRIBUTION", CCS	CC and CGC (see Note #2)
Sanitary sewer system	Section "900 SEWERAGE WORK", CCS	CC and CGC (see Note #2)

Note 1. All work and material pertaining to sanitary sewer construction shall be governed by Section "900 SEWERAGE WORK" of the City of Columbus "Construction and Material Specifications" unless modified, herein, by the Grove City Standard Drawings or the approved construction plans and documents.

Note 2. The Grove City Standard Drawings will govern all work unless some other standard drawing or detail on the plans is specified. In the absence of any Grove City drawings or detail, the appropriate City of Columbus Standard Drawing will govern.

(c) The following are modifications to the reference specifications of Table A:
(1) Sidewalk: 608.03(c) is changed by deleting the next to last sentence that pertains to construction joints around manholes etc., and the last sentence is changed to read: "Premolded expansion joint material 1/2-inch thick shall be installed to the depth and across the width of the walk or abutting surface at intervals of thirty feet (30') minimum and between the walk and any fixed structure or object such as manholes, sign posts or utility poles." 608.03(d) is changed to read "transverse slope of 3/8-inch per foot. (Ord. C83-77. Passed 11-21-77.)

(2) Curbing: The requirements for joint sealer in 609.04(a) is deleted. 609.04(f) is added as follows: "Curb drops for driveways shall be constructed at the same time curbing or curb and gutter is constructed. When the curbing is in place at the time driveway drops are required, such curb or curb and gutter shall be removed and replace in five-foot increments as required to install the driveways." (Ord. C 61-73. Passed 8-6-73.)

(3) Sanitary sewer system: The materials permitted shall be governed by those identified in the general notes or detail sheets of the approved construction plans and/or the contract documents. CCS Section 901.10 is deleted. See Section 1103.03(d) of this code for test requirements.

(4) Storm sewer system: The materials permitted shall be governed by those identified in the general notes or detail sheets of the approved construction plans and/or contract documents. (Ord. C83-77. Passed 11-21-77.)

1103.03 DEFINITIONS; ADDITIONAL SANITARY SEWER REQUIREMENTS; TESTS.

(a) As used in this chapter:

(1) "Sewage" means the liquid or water carried wastes from residences, business buildings, institutions and industrial establishments together with such ground water, surface water and storm water as may be present.

(2) "Domestic sewage" or "sanitary sewage" means sewage derived principally from dwellings, business building, institutions and the like, which originates within the building, including the wastes from kitchens, water closets, lavatories, bathrooms, showers and laundries.

(3) "Industrial sewage" means the liquid wastes from industrial processes as distinct from domestic sewage.

(4) "Sanitary sewers" means a pipe or conduit designed for the purpose of carrying domestic sewage and industrial sewage from the point of origin to a sewage treatment or disposal works or to a place of disposal, but which is not intended to carry storm, surface, ground or subsurface waters.

(5) "Foundation drains" means subsurface drains laid around the foundation of a building, either within or outside of the building foundation, for the purpose of carrying ground or subsurface water to some point of disposal.

(6) "Building sewer (house connection)" means that part of the sanitary sewerage system which connects the plumbing of the house or building to a common or public sewer. The building sewer begins three feet from and outside the foundation wall.

(7) "Sewerage system" or "sewage works" means all of the facilities for collecting, pumping, treating and disposing of sanitary sewage to and through the sewage treatment or disposal works owned by the City or any additions or extensions thereof.

(b) Y-branches shall be installed during the construction of the collector sewers. If the sewer is located in a street, service extensions shall be made to within one foot of the street right-of-way lines. Where the sewer is more than twelve feet deep, risers shall be included as part of the construction work. Such risers shall be brought to a point not less than ten feet below the ground. (Ord. C 61-73. Passed 8-6-73.)

(c) Concrete encasement shall be used when required for the sanitary sewer to withstand the trench loadings, when hard shale or rock is encountered in the trench bottom or when the cover over the sewer is less than two and one-half feet.
(Ord. C29-77. Passed 4-18-77.)

(d) Leakage tests are required for all sanitary sewers except building sewers unless a leakage test on a building sewer is requested by the Sewer Inspector. Deflection tests are required for all sewers using PVC pipe.

(1) The sewer shall be tested in sections, each section extending between two consecutive manholes or from the end of the sewer to the nearest manhole. The contractor may elect to use either an infiltration test or an exfiltration test as described herein.

(2) If the infiltration test is selected, each section of pipe shall be covered with not less than two feet of ground water above the top of the pipe at the highest point in the section being tested. The infiltration will be measured by means of a V-notch weir located in the downstream manhole. All service connections and stubs shall be capped or plugged to prevent the entrance of ground water into the line at these connections.

(3) If the exfiltration test is selected, the inlet end of the upstream and downstream manholes shall be closed with watertight bulkheads. Then the sewer and the upsteam manhole shall be filled with water until the elevation of water in the upsteam manhole is two feet higher than the top of the pipe in the line being tested or two feet above the existing ground water in the trench, whichever is the higher elevation. The exfiltration will be measured by determining the amount of water required to maintain the initial water elevation for one hour from the start of the test.

(4) The amount of infiltration or exfiltration as applicable, shall not exceed a rate of 200 gallons per inch of pipe diameter per twenty-four hours per mile of sewer in each and every section tested in accordance with this subsection (d).

(5) The deflection test shall be made by pulling a rigid ball or mandril with a diameter equal to ninety-five percent of the inside diameter of the pipe through the sewer. This test shall be made after the backfilling of the sewer line section being tested is completed.

(e) Building sewers shall be constructed at no expense to the City.

(1) Before any building sewer is constructed, a tap permit must be obtained from the Building Inspector. Such permit will be issued in accordance with the provisions of Chapters 935, 937 and 939. The person applying for a permit shall itentify the location of the tap. The person to whom a permit is issued shall cause the building sewer to be installed in accordance with the rules and regulations contained herein. All tap permits shall become null and void ninety days from the date of issuance. No refund of the tap fee shall be made unless a request is filed and the permit returned within the above mentioned ninety days.

(2) All construction or repair of building sewers shall be inspected and approved by the Sewer Inspector after the pipe has been laid and tap completed, but

The person to whom the permit has been issued shall call the Building Inspector requesting the inspection, at least one-half day before the inspection is desired.

(3) The building sewer shall be constructed of a size not less than six inches internal diameter, laid with a minimum fall of one-fourth inch per linear foot, and shall be vitrified clay pipe, ABS Composite, PVC or ductile iron pipe with watertight joists, as specified in Section 1103.02(c)(3), and using proper curves for all changes in alignment or grade. Only adapters approved by the City Engineer shall be used to change from one pipe material to another in any sewer line. The interior of each length of pipe shall be made perfectly clean and free from offsets, fins, and projections before the next length is connected thereto. The Sewer Inspector may, by special permission in each case, authorize the building sewer to be constructed with a fall as little as one-eighth inch per linear foot if he determines such procedure to be desirable. The Sewer Inspector may require that the water tightness of the joints be demonstrated by the testing procedures established in subsection (d) hereof. (Ord. C 94-73. Passed 12-17-73.)

(4) Old or existing building sewers may be used in connection with new buildings or alterations to existing buildings only when it can be demonstrated that such sewers conform in all respects to the requirements contained herein for new building sewers. The Building Inspector may make an exception as to the size of old building sewers provided they are not less than four inches in internal diameter, and otherwise meet the requirements of this section.

(5) Building sewers shall not be constructed closer than three feet to any exterior wall, cellar, basement or cistern nor shall they have less than two feet of earth or stone cover.

(6) All excavation for building sewers shall be by open cut from the surface. The sides of the trench shall be vertical, using such sheeting and bracing as may be necessary to accomplish this result. The bottom of the excavation shall be shaped to fit the lower half of the sewer pipe so that the pipe will have uniform bearing from end to end. In order to accomplish uniform bearing, adequate bell holes shall be excavated at each joint. In the event the trench is excavated below the required grade of the pipe, the excess space shall be filled with the stone specified for Type I bedding requirements of Section 900 in Table A of Section 1103.02(b). The width of the trench at the top of the pipe shall not exceed two feet plus the outside diameter of the pipe nor shall the width be less then one foot plus the outside diameter of the pipe. When unstable, soft or spongy conditions are encountered at the trench bottom, such material shall be removed and replaced with clean, crushed stone sufficient to stabilize the trench bottom to support the pipe to a true line and grade. Such work shall be performed as directed by the Inspector. Water and gas services shall not be laid in the same trench as the building sewer.

(7) No tap permit shall be issued for a building sewer, the construction of which will require the opening, cutting, barricading or otherwise impeding the normal flow of traffic of any public street, road or alley until there is presented to the City, evidence, in writing, satisfactory to the

City, that permission for such opening, cutting, barricading or impeding of traffic has been granted to the applicant from the governmental body having authority to grant such permission. Any tap permit so issued shall be subject to any restrictions or conditions contained in such written expression of permission from the governmental body.

(8) The building sewer shall be backfilled to an elevation at least twelve inches over the top of the pipe by tamping in finely graded soil or granular material in six inch layers. Soil containing stones larger than two inches in the greatest dimension shall not be used for this portion of the backfill. The balance of the backfill shall be made in accordance with the requirements of Table A, Section 900 of Section 1103.02(b).

(9) Connections to existing Y-branches shall be made carefully to avoid damage to the bell of the branch or to the lateral sewer. Such damage as may occur shall be repaired as directed by the Inspector. Connections to a lateral or public sewer at a point where no Y-branch has been provided, shall be made using a tapping saddle.

(10) The permit holder shall repair or restore any drains or service lines damaged or disturbed by him during the construction of the building sewer.

(11) No person, firm or corporation shall discharge or permit the discharge of any deleterious wastes into the sewerage system. Such wastes are defined as oils, acids, cyanides, poisons and any other substance, gas or liquid which may in any way damage or interfere with the use or operation of the sanitary sewers or sewage treatment plant or which may create a hazard to life or property.

(12) No downspouts, surface inlets, foundation drains, subsurface drains or any other source of ground or surface water shall be connected either directly or indirectly to or discharged into any part of the sanitary sewerage system. Such drains, inlets and downspouts shall be so constructed as to drain or be pumped into the street, gutter, ditch or the storm sewers.

(13) Surface water which collects in basement or foundation excavations shall not be discharged at any time into the building sewer. If the building sewer is completed before the plumbing is connected thereto, the building sewer shall be tightly closed at all times with a plumber's plug or other watertight plug in order to prevent surface or ground water from entering the building sewer.

(Ord. C 61-73. Passed 8-6-73.)

1103.04 ADDITIONAL WATER SYSTEM REQUIREMENTS.

(a) Taps may be made, by the developer, into the water mains he has constructed or is in the process of constructing. If the developer does not elect to make his own taps, then he must arrange with the City of Columbus to do the work.

(b) Curb boxes shall be located between the sidewalk and the curb or as near thereto as practicable. All curb boxes shall be adjusted to the finished ground surface. They shall be of the Buffalo type. When the street is to be curbed, a "W" shall be stamped into the face of the curb opposite each curb box before the concrete has set.

(c) All water services shall be constructed of materials required by the City of Columbus. No service line shall be less than three-fourth inch internal diameter. If necessary to provide adequate supply and pressures, larger size lines may be required by the Building Inspector. (Ord. C61-73. Passed 8-6-73.)

(d) All water service lines shall be laid at least forty-two inches below ground or pavement surface. No water service line shall be laid in the same trench with electrical, sewer or sewer service line. All water services to be constructed in or across paved streets shall be done by boring or jacking the line under the surface. The cutting of existing paved surfaces for this purpose will not be permitted except by special permission of the Director of Public Service in each case.
(Ord. C50-89. Passed 7-17-89.)

(e) Services shall be constructed after the street is rough graded and prior to installation of proposed paved surfaces and curbs. They may be laid in open cut provided the trench is backfilled with granular material in the proposed paved areas or they may be jacked under the ground surface from openings back of the curb location.
(Ord. C61-73. Passed 8-6-73.)

1103.05 STREET LIGHTING REQUIREMENTS, MAILBOXES AND FIRE HYDRANTS.

The developer shall install a street lighting system according to the specifications listed in Section 1101.05(m) and the following requirements:
(Ord. C18-87. Passed 4-6-87.)

(a) Street Lights.

(1) Street lights shall be installed with electrical material and equipment so that each is ready for service and in conformity with Grove City Standard Construction Drawings.

(2) Unless otherwise shown on the Standard Construction Drawings or modified by these specifications, all material and workmanship shall conform to Item 625, Ohio Department of Transportation, "Construction and Material Specifications".

(3) The developer for the particular area under development shall obtain all permits required by the public authority having jurisdiction.

(4) Prior to acceptance, the contractor shall operate the lighting system, including automatic control equipment and other apparatus, from sunset to sunrise for ten consecutive days without interruption or failure. If a lamp or ballast should fail, it shall be immediately replaced; however, this shall not require restarting the test.

(5) All energy lines leading to the light poles shall be underground unless otherwise permitted by the City Engineer in previously developed areas.

(6) All cable shall meet the requirements of Item 713.02 and 713.17, ODTS as modified herein. All cable shall be #6 A WG stranded copper wire with 600 volt insulation or #4 A WG stranded aluminum wire with 600 volt insulation. The insulation for all cable except the cable in the aluminum pole shall be suitable for direct burial.

(7) All cable runs in excess of 200 feet shall have a three percent (3%) voltage drop derating factor applied. No cable runs shall be smaller than #6 A WG copper conductors or #4 A WG aluminum conductors and all cable shall be for direct burial.

(8) Unless otherwise shown, trenches shall conform to Item 625.12, except that under existing or proposed roadway or driveway the trench depth shall be thirty-six inches.

(9) A two-inch galvanized rigid conduit sleeve shall be installed under all roadways, driveways and sidewalks in excess of four feet in width.

(10) All cable lighting structures and appurtenances shall be located within a public right-of-way or easement. The design of the system will be coordinated with the electrical energy supply.

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

(12) No street shall be accepted for dedication before the street lighting system has been completely installed, tested and is ready for use.

(13) All street lighting design shall be approved by the supplier of electric energy. Two drawings for the street lighting layout shall be presented to the supplier of electric energy for record purposes.
(Ord. C27-82. Passed 5-3-82.)

(14) ~~For every twelve street lighting units installed for any project, a developer shall be required to provide the city with a minimum of one extra street lighting unit~~. (Ord. C43-03. Passed 7-7-03.) C-43-03, passed 11/5/07

(b) Yard Lights. (EDITOR'S NOTE: This subsection (b) was repealed by Ordinance C18-87, passed April 6, 1987.)

(c) Completion Bond Required. If conditions are such that street lights cannot be installed prior to the acceptance of streets upon which street lights are to be installed as required in subsection (a) hereof, the person(s), firm or corporation requesting acceptance of such streets shall deposit with the City Finance Director, an amount of cash or collectable funds, or a performance bond in form satisfactory to the City Attorney, equal to one and one-half times the estimated cost of the installation of streets lights as security for the installation of such lights, which shall be completed within six months of the date of deposit of such funds or bonds.
Failure on the part of such person(s), firm or corporation to complete the installation within six months shall be cause for the Director of Public Service to order installation by such other contractor as he may choose and cause the cost of installation to be paid from the funds or bonds so deposited. That portion of such funds not used for the installation shall be returned to the depositor. (Ord. C9-89. Passed 2-6-89.)

(d) Mailboxes. All design and location shall be approved by the Planning Commission and shall be the responsibility of the developer.
(Ord. C50-89. Passed 7-17-89.)

(e) Fire Hydrants. A developer shall be required to provide the city with a minimum of one extra fire hydrant for every twelve fire hydrants installed for any project.
(Ord. C43-03. Passed 7-7-03.)

1103.06 INSPECTION AND RECORDING SITE IMPROVEMENTS.

All site improvements, including streets, sidewalks, sewers and water mains, will be inspected and entered into the City records by the City. All erosion and sedimentation controls will be

inspected by the City. The cost of such inspection and recording shall be paid by the developer. The estimated cost of this work and the plan reviews required in Chapter 1101 shall be deposited with the City prior to starting construction work. If, during the construction, the City determines that the deposit is insufficient, additional funds in an amount specified by the City shall be deposited within three days of receipt of notice to do so. All unused moneys so deposited shall be refunded to the depositer, within six months from the date of acceptance of all site improvements by the City upon application by the depositer. If the depositer fails to make application for refund, deposit in excess of the fee due shall be forfeited to the City and credited to the General Fund. (Ord. C61-73. Passed 8-6-73; Ord. C20-03. Passed 4-7-03.)

1103.07 CONSTRUCTION LAYOUT.

All construction layout shall be performed by a licensed engineer or surveyor at no cost to the City. Cut sheets shall be prepared for all sewers and waterlines following the format established by the City. At least two copies of all cut sheets shall be delivered to the Director of Public Service and one copy to the City Engineer prior to beginning any work. (Ord. C 61-73. Passed 8-6-73.)

1103.08 ONE YEAR GUARANTEE FOR IMPROVEMENTS; BOND.

(a) All public improvements shall be guaranteed by the owner for a period of one year from the date such improvement is accepted by the City. This guarantee shall include any and all defects and deficiencies in workmanship and materials. The cost of all labor, materials, equipment and other incidentals required to maintain, repair and replace any or all of such improvements and to maintain them in good and proper condition, excluding ordinary wear and tear, but including filling trenches and restoring lawns, sidewalks, yards, streets, sewers, pipe lines, etc., during the one year guarantee period shall be assumed by such owner. In the event the owner fails to make such maintenance, repairs or replacements within a reasonable time after notice in writing by the City or in the event of an emergency which may endanger life or property, the City may make or cause to be made, such repairs or replacements at the expense of such owner. In order to indemnify the City for the expense of any such repairs or replacements made by or at the direction of the City, a guarantee shall be made by filing with the City evidence satisfactory to the Director of Public Service one of the following:

(1) A maintenance bond equal to ten percent of the construction cost for the public improvements as approved by the City Engineer;
(2) A certified check equal to five percent of the estimated construction cost for public improvements as approved by the City Engineer; or
(3) A certification to the City by a financial institution or corporation acceptable to the Director of Finance;

That funds equalling five percent of the estimated construction cost for public improvements as approved by the City Engineer, have been set aside in an escrow account;

That these funds cannot be released without a release by the City;

That the institution or corporation holding the funds shall release to the City any or all of the funds so escrowed for the purposes enumerated herein; and

That the escrow account will not be closed out without the approval of the City with the final acceptance of the public improvements by the City constituting release of the escrow account lacking any formal release by the City.

(b) The guarantee will be released one year after it has been submitted to and accepted by the City, provided a written request for the release has been delivered to the City and provided further that the public improvements have been maintained in a satisfactory condition and all expenses incurred by the City pursuant to this section have been paid in full. (Ord. C43-77. Passed 5-16-77.)

1103.99 PENALTY.

(a) Any person who violates any provision of this chapter shall be served by the City with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations. Any person who continues any violation beyond the time limit provided for herein shall be fined not more than five hundred dollars ($500.00) for each violation. A separate offense shall be deemed committed each day during or on which an offense occurs or continues.

(b) Any person who violates any of the provisions of this chapter shall become liable to the City of Grove City for any expense, loss or damage occasioned by the City by reason of such violation. (Ord. C 61-73. Passed 8-6-73.)

CHAPTER 1105
Driveway Plan Approval

1105.01 Submission of plans required.
1105.02 Approval procedure.
1105.03 Standards for approval.
1105.04 General.

CROSS REFERENCES
Part of Development Plan - see P. & Z. 1101.08(a)(16)

1105.01 SUBMISSION OF PLANS REQUIRED.

(a) Prior to any construction or alteration of any driveway providing access to any public right-of-way, plans for the driveway shall be submitted to the Planning Commission.

(b) Whenever there is a change in the use of property, a demolition of an existing building or structure or alterations are made to buildings or structures, driveway plans shall be submitted to the Commission for the approval of the continued use of the driveway.

(c) If there is to be construction or alteration of structures or other improvements on the property where the driveway is to be constructed or used, plans and specifications of such structures or other improvements shall be submitted to the Commission with the driveway plans.
(Ord. C78-87. Passed 9-8-87.)

1105.02 APPROVAL PROCEDURE.

For all driveway plans submitted to the Planning Commission, the approval procedure shall be as follows:

(a) The Commission shall recommend approval or disapproval of the driveway plans in accordance with these rules and regulations at the next regularly scheduled Commisssion meeting.

(b) The recommendation of the Commission shall be forwarded to Council for final action. (Ord. C78-87. Passed 9-8-87.)

1105.03 STANDARDS FOR APPROVAL.

(a) These rules hereby adopt and incorporate by reference as if fully rewritten herein Resolution No. CR-19-87, adopted on April 7, 1987, as amended, or as may be amended, enacted or re-enacted in the future (also known as "City of Grove City Thoroughfare Map" and hereinafter referred to as the Plan). The designation of roadways referred to hereinafter are those as described in the Plan and such designations are to be used in the identification of such roadways; provided, however, additional designations, as deemed necessary by the Consulting Engineer, may from time to time be added or deleted to the existing designations to implement and invoke the purposes of these rules and the application of standards for approval.

(b) In accordance with the descriptive roadway designation of the Plan, the following prohibitions, restrictions and limitations for approval of driveway plans for access to public right-of-ways are hereby imposed for purposes of preventing an unreasonable interference with the safe, orderly, efficient flow of traffic, or an adverse affect on the health, safety, property or welfare of the traveling public.

(1) No new driveway shall be approved for a direct access from any private property to any public right-of-way where such public right-of-way would be adversely impacted by the proposed new driveway. This regulation includes, but is not limited to such public improvements as bike paths, barrier walls and traffic malls.

(2) Driveway plans may be approved by the Planning Commission for direct access from private property to the following designated roadway with the described characteristics, providing such private property has sufficient contiguous frontage abutting such roadways to conform to the Required Spacing Diagrams and Table:

A. Primary arterial; and

B. Secondary Street where such roadway has existing and projected traffic volume within the reasonable foreseeable future exceeding 20,000 vehicles per day;

(3) No driveway plan shall be approved for single family or two family uses for direct access to a public right-of-way for any roadway designated in the Plan as a primary arterial or secondary street except where no alternate access is available.

(4) All other approvals of driveway plans for access from private property to such roadways designated in the Plan in subsections (b)(2) and (3) hereof and any other public right-of-way are subject to review by the Commission. No approval shall be given by the Commission for such driveway where such access would:

A. Adversely affect the health, safety, property or welfare of the public using public right of ways;

B. Unreasonably interfere with existing or projected traffic conditions as to the safe and orderly flow of traffic;

C. Unreasonably interfere with existing or projected public improvements in public right-of-ways including but not limited to malls, bikeways, sidewalks and traffic barriers; or

D. Unreasonably interfere with the number or arrangement of traffic lanes, the use of other driveways, or the locations and operation of traffic control devices.

(6) Any residentially zoned parcel having frontage on an improved public alley(s) as well as a public street(s) shall have access only to the public alley(s), except when the Commission determines there would be no adverse effect resulting from additional access to the public street(s). Adverse effect shall consider the safety, property or welfare of the public, and the safe, orderly and efficient flow of traffic, including pedestrians. (Ord. C78-87. Passed 9-8-87.)

1105.04 GENERAL.

No rule or regulation herein is intended to conflict with City ordinances or resolutions or laws or the Constitution of Ohio or laws or the Constitution of the United States. A rule or regulation in conflict therewith shall be null, void and of no consequence. (Ord. 78-87. Passed 9-8-87.)

Required Spacing Diagrams and Table

DIAGRAM A

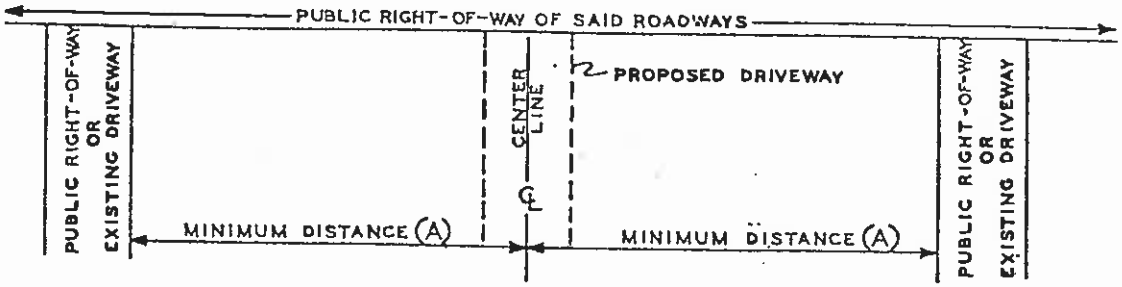


DIAGRAM B

TO BE USED ONLY WHERE THERE IS NO EXISTING DRIVEWAY ON ANY ABUTTING PARCEL

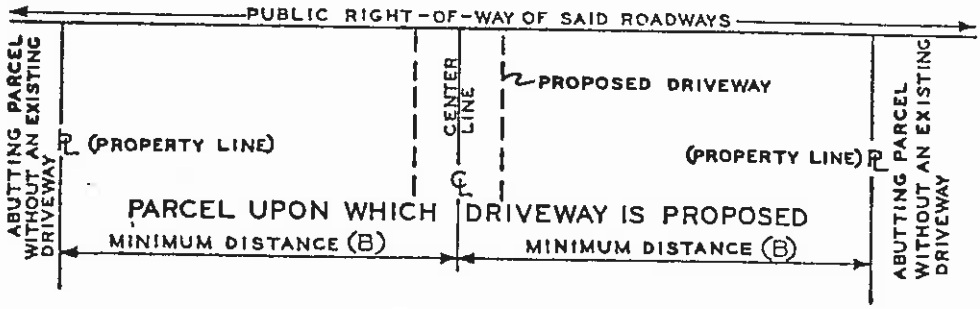


TABLE 1

MAXIMUM LAWFUL SPEED LIMIT ON PROPOSED R/W OF NOT MORE THAN:	MINIMUM DISTANCE A ALLOWABLE IN LINEAR FT. FOR APPROVAL OF PERMIT	MINIMUM DISTANCE B ALLOWABLE IN LINEAR FT. FOR APPROVAL OF PERMIT
25 M.P.H.	NOT LESS THAN 105 FT.	NOT LESS THAN 50 FT.
35 M.P.H.	NOT LESS THAN 150 FT.	NOT LESS THAN 75 FT.
45 M.P.H.	NOT LESS THAN 230 FT.	NOT LESS THAN 115 FT.
50 M.P.H.	NOT LESS THAN 275 FT.	NOT LESS THAN 140 FT.

The maximum lawful speed limit is that maximum limit which is in full force and effect for a distance of not less than one-fourth mile from the center point of the proposed driveway in each direction on the public right-of-way.

Any existing driveway permit issued in accordance with the above diagrams and table shall not be affected solely by subsequent changes in the maximum lawful speed on said roadways. (Ord. C78-87. Passed 9-8-87.)

TITLE THREE - Zoning Code

Chap. 1131. Zoning Administration, Definitions and Penalty.
Chap. 1133. Board of Zoning Appeals.
Chap. 1135. Zoning Districts and Regulations.
Chap. 1136. Landscaping.
Chap. 1137. Supplemental Zoning Requirements.
Chap. 1138. HPA Historical Preservation Area.
Chap. 1139. Zoning Amendments and Annexed Territory.
Chap. 1141. Development Plan.

CHAPTER 1131
Zoning Administration, Definitions and Penalty

1131.01 Purpose and scope.
1131.02 Application and validity of provisions.
1131.03 Definitions.
1131.04 Administration by Planning Commission.
1131.05 Enforcement by Building Inspector.
1131.99 General Zoning Code penalty.

CROSS REFERENCES

Council's power to establish administrative departments, boards and commissions and define powers and duties thereof - see CHTR. 2.08(1)
Council's power to regulate and restrict use of private real estate - see CHTR. 2.08(5)
Planning Commission established; powers - see CHTR. 4.01; Ohio R.C. 713.02, 713.06
Zoning Board of Appeals established; powers - see CHTR. 4.02; P. & Z. 1133.01 et seq.
Subdivision plan submission - see P. & Z. 1101.07
Granting of variance - see P. & Z. 1133.02
Zoning districts and regulations - see P. & Z. Ch. 1135, Ch. 1137
Signs in residential districts - see P. & Z. 1135.11
Zoning amendment methods - see P. & Z. 1139.01 et seq.
Zoning of annexed territory - see P. & Z. 1139.05
Development Plan submission and approval requirements - see P. & Z. 1141.01 et seq.

1131.01 PURPOSE AND SCOPE.

The purpose of the Zoning Code (Ordinance C79-74, codified as Title Three of Part Eleven - Planning and Zoning Code of these Codified Ordinances) is to establish for all territory within the corporate limits of the City, minimum standard requirements for regulation of the height and bulk of structures, the location and use thereof, and land use, and to provide for the administration and enforcement of these requirements and appeal therefrom by grouping land uses in districts of similar uses, establishing administrative and inspection requirements and establishing a Zoning Board of Appeals, all pursuant to this chapter of the City's Codified Ordinances and Ohio R.C. Chapter 713. (Ord. C79-74. Passed 1-20-75.)

1131.02 APPLICATION AND VALIDITY OF PROVISIONS.

In their interpretation and application, the provisions of this Zoning Code shall be held to be the minimum requirements adopted for the promotion and protection of the public health, safety and welfare, and shall be interpreted so as to carry out the purpose of these requirements. Each section of this Zoning Code shall be separately considered and the invalidity of one or more sections or subsections shall not affect the validity of the remainder.
(Ord. C79-74. Passed 1-20-75.)

1131.03 DEFINITIONS.

For the purpose of this Zoning Code the following terms are defined; these definitions apply only to the Zoning Code and are not to be interpreted to pertain to other sections or chapter of these Codified Ordinances:

(1) "Abutting" means bordering.

(2) "Accessory use or building" means a portion of a building or a subordinate building whose use is incidental to the permitted use of the remainder of the building or the main building.

(3) "Accommodation" means a place of human habitation that is a temporary place of shelter consisting of one or more rooms for a guest's private use, referred to herein as the guest room and at a minimum provides the following:

A. Furnishings in the guest room and such furnishings must include a bed;

B. Artificial light sources and appropriate screening of all windows in the guest room for privacy;

C. Sanitation facilities within the guest room or access to sanitation facilities shared by more than one guest room;

D. The utility services of water, electricity, and/or natural gas for each guest room through a common or single meter for the structure or building and such utilities shall be made available to the guest room without requiring the guest of the guest room to contract with the utility providers to establish such service for the guest room;

E. If the provision of telephone service is made available to the guest room, then a working telephone and telephone service shall be provided to that guest room without requiring the guest of the guest room to contract with the telecommunications service provider to establish such service for the guest room; and

F. If the provision of cable service is made available to the guest room, then such service shall be made available to each guest room without requiring the guest of the guest room to contract with the cable television service provider to establish such service for the guest room.

The term "accommodation" excludes the terms "dwelling unit" and "private residence".

(4) "Alley" means a public way less than twenty-five feet in width, but no less than ten feet in width dedicated to public use for travel or transportation and affording access to abutting property.

(5) "Alley line" means a lot line bordering on an alley.

(6) "Alteration":

(a) "Alter or alteration" means any change in, addition to, rearrangement of or modification in construction or in the existing facilities, or the moving of partitions from one location or position to another;

(b) "Structural alteration" means any change in the supporting members of a building such as bearing walls, columns, lintels, beams or girders, or floor construction.

(7) "Antenna" means any system of wires, poles, rods or similar devices used for the transmission or reception of electromagnetic waves., Until otherwise indicated, the use of the term "antenna " in this Zoning Code includes the antenna tower.

(8) "Antenna tower" means any structure used for the primary purpose of supporting one or more antennas, including foundation, guys and other components thereof.

(9) "Bed and Breakfast Inn" means an owner-occupied single-family residential structure where a transient guest can obtain an accommodation for a fee to remain on the bed and breakfast inn premises for a period not to exceed thirty (30) consecutive days, and no more than five (5) individual guests can be provided accommodations at any given time. A bed and breakfast inn must also meet all of the requirements of the definition of "hotel" set forth in section 1131.03, except for subsection D. public garage.

(10) "Bi-level house" means a two story dwelling having the floor grade of the lower story below the lot grade.

(11) "Boarding house" means an owner-occupied single-family residential structure where a guest can obtain an accommodation for a fee for a period of time that can exceed thirty (30) consecutive days and no more than five (5) individual guests can be provided accommodations at any given time. The term "boarding house" shall also mean "rooming house". The term "boarding house" shall exclude the terms "dwelling unit", "group family home", "group multi-family home", "fraternity or sorority house" or "club house".

(12) "Building" means an edifice, structure, or any construction or erection located under or above the surface of the ground.

(13) "Building line" means the clearance line limiting the approach to a lot line of a building exclusive of open porches, steps, terraces, walkways or separate accessory buildings, or as otherwise provided in this Zoning Code.

(14) "Cattery" means any establishment for the raising, breeding, training, boarding or selling of cats for hire or profit.

(15) "Corner lot" means a lot at the intersection of, and abutting on two streets, each of which is not less than twenty-five feet in width.

(16) "Court" means an uncovered space wholly or partly surrounded by buildings or walls.

(17) "District" means all properties of the same use, height and area classification which adjoin or are continuous without intervening property or another classification and regardless of any street, alley, easement or reserve that may intervene.

(18) "Double" means a two-family, two-story residence with living units being constructed side by side.

(19) "Dry cleaning establishment" means a use involving the cleaning or dyeing of fabrics.

(20) "Duplex" means a two-family, two-story residence with one living unit up and one living unit down.

(21) "Dwelling unit" means a place of human habitation on a permanent basis that includes sanitation facilities that consist of a minimum of:

A. A toilet;

B. Bathtub or shower; and

C. A sink.

At a minimum provide either of the following facilities for the preparation of meals:

A. A full-sized refrigerator and stove top and conventional oven; or

B. The wiring and connections that permit the easy installation of a full-sized refrigerator and stove top and conventional oven.

The term "dwelling" when used in this code has the same meaning as "dwelling unit". The terms "dwelling" and "dwelling unit" exclude the term "accommodation".

(22) "Erect" means to construct, build, raise or establish either under, upon or above the ground surface.

(23) "Extend" means to enlarge or increase area used or occupied.

(24) "Extended stay hotel" means one or more structures or buildings where a guest can obtain an accommodation for a fee for a period of time that can exceed thirty (30) consecutive days but that otherwise meets the definition of hotel and complies with any applicable Life Safety Code or Building Code requirements imposed by the Fire Marshal and is constructed in accordance with applicable Building and Property Maintenance Codes and approved by the Building Official. The term "extended stay hotel" excludes the terms "dwelling unit" and "multi-family".

(25) "Fast food business" or "drive-in restaurant" means a retail business operation occupying less than 10,000 square feet of floor area where products prepared for customers consist of food and beverages prepared for immediate consumption.

(26) "Fence" means a boundary or enclosure consisting of masonry or two or more upright supporting wire, rails or panels of wood, metal or plastic, or shrubbery planted and spaced so as to create an enclosure.

(27) "Front line of a building" "front yard line" means that portion of the building adjacent to the street line affording principal access to the building.

(28) "Front yard" means a front yard is an open unoccupied space on the same lot with a building between the front line of the building (building line) and front line of the lot. (Ord. C79-74. Passed 1-20-75.)

(29) "Garage" means any building or portion of building in which motor vehicles are kept or stored.

A. "Residential garage" means a closed structure designed for vehicular parking with a minimum 20 x 20 floor area dimension. Floor area shall be measured from the exterior dimensions. (Ord. C85-98. Passed 11-16-98)

B. "Garage repair shop" means any building or portion of a building in which repairs are made to motor vehicles.
(Ord. C22-87. Passed 4-6-87.)

(30) "Group family home" means an owner-occupied or manager-occupied single-family residential structure that provides accommodations for no more than five (5) individuals at any given time for the housing of individuals that need some level of supervision and care. Group family home only includes a facility licensed by the State of Ohio including, for

example, an adult family home licensed by the Department of Health, and a family home licensed by the Department of Mental Retardation and Developmental Disabilities.

(31) "Group multi-family home" means a multi-family residential structure that provides accommodations for more than five (5) individuals for the housing of individuals that need some level of supervision and care. Group multi-family home only includes a facility licensed by the State of Ohio including, for example, an adult group home licensed by the Department of Health and a group home licensed by the Department of Mental Retardation and Developmental Disabilities.

(32) "Half story" means a story under a gable, hip or gambrel roof, the wall plates of at least two exterior walls being not more than three feet above the floor of such story.

(33) "Height" means the vertical dimension measured in a straight line from the finish grade line of the side being measured to the highest point of the building. No side or face of the building shall exceed the established height restriction as measured herein.

(34) "Hotel" means one or more structures or buildings where a transient guest can obtain an accommodation for a fee to remain on the hotel premises for a period not to exceed thirty (30) consecutive days and which meets the following additional requirements:

A. Provide fresh linens daily to each accommodation or at some other interval upon request of the occupant of an accommodation but no less frequent than weekly;

B. Clean each accommodation in use daily or at some other interval upon request of the occupant of an accommodation but no less frequent than weekly;

C. Make each accommodation available for a fee on a daily or weekly basis; and

D. If a garage for motor vehicles is provided, it must be a public garage.

The term "hotel" includes the term "motel". The term "hotel" excludes the terms "dwelling unit and multi-family".

(35) "Industry" means operations involved in manufacture, production or processing of articles of use.

(36) "Interior lot" means a lot other than a corner lot.

(37) "Kennel" means any establishment for the raising, breeding, training, boarding or selling of dogs for hire or profit.

(Ord. C66-85. Passed 9-16-85.)

(38) "Loading space" means an area or space which shall be at least 10 feet by 25 feet in area with a 14-foot high clearance designated for the sole purpose of loading and unloading.

(39) "Lot" means a measured parcel of land having fixed boundaries and designated on a plat or survey.

(40) "Lot grade" means the finished grade of the lot as approved in the Grading Plan.

(41) "Lot line" means the line of demarcation between properties, either public or private.

(42) "Meat packing plant" means a place where animals other than fowl or game are processed, cured and/or made ready for cold storage or sale, other than a slaughterhouse.

(43) "Minimum net floor area for living quarters" shall be computed from outside dimensions of the floors in the dwelling used as living quarters. The second floor in each case qualifies for living quarters; rooms for garage purposes, outside vestibules, open or closed porches or verandas shall not be included. At least fifty percent of the minimum net floor area must be above the lot grade line. "Living quarters" as used herein means that portion of the building which is constructed with ceilings and walls finished on the inside in accordance with the City's Building Code.

(44) "Motel" means a hotel that provides guests ready access to their vehicles.

(45) "Multi-family" means one or more structures or buildings arranged, intended or designed to contain more than two (2) dwelling units where each dwelling unit is generally available for purchase or for rent via a lease agreement for a period of not less than thirty (30) days and where:

A. There are separate utility meters for each dwelling unit;

B. The resident is required to contract with the utility providers for utility services for the dwelling unit;

C. The resident is required to contract with a telecommunications provider for telecommunication services for the dwelling unit if the resident desires such services; and

D. If garages are provided, they must be private garages.

The term "multi-family" shall include the term "row dwellings" and structures held out and marketed as apartments and condominiums. The term "multi-family" excludes the term "hotel", "extended stay hotel" or "motel".

(46) "Nonconforming use" means one that does not comply with the regulations of the use district in which it is situated.

(47) "Occupancy" means the purpose for which a building or part of a building is used or intended to be used. Change of occupancy is not construed to include change of tenants or proprietors when nonconforming use is being considered.

(48) "Open porch" means a porch having no enclosing feature, except screen, higher than thirty-six inches above the floor except the roof supports.

(49) "Parking space" means an area of appropriate dimensions, not less than 180 square feet, net, exclusive of access and accessible from public ways for the parking of motor vehicles.

(50) "Person" means a natural person, his heirs, executors, administrators or assigns, and also includes a firm, partnership, or corporation, its or their successors or assigns, or the agent of any of the aforesaid.

(51) "Planned Unit Development (PUD)" means an established area in which diverse uses may be brought together as a compatible and unified plan of development.

(52) "Porch" means a roofed structure projecting from a building and separated from the building by the walls of the building and partially supported by piers, posts or columns, open, closed or partially enclosed.

(53) "Premises" means lands and everything of a permanent nature which may be owned.

(54) "Private residence" means a dwelling unit constructed as either:

A. A single-family dwelling unit;

B. A two-family dwelling unit including doubles, duplexes or twin-singles; or

C. A multi-family dwelling unit including row dwellings.

The term "residence", when used in this code, has the same meaning as "private residences".

(55) "Private garage" means a structure or building or portion thereof for the housing of non-commercial motor vehicles and in which no work, trade, occupation, business or service connected in any way with motor vehicles is carried on, as an accessory use permitted in a SF, R, D or A Zoning District for a:

A. A private residence which garage is for the exclusive use of the private residence; or

B. A residential structure with a special use permit authorizing use as a boarding house, bed and breakfast inn, group family home, group multi-family home or fraternity or sorority house which garage is for the exclusive use of the residents of that use.

The term "private garage" excludes the term "public garage".

(56) "Public garage" means any structure or building or portion thereof available to the general public or the housing, storing or parking of any motor vehicles for a fee as a permitted use or as an accessory use, in any zoning district except SF, R, D or A district. The term "public garage" excludes the term "private garage".

(57) "Public notice" of a hearing or proceeding, unless otherwise provided by law, means ten days notice prior to the time and place thereof printed in the local newspaper.

(58) "Rear line of a building" means that portion of the building opposite the front line of the building, whether or not affording service access to the building.

(59) "Rear yard" means an open unoccupied space on the same lot with a building between the rear line of the building and the rear line of the lot.

(60) "Restaurant" means an establishment other than a drive-in or fast food operation for the preparation, sale and consumption on the premises of food, beverages or refreshments.

(61) "Retail filling station" means a use involving the supplying to individual vehicles for their use only, of oil, grease or gasoline, or other liquid fuel with other customary incidental service, the storage facilities of which use shall not be in excess of two tank cars or total storage capacity of 30,000 gallons. A retail filling station is the same as a gasoline service station.

(62) "Right of way" means the strip of land dedicated or otherwise acquired for use by the public for a public street or alley.

(63) "Row dwellings" means a group of connected residences separated by vertical fire walls, each residence having its own front and rear yards, and having appropriated to it the entire building between the fire walls.

(64) "Setback line" means the building line.

(65) "Shall" is mandatory.

(66) "Shop for custom work" means a building in which is connected an operation of assembly, repair service or manufacture of articles upon order and for retail sale on the premises. Thus, a radio repair shop, furniture repair or upholstery shop, et cetera, would be shops for custom work while a locomotive or machinery shop would not be a shop for custom work.

(67) "Side yard" means an open unoccupied space on the same lot with a building situated between the building and the side line of the lot and extending through from the street or from the front yard to the rear line of the lot. Any lot line not a rear line or a front line shall be deemed a side line.

(68) "Sign" or "display sign" means a structure that is arranged, intended, designed or used as an advertisement, announcement or direction and includes a sign or sign screen, billboard and advertising device of any special kind.

(69) "Single-family dwelling" means a residential building arranged, intended or designed for one family.

(70) "Slaughterhouse" means a use of a building arranged or devoted to the killing of animals other than poultry or game.

(71) "Split level" means a dwelling with three or more levels with at least two of these levels above grade.

(72) "Story" means that portion of a building, included between the surface of any floor and the surface of the floor next above it or, if there is no floor above it, the space between the floor and the ceiling next above it.

(73) "Street" means any avenue, boulevard, road, lane, parkway or other way for vehicular and pedestrian traffic shown, excluding driveways into single or two-family dwellings or access to commercial or business establishments and their parking facilities. It includes the land between the street boundary lines whether improved or unimproved.
(74) "Street boundary line" means the lot line bordering a street.
(75) "Structure" means an edifice, building or erection located under or above the surface of the ground.
(76) "Studio" means the working room of an artist, painter, sculptor or, one engaged in any more or less artistic employment as in photography, designing, et cetera.
(77) "Twin single" means a two-family single story residence with living units constructed side by side.
(78) "Two-family dwelling" means a residence building arranged, intended or designed for two families.
(79) "Use" means the application of premises or building to a particular purpose.
(80) "Yard" means an unoccupied space, other than a court, surrounding the building or buildings on the same lot.

(Ord. C79-74. Passed 1-20-75; Ord. C69-89. Passed 10-16-89; Ord. 09-05. Passed 2-22-05.)

1131.04 ADMINISTRATION BY PLANNING COMMISSION.

There is hereby vested in the Planning Commission the duty of administering this Zoning Code and the power necessary for such administration.
(Ord. C79-74. Passed 1-20-75.)

1131.05 ENFORCEMENT BY BUILDING INSPECTOR.

This Zoning Code, together with such rules and regulations as may be established by the Planning Commission for the implementation and enforcement thereof, shall be enforced by the Building Inspector.
(Ord. C79-74. Passed 1-20-75.)

1131.99 GENERAL ZONING CODE PENALTY.

Any person or corporation who violates any provision of this Zoning Code or fails to comply therewith, or with any of the requirements thereof, or builds or alters any building in a manner which does not conform to any detailed statement or plans submitted and approved thereunder shall, for each and every violation, nonconformity or noncompliance be guilty of a minor misdemeanor as defined in Section 501.99(b) of the Codified Ordinances. Except that on the 11th offense, and every offense thereafter committed within a twelve-month period, the person or corporation shall be guilty of a misdemeanor of the first degree as defined in Section 501.99(b). Each day such violation is permitted to exist shall constitute a separate offense. The owner or owners of any building or premises, or part thereof, where anything in violation of this Code is placed or exists and any architect, builder,

contractor, agent, person or corporation employed in connection therewith, and who has committed or assisted in the commission of any such violation, shall be guilty of a separate offense and upon conviction thereof shall be fined as provided in this section.
(Ord. C7-89. Passed 2-6-89; Ord. C51-02. Passed 5-6-02.)

CHAPTER 1133
Board of Zoning Appeals

1133.01 Organization and duties.
1133.02 Appeals and variance powers.
1133.03 Rules.
1133.04 Organization and meetings.
1133.05 Procedures of appeals to Board.
1133.06 Notice and hearing.
1133.07 Appeal of Board decisions.
1133.99 Penalty.

CROSS REFERENCES

Administrative Assistant's powers and duties - see CHTR. 3.06, 3.07
Zoning Board of Appeals established; powers - see CHTR. 4.02
Nonconforming use defined - see P. & Z. 1131.03(37)
Public notice defined - see P. & Z. 1131.03(48)
Nonconforming use regulations - see P. & Z. 1137.01, 1137.02

1133.01 ORGANIZATION AND DUTIES.

(a) There is established in the City a Board of Zoning Appeals which shall be under the administrative jurisdiction of the Administrative Assistant.

(b) The Board shall consist of three citizen members appointed for overlapping terms of six years. The Administrative Assistant shall serve, exofficio, as administrative advisor to the Board. Each member shall serve until his successor is appointed and qualified. Vacancies on the Board shall be filled by appointment by the Mayor for the unexpired term.
(Ord. C79-74. Passed 1-20-75.)

1133.02 APPEALS AND VARIANCE POWERS.

The Board shall have the following powers:

(a) To hear and decide appeals where it is alleged there is error in a decision by the Building Inspector in refusing building permits, certificates of occupancy or sign permits or where it is alleged there is error in a decision, notice or order issued by the code official and/or pursuant to the provisions of Chapter 1411 of the Codified Ordinances. (Ord. C28-94. Passed 4-18-94.)

(b) To authorize upon appeal from a decision of the Building Inspector in refusing building permits, certificates of occupancy or sign permits, in specific cases, such variance from the terms of the Zoning Code and the Sign Code (Chapter 1145) upon the affirmative finding that: (Ord. C89-90. Passed 11-5-90.)

(1) The variance granted will not be contrary to public interest or adversely affect the health or safety of persons residing or working in the vicinity of the proposed development or be injurious to private property or public improvements in the vicinity.

(2) Granting the variance requested will not confer on the applicant any special privilege that is denied by the Zoning Code or the Sign Code to other lands or structures in the same zoning district.
(3) A literal enforcement of the Zoning Code and the Sign Code will result in unnecessary hardship by depriving the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the Zoning Code or the Sign Code. (Ord. C52-80. Passed 9-2-80.)
(4) Special conditions and circumstances exist which are peculiar to the land or structure involved, and which are not applicable to other lands or structures in the same zoning district.
(5) The special conditions and circumstances do not result from the action of the applicant.
(6) The variance so granted does not violate the spirit of the Zoning Code.

In exercising the abovementioned powers, such Board may, in conformity with these sections reverse or affirm, wholly or partly, or modify the decision appealed from and may make such order, decision or determination not inconsistent with substantial justice and avoiding unreasonable hardship to property owners.
(Ord. C79-74. Passed 1-20-75.)

1133.03 RULES.

The Board of Zoning Appeals shall organize and adopt rules in accordance with the Charter and ordinances. Such rules shall be filed with the Clerk of Council.
(Ord. C79-74. Passed 1-20-75.)

1133.04 ORGANIZATION AND MEETINGS.

Meetings of the Board of Zoning Appeals shall be held at the call of the Chairman and at such other times as the Board determines. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings showing the vote of each member upon each question or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Administrative Assistant and be a public record. Upon demand made in writing by any party, the Board shall make findings of fact upon which the decision is based and reduced same to writing and make available to all parties a copy of same. If an appeal is taken from a decision of the Board in granting a variance as provided by Section 1133.07, such findings of fact are to be completed and made available to all parties and to Council prior to the time that Council meets to hear the appeal.
(Ord. C79-74. Passed 1-20-75; Ord. C89-90. Passed 11-5-90.)

1133.05 PROCEDURES OF APPEALS TO BOARD.

(a) Appeals to the Board of Zoning Appeals may be taken by any person aggrieved by the decision of the Building Inspector in refusing building permits, certificates of occupancy or sign permits. Such appeals shall be taken within thirty days after the decision by filing with the Board a written notice of appeal on forms provided for that purpose by the Board, specifying the grounds therefor, and serving, within three days thereafter, a copy thereof together with notice of the date and time of the hearing on the Building Inspector. The Building Inspector from whom the appeal is taken

shall forthwith transmit to the Board all papers constituting the record upon which action of appeal was taken. The Building Inspector shall give notice of his refusal in writing to the interested party and shall transmit together with such notice, a copy of the rules, for procedure on appeal as established herein or as may hereafter be established by the Board.
(Ord. C79-74. Passed 1-20-75; Ord. C52-80. Passed 9-2-80.)

(b) An application fee of one hundred dollars ($100.00) shall be submitted with each application. Each application shall include eleven copies of any attachment. Where a change in the exterior appearance is requested, each application shall include a site plan, building elevation and, where required, a landscaping plan.
(Ord. C53-88. Passed 7-18-88; Ord. C21-96. Passed 4-1-96.)

1133.06 NOTICE AND HEARING.

The Board of Zoning Appeals shall fix a reasonable time and place for a public hearing of the appeal, give at least ten days prior notice in writing to the parties in interest, give notice of such public hearing by one publication in one or more newspapers of general circulation in the City at least ten days before the date of such hearing and decide the appeal within a reasonable time after it is submitted. Upon the hearing, any person may appear in person or by attorney. Any party may have a stenographic record of the proceeding by demanding same at the time of filing the appeal and making a deposit in an amount prescribed by the rules of the Board to cover the cost thereof. Any party may demand that testimony be given under oath and the right to cross examine witnesses.

All decisions of the Board shall be final and effective after the decision is announced by the Board, except that any decision granting a variance shall not take effect until the expiration of twenty-one days from the date of the meeting of the Board at which such decision is announced during which time the decision may be appealed to Council as provided in Section 1133.07.
(Ord. C79-74. Passed 1-20-75; Ord. C89-90. Passed 11-5-90.)

1133.07 APPEAL OF BOARD DECISIONS.

If the Board of Zoning Appeals grants a request or appeal for a variance, the applicant, any aggrieved person or any elected official of the City may appeal such decision of the Board to Council. Such appeal shall be taken within twenty-one days from the date of the meeting of the Board at which such decision granting the variance is announced by filing a written notice of appeal with Clerk of Council. If an appeal is filed, a resolution to affirm, reverse or otherwise modify the decision of the Board shall be placed on the agenda of the next regular meeting of Council to be heard and determined by Council pursuant to the rules and procedures of Council. The decision of Council shall be final.
(Ord. C89-90. Passed 11-5-90.)

1133.99 PENALTY.

(EDITOR'S NOTE: See Section 1131.99 for general Zoning Code penalty.)

CHAPTER 1135
Zoning Districts and Regulations

1135.01 Establishment of districts.
1135.02 Zoning Map established; maintenance.
1135.03 Districts on Map, Map designations and rules.
1135.04 Zoning Map interpretation.
1135.05 Minimum requirements.
1135.06 Conformity to district regulations.
1135.07 Conformity to restrictions.
1135.08 Subdivision of lots prohibited; fee.
1135.09 Permitted uses; Standard Industrial Classification Manual; adoption by reference.
1135.10 Residential District requirements.
1135.11 Accessory use in Residential Districts.
1135.12 Nonresidential district requirements.
1135.13 Accessory use in nonresidential districts.
1135.14 Planned Unit Development District.
1135.15 A-2 Townhouse and Zero Lot Line Districts.
1135.16 Rural District.
1135.99 Penalty.

CROSS REFERENCES

Council's power to establish zoning districts - see CHTR. 2.08(5)
Adoption by reference - see CHTR. 2.13
Garbage collection from single dwellings - see BUS. REG. 725.01
Garbage collection from commercial establishments - see BUS. REG. 725.02
Garbage collection from multiple family dwellings - see BUS. REG. 725.02
Subdivision plan submission - see P. & Z. 1101.07
Accessory use defined - see P. & Z. 1131.03(2)
Sign defined - see P. & Z. 1131.03(61)
Nonconforming uses - see P. & Z. 1137.01, 1137.02
Establishing setback line on property in use - see P. & Z. 1137.04
Yard obstructions and fences - see P. & Z. 1137.05
Off-street parking - see P. & Z. 1137.06
Driveways - see P. & Z. 1137.11
Development Plan - see P. & Z. 1141.01 et seq.
Construction requirements for multiple dwellings in commercial districts - see BLDG. 1321.03(b)
Regulations for signs - see P. & Z. 1145.01 et seq.
Swimming pools to comply with zoning regulations - see BLDG. 1325.06
Flammable liquid storage - see FIRE PREV. 1511.04
Liquefied petroleum gas and explosives storage - see FIRE PREV. 1511.05

1135.01 ESTABLISHMENT OF DISTRICTS.

For the purpose of this Zoning Code, land and building usage is grouped into districts. All uses within each district are governed by the requirements stated herein. The basic type of districts are:

Residential;
Commercial;
Industrial and Manufacturing;
Medical;
Professional Services;
Special;
Planned Unit Development; and
Rural.

(Ord. C79-74. Passed 1-20-75; Ord. C39-84. Passed 7-2-84.)

1135.02 ZONING MAP ESTABLISHED; MAINTENANCE.

There is hereby established and hereafter maintained in the City an official zoning map which shall conform to the provisions of this Zoning Code and all other ordinances and laws relating to zoning which may hereafter be in effect. The official zoning map shall be kept up to date and reflect any changes in zoning and districts which may hereafter be lawfully adopted. (Zoning Map Changes, see Table F of Special Ordinances in the Preliminary Unit.)

(Ord. C79-74. Passed 1-20-75.)

1135.03 DISTRICTS ON MAP, MAP DESIGNATIONS AND RULES.

The use districts designated on the zoning map are hereby adopted and the map designations and the map designation rules which accompany the map are by reference incorporated herein. No buildings or premises shall be erected or used except in conformity with the regulations herein prescribed for the use and area districts in which such buildings or premises are located.

(Ord. C79-74. Passed 1-20-75.)

1135.04 ZONING MAP INTERPRETATION.

When definite distances in feet are not shown on the zoning map, the district boundaries on the zoning map are intended to be along existing street, alley or property lines or extensions of the same, and the exact location shall be as shown by supplemental detail drawings or rules of interpretation adopted by the concurring vote of three members of the Planning Commission.

(Ord. C79-74. Passed 1-20-75.)

1135.05 MINIMUM REQUIREMENTS.

The regulations set by this Zoning Code within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land except as otherwise provided in this Zoning Code.

(Ord. C79-74. Passed 1-20-75.)

1135.06 CONFORMITY TO DISTRICT REGULATIONS.

All buildings, structures or parts thereof, shall be used, occupied, erected, constructed, reconstructed, moved or structurally altered in accordance with all of the applicable regulations specified in this Zoning Code.
(Ord. C79-74. Passed 1-20-75.)

1135.07 CONFORMITY TO RESTRICTIONS.

No building or other structure shall hereafter be erected or altered: to exceed the height or bulk; 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, side yards or other open spaces than herein required or in any other manner contrary to the provisions of this Zoning Code.
(Ord. C79-74. Passed 1-20-75.)

1135.08 SUBDIVISION OF LOTS PROHIBITED; FEE.

(a) No lot located within the corporate limits of the City, regardless of when or how created, shall be reduced in dimensions or area without the approval of the Planning Commission. The resulting lot dimensions, area, and yard dimensions, if a building exists on the lot, shall be equal to or greater than those required by this Zoning Code.

(b) In order to be heard by the Planning Commission, a fee of $50, payable to the City for deposit in the General Fund, shall accompany the application or petition. This fee is for the purpose of defraying the costs of plan review, legal, legislation, notices, official publications required by the City and any other incurred costs and shall not be refundable even if the application is disapproved by the Planning Commission or Council.
(Ord. C9-82. Passed 3-15-82; Ord. C49-01. Passed 8-6-01.)

1135.09 PERMITTED USES; STANDARD INDUSTRIAL CLASSIFICATION MANUAL; ADOPTION BY REFERENCE.

The permitted uses for each district are shown in the following schedule. The classification numbers refer to the classifications and their descriptions as found in the Standard Industrial Classification Manual of 1987 as prepared by the United States Government Office of Statistical Standards. The first two numbers denote a major grouping. The third number denotes the sub-grouping of the major groups and the fourth number denotes the particular activity in the sub-grouping. The schedule of permitted uses, described in the Standard Industrial Classification Manual of 1987, is hereby incorporated into the Codified Ordinances by reference, pursuant to Ohio R.C. 731.231, as fully as if set out at length herein; six copies of this Code are kept in the office of the Clerk; additional copies are available for purchase from the Clerk at cost and that schedule of uses as incorporated will not be affected by any amendments made to the Standard Industrial Classification Manual of 1987 after the effective date of Ordinance C79-74. The permitted uses are exclusive and noncumulative unless otherwise provided herein. All uses not shown herein shall be considered by the Planning Commission, and shall thereafter recommend approval or disapproval of the use to Council for final action.
(Ord. C34-05. Passed 4-18-05.)

(a) RESIDENTIAL AND PUD DISTRICTS (No Classification numbers used):
In addition to the uses permitted in the A-1 Multi-Family, D-1 Doubles and Twin Singles, and D-2 Duplex Districts, any building or premise may be used or any building may be erected which is arranged, intended or designed to be used as doubles, twin singles or duplexes. (Ord. C12-79. Passed 2-19-79.)

SF1	Single-Family Residence	D-2	Zero Lot Line Doubles and Twin Singles
SF2	Single-Family Residence	A-1	Multi-Family
SF3	Single-Family Residence	A-2	Zero Lot Line Multi-Family
R-1	Single-Family Residence	A-1a	
R-1b	Single-Family Residence (not a sub-zoning of R-1)	PUD-R	Residential
R-2	Single-Family Residence	PUD-C	Commercial
R-3	(modified)	PUD-I	Industrial
D-1	Doubles and Twin Singles and Duplex	R-A	Rural (Agricultural)
		OLR	Office/Research/Laboratory

All lots within an SF District shall comply to the minimum standards of Table 1135.10-1 and all structures shall comply with the following:

(1) All garages shall be end or rear load with the maximum of 1100 square feet attached to the dwelling.

(2) All exterior surfaces shall be of natural material (brick, stone, stucco, wood) excluding the roof and overhangs.
(Ord. C9-82. Passed 3-15-92; Ord. C39-84. Passed 7-2-84; Ord. C14-87. Passed 3-16-87; Ord. C19-87. Passed 3-16-87; Ord. C1-88. Passed 2-1-88; Ord. C59-94. Passed 9-6-94.)

(b) NONRESIDENTIAL

(1) PSO PROFESSIONAL SERVICES

64XX Insurance Agents, Brokers and Services
65XX Real Estate (excluding Animal Cemetery Operation)
66XX Combinations of Real Estate Insurance, Loans, Law Offices
7392 Business, management, administrative and consulting services
7393 Detective agencies and protective services
801X Office of Physicians and Surgeons
802X Office of Dentists and Dental Surgeons
803X Office of Osteopathic Physicians
804X Office of Chiropractors
81XX Legal Services
861X Business Associations
862X Professional Membership Organizations
891X Engineering and Architectural Services
893X Accounting Auditing and Bookkeeping Services
899X Services, Not Elsewhere Classified
723X Beauty Shops
724X Barber Shops

(Ord. C79-74. Passed 1-20-75; Ord. C6-87. Passed 3-2-87.)

(1.5) OLR OFFICE LABORATORY RESEARCH

Within the OLR Use District, no building or premises shall be used and no building shall be erected which are arranged or intended or designed to be used for other than an office/research use approved by Council or for one or more of the following specified uses:

60XX Depository Institutions (excluding those with drive-in facilities)
61XX Nondepository Credit Institutions
62XX Security and Commodity Brokers, Dealers, Exchanges and Services
63XX Insurance Carriers
64XX Insurance Agents, Brokers and Services
65XX Real Estate (excluding animal cemetery operation)
67XX Holding and Other Investment Offices

(Ord. C44-95. Passed 8-7-95.)

(2) C-1 SERVICE COMMERCIAL

63XX Insurance Carriers
54XX Food stores, except those with gasoline sales facilities
56XX Apparel and Accessory Store's
57XX Furniture, Home Furnishings and Equipment Stores
5812 Eating Places, excluding those with drive-in windows and drive-thru facilities
59XX Miscellaneous Retail Stores except Adult Bookstores and Adult Film Video Tape Sales and/or Rental Stores as restricted by Section 1135.12(j) of this chapter.
60XX Banking, excluding those with drive-in facilities
61XX Credit Agencies Other than Banks, excluding those with drive-in facilities
62XX Security and Commodity Brokers, Dealers, Exchanges and Services
67XX Holding and Other Investment Companies
721X Laundries, Laundry Services and Cleaning and Dyeing Plants (except 7216, 17, 18)
723X Beauty Shops

724X Barber Shops
725X Shoe Repair Shops, Shoe Shine Parlors, and Hat Cleaning Shops
727X Garment Pressing, Alteration and Repair
73XX Miscellaneous Business Services
762X Electrical Repair Shops
763X Watch, Clock and Jewelry Repair

(3) C-2 RETAIL COMMERCIAL

Within a C-2 use district, no building or premises shall be used and no buildings shall be erected which are arranged or intended or designed to be used for other than a use permitted in PSO, Professional Services District, or C-1, Service Commercial District or for one or more of the following specified uses:

0722 Offices of Veterinarians and Animal Hospitals (Excluding the boarding of animals not requiring medical services)
52XX Building Materials, Hardware, and Farm Equipment Dealers
53XX Retail Trade-general merchandise except Adult Bookstores and Adult Film and Video Tape Sales and/or Rental Stores as restricted by Section 1135.12(j) of this chapter
5812 Eating places except those with drive-in windows and drive-thru facilities
70XX Hotels, Motels, Extended Stay Hotels, Camps and Other Lodging Places. Accommodations available for a fee except those accommodations requiring a Special Use Permit and only permitted in other specified districts
726X Funeral Service and Crematories
769X Miscellaneous Repair Shops and Related Services
764X Reupholsters and Furniture Repair
78XX Motion Picture except 7833 Drive-In Theaters and Adult Motion Picture Theaters as restricted by Section 1135.12(j) of this chapter
79XX Amusement and Recreational Services, except Motion Pictures and Adult Motion Picture as restricted by Section 1135.12(j) of this chapter and except 7992 (Golf Courses), 7997 (Country Clubs), 7948 (Race Tracks) and 7999 as it relates to Go Cart Raceway Operations and Miniature Golf Courses.
- - - Group Multi-Family Homes with accommodations for more than sixteen (16) individuals with a Special Use Permit
8641 Fraternity or Sorority Houses with accommodations for more than sixteen (16) individuals with a Special Use Permit

(4) CBD-CENTRAL BUSINESS DISTRICT

Within a CBD district, no building or premises shall be used and no buildings shall be erected which are arranged or intended or designed to be used for other than a use permitted in a PSO, Professional Services, a C-1, Service Commercial or a C-2, Retail Commercial District.

(5) M-1 MEDICAL

80XX Medical and Other Health Services
867X Charitable Organizations

(6) SD-1 EDUCATIONAL

82XX Educational Services
84XX Museums, Art Galleries, Botanical and Zoological Gardens

866X Religious Organizations
892X Nonprofit Educational and Scientific Research Agencies

(7) SD-2 SERVICE
863X Labor Unions and Similar Labor Organizations
864X Civic, Social and Fraternal Associations
865X Political Organizations
869X Nonprofit Membership Organizations Not Elsewhere Classified

(8) SD-3 RECREATIONAL FACILITIES
78XX Motion Pictures except Adult Motion Pictures as restricted by Section 1135.12(j) of this chapter
79XX Amusement and Recreation Services, Except Motion Pictures and Adult Motion Picture Theaters and Adult Bookstores as restricted by Section 1135.12(j) of this chapter

(9) SD-4 MISCELLANEOUS
49XX Electric, Gas and Sanitary Services
48XX Communication
2833 Medicinal Chemicals and Botanical Products
2834 Pharmaceutical Preparations
2891 Adhesives and Sealants
07XX Agricultural Services, Except Animal Husbandry and Horticultural Services (except 0719)

(10) IND-1 LIGHT INDUSTRY
15XX Building Construction - General Contractors
16XX Construction Other Than Building Construction - General Contractors
17XX Construction - Special Trade Contractors
4215 Courier Services, except by air
422X Public Warehousing and Storage
47XX Transportation Services (except 473, 474)
50XX Wholesale Trade (except 5052, 5093)
202X Dairy Products
205X Bakery Products
2064 Candy and Other Confectionery Products
2066 Chocolate and Cocoa Products
2067 Chewing Gum
2068 Salted Nuts and Seeds
208X Beverages
25XX Furniture and Fixtures
27XX Printing, Publishing and Allied Industries
38XX Professional, Scientific, and Controlling Instruments; Photographic and Optical Goods; Watches and Clocks
39XX Miscellaneous Manufacturing Industries
7216 Dry Cleaning and Dyeing Plants, except Rug Cleaners
7217 Rug Cleaning and Repairing Plants
7218 Industrial Launderers
8731 Research and Development, Physical and Biological: Commercial

8734 Testing Laboratories

(11) IND-2 HEAVY INDUSTRY

Within an IND-2 use district, no building or premises shall be used and no buildings shall be erected which are arranged or intended or designed to be used for other than a use permitted in IND-1, Light Industry, or for one or more of the following specified uses:

203X Canned and Preserved Fruit, Vegetable and Sea Foods
204X Grain Mill Products (except 2047, 2048)
209X Miscellaneous Food Preparation and Kindred Products
22XX Textile Mill Products
23XX Apparel and Other Finished Products made from Fabrics and Similar Materials
24XX Lumber and Wood Products (except 241X)
26XX Paper and Allied Products (except 2611, 2621, 2631)
30XX Rubber and Miscellaneous Plastic Products
31XX Leather and Leather Products (except 3111)
32XX Stone, Clay, Glass and Concrete Products
33XX Primary Metal Industries (except 3312)
34XX Fabricated Metal Products, Except Ordnance, Machinery and Transportation Equipment
35XX Machinery, Except Electrical
36XX Electrical Machinery, Equipment and Supplies
37XX Transportation Equipment (except 374X)

(Ord. C37-95, Passed 7-5-95)

(11.5) IND-3 TRANSPORTATION INDUSTRY

4011 Railroad Line-Haul Operating
4013 Switching and Terminal Establishments
4111 Local and Suburban Transit
4119 Local Passenger Transportation
4121 Taxicabs
4141 Local Bus Charter Service
4142 Bus Charter Service - not local
4151 School Buses
4173 Terminal and Service Facilities for Motor Vehicle Passenger Transportation
4212 Local Trucking Without Storage
4213 Trucking, except local
4214 Local Trucking with Storage
4231 Terminal and Joint Maintenance Facilities for Motor Freight Transportation

(Ord. C2-88. Passed 2-1-88.)

(11.75) CF COMMUNITY FACILITIES

(a) Within the CF District buildings or lands shall be utilized only for the uses set forth below:
   (1) Municipal or other public administrative buildings.
   (2) Memorials, monuments, cemeteries
   (3) Police and/or fire stations

(4) Telephone stations
(5) Radio and TV antennas and antenna towers, subject to the requirements of Section 1137.15
(6) Parks subject to the requirements of Section 1137.14, recreation fields and playgrounds.

(b) In addition to the material required for application for a zoning amendment, an area development plan shall be submitted for any land proposed to be zoned into the CF District. Such development plan shall include a site plan for the proposed facility, as well as any other information deemed necessary to determine compliance with this Zoning Code. The development plan shall be reviewed by the Planning Commission and considered in making its recommendation to Council. The Commission may hold a public hearing on the development plan. Criteria for reviewing a development plan for a public facility are as follows:
(1) The proposed building or use shall be located properly in accordance with the Zoning Code.
(2) The location, design and operation of the public facility shall cause minimum impact on surrounding residential neighborhoods.
(3) The proposed development shall comply with all parking, landscaping and signage requirements of the Zoning Code.

(c) In approving the redistricting of land into the CF District, Council may specify appropriate conditions and safeguards applying to the specific proposed facility. (Ord. C69-89. Passed 10-16-89.)

(12) SPECIAL USE PERMITS.

A. An applicant requesting a Special Use Permit shall file a request for a hearing before the Planning Commission. In order to be heard by Planning Commission, a fee of $100, payable to the City for deposit in the General Fund, shall accompany the request. This fee is for the purpose of defraying the costs of plan review, legal, legislation, notices, official publications required by the City and any other incurred costs and shall not be refundable even though the application is disapproved by the Planning Commission or Council. The Commission, after hearing and consideration of such request, shall forward its findings and recommendations to Council for final approval or disapproval, by ordinance, of the request.
(Ord. C17-85. Passed 3-18-85; Ord. C49-01. Passed 8-6-01; Ord. C27-03. Passed 4-21-03.)

1. Within the City, no buildings or premises shall be used and no buildings shall be erected which are arranged, intended or designed to be used for the following specified uses except in a C-1, C-2, IND-1, PUD-C or PUD-I use district, except as noted below, and with a Special Use Permit:
   a. Adult Bookstore/Adult Novelty Store.
   b. Adult Motion Picture Theater.
   c. Adult Film and Video Tape Sales and/or Rental Store.
   d. Adult Entertainment Establishments. (C-24-06, passed 4/3/06)
   e. Automotive Dealers.

f. Automobile and other motor vehicle repair, services and garages.
g. Dealers in new and used motorcycle, motorized bicycle, and tricycle and off-road motorized recreational vehicles (not exceeding 10 foot in length and not including motor homes), snowmobiles and their parts and accessories and including repair services thereto.
h. Gasoline Service Stations as defined by the Standard Industrial Classification Manual, 1987.
i. Car wash establishments.
j. Uses with drive-in windows or drive-thru facilities.
k. Pet shops for the selling, grooming or training of animals except boarding of animals overnight or for longer periods of time.
l. Dog Kennels.
m. Catteries.
n. Outdoor concerts, in compliance with the provisions of Chapter 729.
o. Sale, rental, barter or trade of weapons and/or explosives as defined in Ohio R.C. 2923.11 and as stipulated in subsection G. hereof. (Ord. C3-96. Passed 2-5-96.)
p. Day care centers (Ord. C73-00. Passed 9-5-00.)
q. Mini/self storage units.(Ord. C27-03. Passed 4-21-03.)
r. Outdoor sales, storage, display and as stipulated in subsection G. hereof. (Ord. C27-03. Passed 4-21-03.)
s. Outdoor seating associated with eating and drinking establishments. (Ord. C27-03. Passed 4-21-03.)

2. Within the City, no building or premises shall be used and no buildings shall be erected which are arranged, intended or designed to be used for the following specified uses except in the district specified below and with a Special use Permit:
   a. Boarding houses - In all SF and R Districts in compliance with all of the requirements set forth in subsection G.9. below.
   b. Bed and breakfast inns - In all SF and R Districts in compliance with all requirements set forth in subsection G.9. below.
   c. Group family homes - In all SF and R Districts in compliance with all of the requirements of subsection G.6. below.
   d. Group multi-family homes for up to 16 individuals - In all A Districts in compliance with all of the requirements set forth in subsection G.6. below.
   e. Group multi-family homes for more than 16 individuals - In the C-2 District in compliance with all of the requirements set forth in subsection G.6. below.
   f. Fraternity and sorority houses for up to 16 individuals - In all A Districts in compliance with all of the requirements set forth in subsection G.9. below.
   g. Fraternity and sorority houses for more than 16 individuals - In the C-2 District in compliance with all of the requirements set forth in subsection G.9. below.

B. Standards and Requirements. In review of a special use permit application the Planning Commission shall consider whether the application is complete and whether it provides adequate evidence that the proposed special use is consistent with the following standards:

1. The proposed use shall be in harmony with the existing or intended character of the district and nearby affected districts and shall not change the essential character of the districts;
2. The proposed use shall not adversely affect the use of adjacent property;
3. The proposed use shall not adversely affect the health, safety, morals, or welfare of persons residing or working in the neighborhood;
4. The proposed use shall be served adequately by public facilities and services such as, but not limited to, roads, police and fire protection, storm water facilities, water, sanitary sewer, and school;
5. The proposed use shall not impose a traffic impact upon the public right-of-way significantly different from that anticipated from permitted uses of the district;
6. The proposed use shall be in accord with the general and specific objectives, and the purpose and intent of this Zoning Code and the Land Use Plan and any other plans and ordinances of the City;
7. The proposed use complies with the applicable specific provisions and standards of this Code;
8. The proposed use shall be found to meet the definition and intent of a use specifically listed as a special use in the district in which it is proposed to be located.
9. A completed application indicating the Specific Special Use permit activity intended by the applicant shall be submitted to the Department of Development by the Council approved submittal dates.

C. Application Process. Any owner, agent of the owner, or lessee of a lot for which a Special Use Permit is proposed shall submit an application to the Planning Commission and Council. An application for a Special Use Permit shall be submitted in writing on forms provided by the Development Department and shall include the following:

1. Completed application form;
2. Name, address, and phone number of the lot owner and of the owner's designated agent;
3. Legal description of the lot;
4. Zoning classification of the lot;
5. Description of the existing use of the lot and of adjacent lots; A plan of the proposed site and improvements showing the proposed of all structures, parking and loading areas, streets and traffic accesses, open spaces, refuse and service areas, utilities, signs, yards, landscaping, and relevant features;
6. The application shall also include a description of the activities proposed on the site, including the goods and services, hours of operation, anticipated number of employees, nature and volume of delivery activity, and other information which will enable the Planning Commission to understand the nature of the proposed use and its potential impacts. Furthermore, the narrative shall discuss the effects on adjoining lots of such elements as traffic circulation, noise, glare, odor, fumes, vibration, and storm water, and any measures proposed to mitigate such effects;
7. Such other information as the Planning Commission or Council deems necessary to make a determination of the compliance of the proposed use with

the applicable standards and regulations. Such additional information may include, but shall not be limited to:

a. Traffic impact analysis;
b. Storm water impact analysis;
c. Utility impact analysis.

8. The Planning Commission may determine that additional studies or expert advice are necessary to evaluate a proposed special exception relative to the requirements of this Code. The Planning Commission shall advise the applicant if such studies or advice are required. The Planning Commission shall determine whether to accept he required studies as prepared by qualified professionals engaged by the applicant or to require the applicant to deposit funds with the City as required to pay for such studies.

D. Action by the Planning Commission.

1. The Planning Commission may request additional information it deems necessary to review the application for conformance with the standards and requirements applicable to the proposed Special Use Permit.
2. The Planning Commission shall act upon the application within sixty (60) days after submittal unless a continuance of review is requested by the applicant. The Commission shall, after review of the application and any additional information presented, take action to:
   a. Recommend approval, approval with modifications, or denial to Council of the Special Use Permit, based upon findings of compliance with the standards and requirements of this Code and subject to conditions established by the Planning Commission to ensure compliance with the letter and intent of this Code.

E. Conditions of Approval. In approving a Special Use Permit, the Planning Commission may impose such conditions as it deems necessary to protect the public welfare, preserve the purpose and intent of this section, to protect the character of the surrounding properties and neighborhood affected by the proposed use, and to mitigate the special impacts of the use. Such conditions may include, but shall not be limited to:

1. Locations, setbacks, and configurations of structures and of uses of interior and exterior space;
2. Screening comprised of landscaping, walls, fencing or other materials or construction;
3. Access points and traffic management provisions, including those impacting vehicular and pedestrian access, and the locations and design of parking facilities;
4. Noise control measures, including those regulating loudspeakers or irregular vehicular or equipment noise;
5. Other features of construction, including but not limited to paving and parking, signs, and landscaping;
6. Hours and methods of operation;
7. Maintenance of the site, structures, and landscaping;
8. Means of controlling glare, vibration, odors, dust, smoke, hazardous materials, refuse matter, water-carried waste, and storm water;

9. A time limit for operation of the use, if temporary operation is determined to be a typical characteristic or the proposed use or otherwise appropriate given unique circumstances of the proposed use.

F. Approval, Revocation and Amendment of a Special Use Permit.

1. Approval. Subsequent to approval by the Planning Commission, and compliance with all applicable conditions of such approval and of this Zoning Code, Council may approve a Special Use Permit with conditions as part of the approval process.
2. Revocation. Approval of a Special Use Permit shall become null and void if:
   a. The applicant does not commence the construction or operation of the special use activity within six (6) months of the date of the approval; or
   b. When the activity for which the Special Use Permit was approved for ceases for a period of six (6) months; or
   c. When the characteristic equipment an d furnishing of the special use have been removed from the premises and have not been replaced by similar equipment within ninety (90) days, unless other facts show intention to resume the special use; or
   d. There is activity that violates any condition(s) of the approval; or
   e. When such special use has been replaced by a conforming use.

The Chief Building and Zoning Official shall notify the property owner if a special use is determined to be operating in violation of any condition of its approval. The property owner shall discontinue such violation upon receipt of the notice.

3. Amendment of Conditions. The owner of a property for which a Special Use Permit has been approved may request amendment of the conditions of approval. Amendment shall be accomplished according to the procedures, requirements, and standards of this ordinance applicable to approval of a new Special Use Permit.

G. Supplementary Requirements. In addition to the other requirements of this chapter, the following requirements shall be met. The Planning Commission and Council may vary any requirements it determines to be an unnecessary hardship on the property owner and in the best interest of the City.

1. Gasoline station, alternative fuel station and automotive repair shops. In addition to the provisions found in B. of this section, the following regulations shall apply:
   a. Parking of employee vehicles, vehicles used in the operation of the business, vehicles awaiting servicing or return to customers after servicing, and vehicles held for disposal shall only be permitted in the locations approved on the site plan.
   b. Vehicle sales, rental, or leasing shall not be permitted on the site unless specifically approved.
   c. Outdoor repair, preparation, cleaning, assembly, disassembly, of vehicles shall not be permitted unless the nature and location of such activity is specifically identified in the application and approved by the Board. Retail sales of products other than vehicular fuels shall be permitted only within an enclosed structure, which shall comply with all provisions of the district, including requirements for parking. Outdoor display, storage, or sale of good shall not be permitted on the site unless specifically approved as a condition of the Special Use Permit and in conformance with the

supplementary standard for outdoor display, storage, and sale, temporary outdoor storage of discarded materials, vehicle parts, scrap and other waste prior to collection shall only be permitted within a storage area completely surrounded by a gated masonry wall six (6) feet in height or other screening approved by the Planning Commission. Such screening shall be set back from residential districts at least six (6) feet and landscaped according to the approved site plan.

d. Fuel pumps and canopies shall conform to all requirements of this section with regard to height, setbacks, and signs.

e. Air compressor pumps (e.g., for tire inflation) and other outdoor equipment shall be identified on the site plan and shall be located in a manner which minimizes noise impacts on residential areas.

2. Drive-thru service. In addition to the provisions found in B. of this section, the following regulations shall apply:

a. Loudspeakers shall be located and designed, with volume and hours of operation controlled, in a manner to minimize noise impacts on nearby residential uses.

b. Lanes required for vehicle access to and waiting for use of a drive thru facility shall be designed to have sufficient length to accommodate the peak number of vehicles projected to use the facility at any one time, to provide escape/abort lanes for vehicles desiring to leave the stacking lanes or to avoid disabled vehicles, and to minimize impacts on the use of other required parking or drives or on the use of abutting streets and hazards to pedestrians. The applicant shall provide a traffic study which documents to the satisfaction of the Planning Commission the projected vehicular use of the proposed facilities and evidence of compliance with the provisions of this Zoning Ordinance.

c. The Planning Commission may impose restrictions on the hours of operation in order to reduce inappropriate impacts on abutting uses and on street traffic and to ensure compatibility with normal vehicular activity in the district.

d. The applicant shall so design the site plan or otherwise provide assurances as to reduce the impacts of lighting, litter, noise, and exhaust resulting from the facility, especially impacts on nearby residential uses.

3. Outdoor sales, storage, display. In addition to the provisions found in B. of this section, the following regulations shall apply:

a. Outdoor sales, storage, or display shall only be permitted in areas identified on the approved site plan. No such activity shall be located closer than fifty feet to a residential zoning district boundary or road right-of-way abutting any residential zoning district or within ten feet of any road right-of-way. Such activities shall not occupy any required parking area or driveway;

b. Any outdoor sales, storage, or display area located closer than one hundred feet to a residential district shall, if determined to be visible from such district, be screened by a landscape buffer strip or other means indicated on the approved site plan;

c. Illumination of outdoor sales, storage, or display areas shall be designed to prevent glare or direct light from the illumination source into residential areas;
d. Outdoor displays shall be maintained in a neat and orderly fashion;
e. Signage for outdoor stales or displays shall comply with Chapter 1145 or if located in the H.P.A., Chapter 1138;
f. The site plan submitted with an application for a Special Use Permit shall indicate the types of merchandise to be displayed and, if applicable, any seasonal changes of display;

4. Mini/Self storage facility. In addition to the provisions found in B. of this section, the following regulations shall apply:
   a. All storage shall be within an enclosed building unless the nature and location of outdoor storage has been specifically approved by Council in conformance with the supplementary regulations for outdoor sales, storage, or display;
   b. Loading and unloading areas shall be paved and shall be located only as approved by Council;
   c. A minimum of five parking spaces shall be provided near the leasing office. Sufficient space shall be provided in the paved lanes serving the storage units to accommodate on-site movement of vehicles and the parking and loading/unloading of the trucks, vans, trailers, and automobiles of persons using the units;
   d. An on-site leasing office shall be provided;
   e. Fencing of the perimeter shall be provided as determined by the Planning Commission in a manner which promotes security and presents an appropriate appearance to abutting properties;
   f. Storage facilities shall maintain not less than the minimum building, fire, health and safety standards of the State of Ohio and the City and the regulations applicable to such facilities. The facility shall provide an approved emergency alert system with a dedicated telephone line monitored by an independent agency. No storage facility shall be occupied until a certificate of occupancy has been issued by the City. The facility shall be subject to inspection as provided by Section 1511.09 of the Codified Ordinances;
   g. Door openings facing residential areas shall not be permitted unless approved by the Council;
   h. Activities on the site shall be limited to the storage of property only. Other activities, such as the operation of tools, rummage sales, temporary residency, shall be prohibited;
   i. Hours of operation shall only be as approved by the Council, after consideration of the impact of the proposed use upon the character, safety, and tranquility of the neighborhood.

5. Adult bookstore/adult novelty store, adult motion picture theater, adult video store, adult entertainment establishments. In addition to the provisions found in subsection B. of this section, the following regulations shall apply:
   a. No such special use shall be conducted within one thousand (1,000) feet of the property line of any church, day care facility, public or private school, library, public park lands, or any premises that sell or distribute alcoholic beverages. (C-24-06, passed 4-3-06)
6. Group Family Home and Group Multi-Family Home.
   a. Purposes: The purpose of this subsection G.6. is to promote a greater choice of noninstitutional housing opportunities for potential facility residents; to avoid a high concentration of care facilities; to establish the suitability of the requested use at the proposed location; and to protect the health, safety and welfare of this community.
   b. Special Use Permits - Group Family Homes and Group Multi-Family Homes are permitted in the districts identified in Section 1135.09(b)(12)A. only if such uses comply with the approval procedures relating to special use permits as specified in Section 1135.09(b)(12) and in addition complies with the following conditions:
      1. Licensing: Group family homes or group multi-family homes shall not be permitted to be constructed or operated until the owner, agency, organization or institution owning, operating or supervising such facilities shows to the satisfaction of the Planning Commission that the facility and its operation complies with all licensing requirements of the appropriate state agency.
      2. Building, Fire, Health and Safety Standards: Each group family home or group multi-family home shall maintain not less than the minimum building, fire, health and safety standards of the State of Ohio and the City and the regulations applicable to such facilities. Each group family home or group multi-family home shall provide an approved

emergency alert system with a dedicated telephone line monitored by an independent agency. No group family home or group multi-family home shall be occupied until a certificate of occupancy has been issued by the City. The facility shall be subject to inspection as provided by Section 1511.09 of the Codified Ordinances.

3. Dispersal: In order to prevent the creation of a defacto social services district and to avoid unreasonable concentration of group family homes or group multi-family homes, the Planning Commission shall exercise care to assure such facilities do not exceed the limited capacity of this community's existing social structure to accommodate such facilities and to avoid an over concentration which may inadvertently recreate an institutional setting. No group family home or group multi-family home shall be permitted if it is determined that the establishing of a new facility or the expansion of an existing facility would increase the number of persons living in a group care facility to a number exceeding .15 percent of the entire population of the City as determined by the most recent United States Bureau of Census figures. No group family home or group multi-family home shall be located within one-half mile radius of another such facility.
4. Notice: Before the approval of a group family home or group multi-family home is granted by a Special Use Permit ordinance, Council shall hold a public hearing thereon and written notice of such public hearing shall be mailed by the Clerk of Council by regular mail at least thirty days before the date of the public hearing to the owners of property within and contiguous to and directly across the street from such planned facility to the addresses of such owners appearing on the County Auditor's current tax list or the County Treasurer's mailing list as supplied by the applicant for such permit. However, the failure of delivery of such notice shall not invalidate any such ordinance.
5. Penalty: See Section 1131.99 for the general Zoning Code penalty. (Ord. C80-86. Passed 12-15-86.)

7. A Special Use Permit, issued according to the provisions of the Zoning Code, shall be required for any radio and/or television antenna or antenna tower erected within the City. Such antenna or antenna tower shall be located only in an IND-1, IND-2, IND-3, CF or SD-4 District.
(Ord. C69-89. Passed 10-16-89.)
8. No permit for the sale, rental, bartering or trading of weapons and/or explosives shall be granted unless:
   a. It shall be a minimum of 500 feet from a residential district;
   b. It shall be a minimum of 50 feet from a business or structure that is used to store, sell or distribute any flammable material as defined in Section F 201 of the BOCA Fire Prevention Code;
   c. It shall be located in a building with no other use; and

d. The building shall be separated from any other structure by a distance of no less than thirty feet and no closer to any abutting lot than six feet. (Ord. C31-92. Passed 5-14-92; Ord. C34-93. Passed 5-3-93.)

9. Boarding House, Bed and Breakfast Inn and Fraternity or Sorority House Uses.

a. Purposes: The purpose of this subsection is to establish the suitability of the requested use at the proposed location and to protect the health, safety and welfare of this community.

b. Special Use Permits: Boarding houses, bed and breakfast inns, and fraternity and sorority houses are permitted in the districts identified in Section 1135.09(b)(12)A. only if such uses comply with the approval procedures relating to Special Use Permits as specified in Section 1135.09(b)(12) and in addition complies with the following conditions:

1. Licensing: Boarding houses, bed and breakfast inns, and fraternity or sorority houses shall not be permitted to be constructed or operated until the owner, agency, organization or institution owning, operating or supervising such facility shows to the satisfaction of the Planning Commission that the facility and its operation complies with all licensing requirements of the appropriate State agency, if any.

2. Building, fire, health and safety standards: Each boarding house, bed and breakfast inn, and fraternity or sorority house shall maintain not less than the minimum building, fire health and safety standards of the State of Ohio and the City and the regulations applicable to such facility. No boarding house, bed and breakfast inn, and fraternity or sorority house shall be occupied until a Certificate of Occupancy has been issued by the City. The facility shall be subject to inspections as provided by Section 1511.09 of this code.

3. Notice: Before the approval of a boarding house, bed and breakfast inn, or fraternity or sorority house is granted by a Special Use Permit ordinance, Council shall hold a public hearing thereon and written notice of such public hearing shall be mailed by the Clerk of Council by regular mail at least thirty (30) days before the date of the public hearing to the owners of property within and contiguous to and directly across the street from such planned facility to the addresses of such owners appearing on the County Auditor's current tax list or the County Treasurer's mailing list as supplied by the applicant for such permit. However, failure of delivery of such notice shall not invalidate any such ordinance.

4. Penalty: See Section 1131.99 for the general Zoning Code Penalty.

(13) ABANDONMENT OF SPECIAL USE. (Editor's note: Division (13) Abandonment of Special Use, was repealed by Ord. C27-03, passed 4-21-03.) See 1135.09 F2

(14) HISTORICAL PRESERVATION AREA.

Properties facing on Broadway from Southwest Boulevard south to approximately 341 feet south of Woodlawn Avenue, from the Baltimore and Ohio Railroad tracks east to Haughn Road on Park Street and from Broadway east to Haughn Road on Columbus Street are hereby declared to be the Historical Preservation Area.

A. Within these designated areas, there shall be no parking areas established or parking of motor vehicles between the street right-of-way and the building set-back line.

B. Existing driveways and parking areas legally constructed in accordance with the City's ordinances and Codified Ordinances prior to the effective date of this subsection are excepted from subsection A. hereof.

C. Where there is a change of use, occupancy or occupant of an existing building with a parking area between the street and building set-back line, the new user or occupant shall conform to Chapter 1136.

D. Plans for all new construction of buildings, parking areas, building rehabilitation, remodeling, exterior alteration or modification within this designated area shall be submitted to the Planning Commission and approved by Council. All plans shall be based on criteria defined by the Commission and Council.

E. The erection or parking of temporary structures, including but not limited to, trailers, tents, shelters, lean-tos, or stands shall be prohibited in the area between the street right-of-way and the building set-back line.

(Ord. C59-86. Passed 9-15-86; Ord. C38-04. Passed 5-3-04; Ord. C09-05. Passed 2-22-05.)

1135.10 RESIDENTIAL DISTRICT REQUIREMENTS.

All use of land within the residential districts shall conform to the requirements established by Table 1135.10-I, Residential District Requirements, and the following specific requirements:

(a) In SF-1, SF-2, SF-3, R-1, R-1b and R-2 Districts, the covered parking requirements shall be met by the use of attached or detached garages located behind the established building line. One-half of the required open parking spaces in D-1 and D-2 Districts may be in front of the building line, except that where lots front on streets where onlot turnarounds are required (see Section 1137.06(o)), all of the required parking shall be behind the building line. In A-1 Districts, the required parking shall be behind the established building lines, except that where an A-2 District has been approved as a conditional use in an A-1 District, the parking shall be in accordance with the requirements of Section 1135.15.

In SF-1, SF-2, SF-3, R-1, R-1b and R-2, and D-1 and D-2 Districts, driveways and parking spaces shall be paved with asphalt or Portland cement concrete. All attached garages shall be constructed of the same material and have the same exterior finish as the building to which they are attached. Detached garages shall be of frame or masonry construction and they shall have the same exterior finish and be of the same color as the main building located in and on the same lot unless otherwise approved by the Planning Commission.

In SF-1, SF-2, SF-3, R-1, R-1b and R-2 Districts, the maximum size of a detached garage shall be 700 square feet outside dimensions. The maximum size of an attached garage shall be 900 square feet outside dimensions.

In A-1, D-1 and D-2 Districts, the maximum size of attached garages shall be subject to the approval of the Commission.

(Ord. C33-87. Passed 5-4-87; Ord. C37-92. Passed 5-18-92; Ord. C59-94. Passed 9-6-94.)

(b) On cul-de-sacs and on curbed streets, the minimum lot width, chord measurement, at the street right-of-way line shall be as follows:

District	Feet
R-1	54
R-2	40
R-3	40
D-1	44
D-2	22
A-1	45
A-2	see Section 1135.15
SF-1	78
SF-2	65
SF-3	58

The minimum width at the building line shall be as shown in Table 1135.10-I.

(c) In SF-1, SF-2, SF-3, R-1, R-1b, R-2 and R-3, D-1 and D-2 Districts, the lots shall have frontage on a public street and unless otherwise approved by the Planning Commission, the front of the building shall face the public street. In A-1 Districts where more than one building is located on the lot or project site, access to the public street shall be by means of private drives.

(d) On corner lots, the building line on both streets shall be equal to or greater than the minimum shown in Table 1135.10-I.
(Ord. C10-82. Passed 3-15-82; Ord. C59-94. Passed 9-6-94.)

(e) In areas or districts approved for SF-1, SF-2, SF-3, R-1, R-1b, R-2, D-1 and D-2 development, no contiguous parcel shall have structures with the same exterior appearance in design, color, style or overall appearance. Should the builder or developer disagree with the decision of the Building Official concerning this matter, they may appeal to the Board of Zoning Appeals.
(Ord. C34-87. Passed 5-4-87; Ord. C86-98. Passed 11-16-98.)

(f) Projects in A-1 Districts that abut R-1, R-2 or R-3 zoning shall have no buildings constructed closer than sixty feet to the project boundary. Projects in A-1 Districts that abut D-1 or D-2 zoning shall have no building constructed closer than thirty feet to the project boundary. The relation of the buildings to the project boundary for projects in A-1 Districts that abut zoning other than R-1, R-2, R-3, D-1 or D-2 shall be as approved by the Planning Commission and Council.
(Ord. C10-82. Passed 3-15-82.)

(g) In all A-1 Districts the following regulations shall apply:

(1) A maximum of eight units per acre.

(2) A maximum of eight units per structure. Any structure over four units shall be required to have a two hour fire resistant fire wall separating a maximum of four units. Such fire wall shall be per requirements of Ohio Basic Building Code. (Ord. C58-93. Passed 8-2-93.)

(3) A minimum distance of twenty feet between structures.

(4) A minimum of fifty percent (50%) of the total units of a project or development shall be of single-floor (ranch) design. This section shall not apply to PUD-R zoning which exists now or in the future.

(5) A minimum of two open parking spaces for each unit of each building.

(6) The living area may be on one floor at ground level or on two floors both of which are above ground level or with the bottom floor not more than three feet below ground level.

(7) Units with basements of 300 square feet or more that shall be used as storage, mechanical and laundry, the livable square footage shall not be less than 650 square feet for single bedroom unit and 800 square feet for a two bedroom unit excluding basement area. For units without basements, the livable square footage shall be 700 square feet for a one bedroom unit and 850 square feet for a two bedroom unit. There shall not be less than 125 square feet of livable space for each additional bedroom.

(8) The final development plan for an apartment project or development shall include the design for all exterior facades of each building and the site location of each building and shall be submitted to the Planning Commission and Council for their approval.
(Ord. C19-87. Passed 3-16-87; Ord. C125-88. Passed 1-16-89.)

(9) All acreage in the designated flood way, as defined in Chapter 1329 of the Codified Ordinances, shall be excluded from calculating the unit density.

(10) The exterior facade shall consist of a minimum of seventy-five percent (75%) brick, stone and/or stucco.

(h) In all A-2, D-1 and D-2 Districts, each dwelling unit shall have one covered parking garage of at least 240 square feet (twelve by twenty feet). Each garage shall be attached and directly adjoining the dwelling unit to which it is assigned. All acreage in the designated flood way, as defined in Chapter 1329 of the Codified Ordinances, shall be excluded from calculating the unit density. In all A-2 Districts, the exterior facade shall consist of a minimum of seventy-five percent (75%) brick, stone and/or stucco.
(Ord. C80-83. Passed 10-4-93.)

(i) Existing doubles and twin singles may, with Planning Commission approval, be divided and sold as two units provided that they meet the requirements of the D-2 District. If the two units are served by a single sanitary sewer service, the protective covenants shall provide easements for and set forth responsibilities for maintaining the sanitary sewer service.

(j) (EDITOR'S NOTE: This subsection was repealed by Ordinance C23-91, passed June 3, 1991.)

(k) In a D-2 District, each unit of a double or twin single shall be situated on its individual lot and may be individually owned. The subdivision plat shall have pairs of lots set forth and consecutively numbered to accommodate each building (two units). The lots for the individual units will be shown on the plat and numbered by adding the letters "A" and "B" to the basic lot number. In a D-2 District, each unit of a double or twin single shall have its own water service and water meter, and its own sanitary sewer service.
In a D-2 District, each unit of a double or twin single shall have a common wall separating the units. The common wall shall be constructed of a minimum of eight inches of masonry, shall be in compliance with Ohio Basic Building Code Section 907.7 and shall be located on the property line dividing the ownership of the two units.
Prior to the issuance of a building permit in a D-2 District, the applicant shall prove to the satisfaction of the Building Inspector that covenants are in the chain of title for each of the co-owners of the structure. Such covenants, as a minimum, shall pertain to the rights and responsibilities of each individual owner with regard to party walls, joint drives, material and repair, insurance, damage and destruction, reconstruction and easements.

(l) Deviation from the minimum requirements of this section may be approved by the Planning Commission and Council.
(Ord. C10-82. Passed 3-15-82.)

TABLE 1135.10-I RESIDENTIAL DISTRICT REQUIREMENTS

District	Type Dwelling	Area Sq. Ft./ Family		Lot Width at Building Line (Feet)		Yard Dimensions (Feet)			Next to any Single Family Zoning Side or Rear	Required Off-Street Parking Spaces**			% of Lot Covered By All Bldgs.	Max. Height (Feet)
		Lot	Floor Area	Interior Lot	Corner Lot	Depth Front	Depth Rear	Width Side		Garage	Open	Visitor		
SF-1	Single family Single floor 2 sty/Bi Split/1½ sty.	20,000	2,500 2,800	120	150	40	40	10		2 MIN	0		40	35
SF-2	Single family Single floor 2 sty/Bi Split/1½ sty.	15,000	2,200 2,500	100	130	40	35	10		2 MIN	0		40	35
SF-3	Single family Single floor 2 sty/Bi Split/1½ sty.	12,000	2,000 2,200	90	125	40	30	8		2 MIN	0		35	35
R-1	Single family Single floor 2 sty/Bi Split/1½ sty.	10,000	1,600 1,800	80	105	30	25	6		2 MIN	0		30	35
R-1b	Single family Single floor 2 sty/Bi Split/1½ sty.	8,400	1,600 1,800	70	95	30	25	6		2 MIN	0		30	35
R-2	Single family Single floor 2 sty/Bi Split/1½ sty.	8,400	1,200 1,400	70	95	30	25	6		2 MIN	0		40	35
D-1 See Note #2 Note #3	Doubles Twins Duplexes	6,000	See Note #1	70	95	30	25	6		1	1		40	35
D-2 See Note #2 Note #3	Doubles Twin "0" Lot Line	6,000	See Note #1	35*	60*	30	25	6		1	1		40	35
A-1 *** See Note #3	Multi-Family 3-8 units per bldg.	8 units per acre	See Note #1	80	100	30	25	10	60		2	½	40	35
A-2	3-6 units	2,000	See Note #1	20*	50	30	25	10	60	1	1	½	40	35

* Per unit ** See Section 1135.10(a) *** See Section 1135.10(g) R-3 (Modified) as established by Ord. C13-84 & C33-84

Note #1 – D-1, D-2, A-1 & A-2: 1 Bedroom - 700 sq. ft.; 2 Bedroom - 850 sq. ft.; + 125 each additional bedroom

Note #2 – C80-93 11/3/93 "in All A-2, D-1 and D-2 Districts, each dwelling unit shall have one covered parking garage of at least 250 sq. ft. (12'x30'). Each garage shall be attached and directly adjoining the dwelling unit to which it is assigned."

Note #3 – All acreage in the designed floodway as defined in Chapter 1329 shall be excluded from calculating the unit density. In all A-2 districts, the exterior facade must consist of a minimum of 75% brick, stone and/or stucco.

(Ord. C125-88. Passed 1-16-89; Ord. C59-94. Passed 9-6-94; Ord. C01-05. Passed 1-18-05.)

1135.11 ACCESSORY USE IN RESIDENTIAL DISTRICTS.

An accessory use in a residential district or an apartment district shall be permitted subject to the limitations stated herein, and shall not be such as to infringe upon the residential character of the district.

(a) A billboard, signboard or advertising sign shall not be permitted as an accessory use, except as herein specified. The placing of a temporary "For Sale" or "For Rent" sign, not to exceed nine square feet in area, shall be permitted as an accessory use. A sign pertaining to a home occupation, as herein specified, shall be permitted provided such sign be not over two square feet in area, and provided that such sign shall not project from or be placed in advance of the dwelling or the principal building on the premises.

(b) The office of an architect, attorney, clergyman, dentist, engineer, insurance representative, physician, real estate broker, surgeon or accountant may be located in a residence used by such person as his private residence. These office uses do not include the services of more than one other person not residing on the premises, work rooms, clinics or the treatment and housing of animals.

(c) Internal or external changes in the structural form of the building shall not be permitted. The removal of partitions or floors or parts thereof, shall not be permitted. Such permitted uses shall be restricted to either those which are not offensive by reason of emission of odor, dust, smoke, gas, noise or vibration or to those which are not accompanied by an unreasonable number of calls or stops by either pedestrians or vehicles and to those uses of the premises that are not unsightly or otherwise objectionable such as by reason of accumulation of materials or debris.

(d) No accessory structure shall be erected for use as a business, trade or industry or other use conducted for gain.

(e) A private garage shall not be permitted as an accessory use except as provided in Sections 1137.08 to 1137.11. (Ord. C79-74. Passed 1-20-75.)

1135.12 NONRESIDENTIAL DISTRICT REQUIREMENTS.

All land use within the nonresidential districts shall conform to the requirements established by Table 1135.12-II Nonresidential District Requirements and the following specific requirements and descriptions:

(a) The area known as the Central Business District (CBD) shall be bounded and described as follows:

Being in the City of Grove City, County of Franklin, State of Ohio, and beginning at the point of intersection of the south right-of-way line of the alley north of Park Street (known as Jackson St.) and the west right-of-way line of Third Street, said point being the point of beginning; and proceeding southwesterly along the west right-of-way line of Third Street to its intersection with the north right-of-way of Park Street; thence northwesterly along the said north line to its intersection with the west right-of-way line of First Street; thence southwesterly along the said west line to its intersection with the north right-of-way of Civic Place; thence northwesterly along the said north line, and its extension northwesterly to its intersection with the west right-of-way of South Broadway; thence southwesterly along the

said west line to its intersection with the southeasterly extension of the north right-of-way line of the east-west portion of Franklin Street; thence northwesterly along the said extension and north line to its intersection with the east right-of-way line of the north-south portion of Franklin Street north of the east-west portion of Franklin Street; thence northeasterly along said east line to its intersection with the south right-of-way line of Grove City Road; thence east along said south line to its intersection with the southwesterly extension of east right-of-way line of the first alley west of Broadway between Park Street and Grove City Road; thence northeasterly along said line and its extensions to its intersection with the north right-of-way line of Park Street; thence northwesterly along said north line to its intersection with the west line of lot number 9 (being the fifth lot east of the railroad) of the A.G. Grant Addition, said line also being the east line of lot number 10; thence northeasterly along said lot line to its intersection with the south right-of-way line of the alley north of Park Street; thence southeasterly along said south line to its intersection with the southwesterly extension of the west right-of-way line of the first alley east of the railroad between the alley north of Park Street and Grant Avenue; thence northeasterly along said west line to its intersection with the north lot line of lot number 18, being the lot north of the railroad spur and Mill Street (never dedicated) and west of said alley; thence northwesterly along lot 18 to its intersection with the southwesterly extension of the east right-of-way line of Meadow Lane; thence northeasterly along said right-of-way to its intersection with the south lot line of the second lot south of White Place, said point being approximately 150 feet south of White Place; thence southeasterly along side lot line to the east end of the lot; thence northeasterly along the east line of the lot to a point approximately 110 feet south of White Place said point being the southwest corner of the lot facing White Place; thence southeasterly along the south line of the lot and its extension to the west lot line of the lots facing North Broadway; thence northeasterly along the said lot line to its intersection with the south right-of-way line of White Place; thence southeasterly along said south line to its intersection with the west right-of-way line of North Broadway; thence southeasterly to the southwest corner of the second lot south of the Glenn L. Lotz Grove City Addition which faces the east side of North Broadway, said line appearing to be also the southeasterly extension of the south right-of-way line of White Place; thence southeasterly along said lot line to the southeast corner of said lot; thence southwesterly to the intersection of the south right-of-way line of Cleveland Avenue east of North Broadway and the west right-of-way line of First Street, said line appearing to be the northeasterly extension of the west right-of-way line of First Street; thence southwesterly along the west right-of-way line of First Street to its intersection with the south right-of-way line of the alley north of Park Street; thence southeasterly along said south line to its intersection with the west right-of-way line of Third Street; said intersection point being the point of beginning; all lands, parcels, tracts or lots within the area bounded by the said description shall be classified for the (CBD) Central Business District use.

(b) Buildings may be altered or erected within the Central Business District (CBD) upon approval of the Planning Commission for 100 percent usage of any described lot except that portion of the lot within fifty feet each side of the centerline of the existing public street.

(c) Subject to the approval of the Planning Commission the parking requirements listed in Table 1135.12-II can be met by offsite parking facilities, other than using public streets, if suitable proof of the long term availability of such offsite parking is presented to the Planning Commission.
(Ord. C67-65. Passed 10-6-75.)

(d) Yard dimensions next to residential and other nonresidential districts, other than OLR and all "IND" Districts, may be reduced to fifty percent of the requirements listed in Table 1135.12-II if acceptable landscaping or screening is provided. Such screening shall be a masonry or solid fence between four and six feet high, maintained in good condition and free of all advertising or other signs. The yard dimensions may also be reduced by using landscaping. The landscaping shall consist of a planting of evergreen trees, hedges or shrubs not less than four feet in height at time of planting. The evergreens shall be planted in at least two rows so as to provide a visual barrier between the projects building and parking areas and the surrounding land. The yard dimension shall be wide enough so that when evergreens have grown to their maximum spread there will be two feet of clearance between the evergreens and the project's property line and five feet of clearance between the evergreens and the closest building, or other above ground structures within the project. When approved by the Fire Department and Planning Commission, the yard dimensions next to other types of nonresidential districts may be reduced without screening or landscaping; however, the yard dimensions shall be at least ten feet. The screening or landscaping shall not obscure traffic visibility within twenty feet of an intersection.
(Ord. C29-97. Passed 6-2-97.)

(e) Adequate off-street loading areas, shall be provided in all nonresidential districts. Space shall be adequate for standing, loading and unloading services in order to avoid undue interference with public streets or alleys. See Section 1137.07 for further requirements.

(f) All permitted uses shall provide such approved devices and methods necessary to insure against the emission of obnoxious odors, noise, dust, smoke or other pollutants to the limits established by State and Federal regulations and standards. (Ord. C67-75. Passed 10-6-75.)

(g) The minimum setback line shown on Table 1135.12-II shall be the greatest distance of:
(1) either seventy feet from the centerline or twenty feet from the street right-of-way of a primary thoroughfare, and
(2) either sixty feet from the centerline or twenty feet from the street right-of-way of a secondary thoroughfare on those streets designated as thoroughfares on the approved Thoroughfare Plan.
(Ord. C77-77. Passed 10-17-77.)

(h) The off-street parking requirements listed in Table 1135.12-II shall be based on the following categories:
(1) Business or professional office, medical or dental clinic, banks, kindergarten, elementary and junior high school - use classroom only, retail stores and personal service shops.

(2) Restaurant excluding kitchen area, night club excluding kitchen area, assembly halls without fixed seats, community center, dance hall, day nursery, exhibition hall, fraternal organization, philanthropic institution, mortuary or funeral parlor - chapel areas only, bowling alley - use approach, lanes and pit area only.

(3) Theaters, auditoriums, sports area, stadium, churches - use worship hall area only, high schools, trade schools, colleges and universities - use classroom area only.

(4) Manufacturing, industrial and warehousing, when personnel are employed for more than one shift use total employees of the shift with the largest number of employees.

(5) Boarding house, club house, dormitory, fraternity or sorority house, rooming house, YMCA, YWCA, hotels, motels, hospitals, convalescent homes, homes for the aged, nursery homes, rest homes and sanitariums. When uses permitted in M-1, SD-1, SD-2 and SD-3 districts are also permitted to PSO, C-1, C-2 and CBD, the off-street parking requirements shall be governed by the requirements listed for the M-1, SD-1, SD-2 or SD-3 districts.

(Ord. C67-65. Passed 10-6-65; Ord. C41-78. Passed 6-19-78.)

(i) Residential uses may be permitted within the PSO, M-1, SD-2, and C-1 Districts upon approval of a Development Plan; provided, however, that the requirements of the A-1 District in Table 1135.10-I (Residential District Requirements) are met except for the maximum percentage of lot covered by all buildings and that a maximum of fifty percent (50%) of the floor area as defined in Section 1131.03(34) (minimum net floor area for living quarters) may be designated for residential purposes. The use of the residential area for other than residential use for more than ninety days shall void the residential use permitted herein until the area has been inspected by the City Building Inspector and pronounced safe for occupancy. Multi-Family Residential Uses may be permitted, upon approval of a Development Plan, within the C-2 and CBD Districts provided that, in addition to the above stipulations, the residential areas shall have separate utility systems and shall be separated by twenty feet of open yard or a two hour rated fire wall from the following uses:

Animal Husbandry Services
Building Materials, Hardware, and Farm Equipment Dealers
Automotive Dealers and Gasoline Service Stations
Miscellaneous General Merchandise Stores
Drinking Places (alcoholic beverages)
Automobile Repair, Automobile Services and Garages
Miscellaneous Repair Shops and Related Services
Reupholstery and Furniture Repair

(Ord. C67-65. Passed 10-6-75; Ord. C09-05. Passed 2-22-05.)

(j) (1) As used in this chapter:

A. "Adult bookstore" or "Adult novelty store"means an establishment which derives twenty-five percent (25%) or more of its gross income from the sale and rental of, or utilizes twenty-five percent (25%) or more of its retail selling area for the display of, or both, books, magazines, other periodicals or printed patter, photographs, films, tapes, cassettes, DVD's, instruments, devices or paraphernalia, which are characterized by the depicting, describing or relating to "specified sexual

activities" or "specified anatomical areas" or which are designed for use in connection with "specified sexual activities" as defined hereafter.

B. "Adult motion picture theater" means an enclosed motion picture theater or motion picture drive-in theater which derives twenty-five percent (25%) or more of its gross income from the showing of, or utilizes twenty-five percent (25%) or more, of its total viewing time for the presentation of, or both, materials for observation by its patrons which are characterized by the depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" as defined hereafter.

C. "Adult film and video tape sales and/or rental stores" means an establishment which derives twenty-five percent (25%) or more of its gross income from the sale and rental of, or utilizes twenty-five percent (25%) or more of its retail selling area for the display of, or both, of film, DVD's, and video tapes, which materials are characterized by the depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" as defined hereinafter.

D. "Adult entertainment establishments" means a nightclub, bar restaurant or similar commercial establishments that regularly features: persons who appear in a state of nudity or semi-nudity; or live performances which are characterized by the exposure of "specified anatomical areas", or by "specified sexual activities".

E. "Specified anatomical areas" is defined as less than completely and opaquely covered human genitals, pubic region, buttocks and female breasts below a point immediately above the top of the areola; and human male genitals in a discernibly turgid state, even if completely and opaquely covered.

F. "Specified sexual activities" is defined as human genitals in the state of sexual stimulation or arousal, acts of human masturbation, sexual intercourse or sodomy, and fondling or other erotic touching of human genitals, pubic region, buttocks or female breasts.

G. "Nudity" or "state of nudity" means the showing of the human male or female genitals, pubic area, vulva, anus, anal cleft, or cleavage with less than a fully opaque covering, the showing of the female breast with less than a fully opaque covering of any part of the nipple, or the showing of the covered male genitals in a discernibly turgid state.

H. "Semi-nudity" or "semi-nude condition" means the showing of the female breast below a horizontal line across the top of the areola at its highest point or the showing of the male or female buttocks. This definition shall include the entire lower portion of the human female breast, but shall not include any portion of the cleavage of the human female breast, exhibited by a dress, blouse, skirt, leotard, bathing suit or other wearing apparel, provided that the areola is not exposed in whole or part.

(2) Upon special permit by the Planning Commission and Council, an adult bookstore adult novelty store, adult motion picture theater, an adult film and video tape sales and/or rental store, or adult entertainment establishment may be located within a C-1 or C-2 District, subject to the provision that no adult bookstore/adult novelty store, adult motion picture theater, adult entertainment establishment, or adult film and video tape sales and/or rental store shall be established within 1,000 feet or less of any single-

family or multi-family residential zoning classification, PUD-R (Planned Unit Development - Residential), PSO (Professional Services) or SD-1 (Educational) Districts or residential use and no adult bookstore/adult novelty store, adult motion picture theater, adult film and video tape sales and/or rental store, or adult entertainment establishment shall be established within 1,000 feet of another adult bookstore/adult novelty store, adult motion picture theater, adult film and video store, or adult entertainment establishment.

(3) A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of materials depicting or describing "specified sexual activities" or "specified anatomical areas" and still be characterized as an "adult bookstore/adult novelty store", "adult motion picture theater", "adult film and video tape sales and/or rental store", or "adult entertainment establishments". Such other business purposes will not serve to exempt such commercial establishments from being categorized as an "adult bookstore/adult novelty store", "adult motion picture theater", "adult film and video tape sales and/or rental store", or "adult entertainment establishment" so long as one of its principal business purposes is the offering for sale or rental for consideration of any form, the "specified sexual activities" or "specified anatomical areas". (Ord. C57-82. Passed 7-6-82; Ord. C49-83. Passed 12-5-83; Ord. C77-05. Passed 8-1-05; Ord. C24-06. Passed 5-1-06.)

(k) In an OLR or any IND District, there shall be no structures, parking or dumpsters permitted between the right-of-way and the set back. Only landscaping and driveway access shall be permitted in this area. (Ord. C44-95. Passed 8-7-95; Ord. C5-98. Passed 2-17-98.)

(l) In an OLR, or any IND District, there shall be no structures, parking or dumpsters permitted between the property line and the side or rear set back next to residential districts. Only landscaping and driveway access shall be permitted in this area. (Ord. C5-98. Passed 2-17-98.)

(m) (1) In evaluating the design and planning for new, renovated, or expanded structures or developments in all zoning districts, except single-family residential, the Planning Commission shall endeavor to assure that the exterior appearance 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, if applicable.
D. Enhance and protect the public and private investment in the value of all land and improvements within the district.

(2) The Planning Commission, in the performance of its duties, may prescribe modification of the proposed architectural design or site plan as may be appropriate to assure the proposed development meets the objectives of the above items A. through D. Materials should be of the nature that will enhance the development and existing land values. Brick, 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. Decorative stone and brick are preferred, but, decorative wood or vinyl siding may be used as long as they are approved by Council.

(3) Deviation from the minimum requirements of this section may be approved by the Planning Commission and Council.

(Ord. C53-96. Passed 7-15-96; Ord. C5-98. Passed 2-17-98)

(n) In all Commercial and Industrial Districts the lighting requirements are set forth as follows:

(1) All exterior parking and pedestrian lighting shall be designed to direct light downwardly (i.e cut off type fixtures) and shall be from the same type and style.
(2) All lights shall be arranged to reflect light away from any street or adjacent property.
(3) Direct or indirect glare into the eyes of motorists or pedestrians shall be prohibited.
(4) Landscape and building lighting shall be designed to direct light either up or down (i.e. cut-off, soffit).
(5) All building illuminations shall be from concealed sources.
(6) No colored or flashing lights shall be used to light the exterior of buildings.
(7) As required in Section 1137.06(n), lighting for parking facilities shall have 0.5 footcandles minimum maintained, measured at grade in all vehicular use areas and pedestrian pathways.

(Ord. C15-99. Passed 5-3-99.)

TABLE 1135.12-II NONRESIDENTIAL DISTRICT REQUIREMENTS

MINIMUM REQUIREMENTS							MAXIMUM REQUIREMENTS						
District *(e)	Type Use	Set Back Line *(g) (Feet)	Int. Side (Feet)	Yard Dimensions (Feet)			Off-Street Parking Requirements by Category *(h) (One Parking Space Per)					Percent of Lot Covered By All Buildings	Bldg. Height (Feet)
				Next to Residential Districts *(d)	Depth of Rear	Next to Other Type of Non-Residential Districts *(d)	I	II	III	IV	V		
PSO	Professional Services	30	6	60	6	30	150sf	N/A	N/A	N/A	N/A	75	35
C-1	Commercial	30	6	60	6	30	200sf	50sf	N/A	3 Em-ployees	N/A	75	35
C-2	Commercial	30	6	60	6	30	200sf	50sf	N/A		1 rental room/suite	75	35
CBD	Central Business District	*(b)	*(b)	60	*(b)	30	same *(c)	as *(c)	PSO, *(c)	C-1, *(c)	C-2 *(c)	100	35
OLR	Office/Research Laboratory	100	50	100	50	50	150sf	N/A	N/A	N/A	N/A	75	120
IND-1	Light Industry	30	6	100	6	50	200sf	N/A	N/A	2 Em-ployees	N/A	35	35
IND-2	Heavy Industry	30	6	100	6	50	200sf	N/A	N/A		N/A	35	35
M-1	Medical	30	6	50	6	25	150sf	N/A	N/A	N/A	3 beds	75	35
SD-1	Educational	30	6	50	6	25	150sf	N/A	4 seats		200sf	75	35
SD-2	Services	30	6	50	6	25	150sf	100sf	4 seats		2 beds	75	35
SD-3	Recreational Facilities	30	6	50	6	25	N/A	100sf	3 seats	N/A	N/A	75	35
SD-4	Miscellaneous	30	6	100	6	50	As approved by Planning Commission						35

* See appropriate subsection of this Section for further explanation.

(Ord. C79-74. Passed 1-20-75; Ord. C44-95. Passed 8-7-95.)

1135.13 ACCESSORY USE IN NONRESIDENTIAL DISTRICTS.

An accessory use shall be permitted in each district subject to the limitations stated herein and shall not infringe upon the district's character.

(a) Office and retail space may be provided in the industrial and manufacturing districts providing that such space is in support of the main function. No merchandise made at another location may be retailed in the accessory area nor may office or business activities not related to the main use be carried on the accessory area.

(b) Uses provided for in IND-1 may be included in IND-2, in support of the main use, however, IND-2 uses may not be included in IND-1.
(Ord. C79-74. Passed 1-20-75.)

1135.14 PLANNED UNIT DEVELOPMENT DISTRICT.

Provision is included for Planned Unit Development Districts (PUD) to permit establishment of areas in which diverse uses may be brought together as a compatible and unified plan of development which shall be in the interest of the general welfare of the public. In Planned Unit Development Districts, land and structures may be used for any lawful purpose in accordance with the provisions set forth herein.

(a) Submission Procedures. The procedure for obtaining a change in zoning district or undertaking development within a Planned Unit Development District shall be as follows:

(1) Prior to the submission of an application for a rezoning in accordance with Section 1139.03 or the submission of a Development Plan in accordance with Section 1135.14(c), the owner/applicant shall submit eighteen (18) copies of a Preliminary Development Plan to the Planning Commission fourteen (14) days prior to the date of the Planning Commission meeting.
(Ord. C94-98. Passed 12-21-98; Ord. C8-02. Passed 2-4-02.)

(2) The Planning Commission shall review the Preliminary Development Plan with the owner/applicant. The Planning Commission shall prepare recommendations with regard to the Preliminary Development Plan and apply the eight (8) finding requirements as per Section 1135.14(e) for a PUD request.
(Ord. C8-02. Passed 2-4-02.)

(3) Upon approval in principle, the Planning Commission shall forward the Preliminary Development Plan to Council for its review, recommendations and approval in principle, or its disapproval. The Clerk of Council shall send copies of the recommendations of Council to the owner/applicant indicating their approval or disapproval.

(4) Upon receipt of Council's comments the owner/applicant shall either resubmit a Preliminary Development Plan in accordance with Section 1135.14(a)(1) if the prior submission was disapproved, or if the Preliminary Development Plan was approved, submit an application for rezoning in accordance with Section 1139.03. The owner/applicant may, if so desired, submit a Development Plan in accordance with Section 1135.14(c), along with its submission of the application for rezoning.
(Ord. C94-87. Passed 12-7-87; Ord. C94-98. Passed 12-21-98; Ord. C8-02. Passed 2-4-02.)

(5) The Planning Commission shall examine and take action on the Preliminary Development Plan, the resubmitted Preliminary Development Plan, or the application for rezoning, and the Development Plan, if submitted, within forty-five (45) days after it has been filed. After the Commission acts, the Planning Commission shall forward to Council the Preliminary Development Plan, if resubmitted, or the application for rezoning, and the Development Plan, if submitted, along with any restrictions or requirements upon which its approval is conditioned for action by Council as permitted by law at Council's next regularly scheduled meeting. If Council defeats the Preliminary Development Plan or the Development Plan or attaches restrictions or requirements to its passage, the owner/applicant may request that Council act on the rezoning application. If the rezoning application is approved by Council without approval of a Development Plan, the owner/applicant shall have nine (9) months from the date of the approval of the rezoning application to obtain approval from Council of a Development Plan or the rezoning approval shall be null and void and the property shall revert to its zoning classification in effect prior to the approval of the application for rezoning. If construction plans, grading plans and specifications for the first phase have not been submitted and construction started within eighteen (18) months from the date of the rezoning approval, the rezoning approval shall be null and void and the property shall revert to its zoning classification in effect prior to approval of the application for rezoning.
(Ord. C8-02. Passed 2-4-02.)

(6) Except to the extent that this section sets forth exceptions, the submission and development procedures and requirements specified in Section 1101.07 shall be followed after the Development Plan and rezoning are approved. (Ord. C19-91. Passed 3-4-91)

(7) In order to be heard by the Planning Commission, a fee of $150 for a Preliminary Development Plan or $300 for a Development Plan, payable to the City for deposit in the General Fund, shall accompany the application or petition. This fee is for the purpose of defraying the costs of plan review, legal, legislation, notices, official publications required by the City and any other incurred costs and shall not be refundable even though the application is disapproved by the Planning Commission or Council.
(Ord. C49-01. Passed 8-6-01.)

(b) Preliminary Plan Content. The Preliminary Development Plan shall include the following information:

(1) Proposed site plan, showing building locations, locations of existing trees six inches (6") or greater in diameter, and land use areas. (Ord. C19-99. Passed 6-7-99.)

(2) Proposed traffic circulation, parking areas, pedestrian walks and landscaping.

(3) Proposed major utility locations.

(4) Proposed construction sequence for buildings, parking spaces and landscaped areas.

(c) Development Plan Content. The Development Plan shall include the following information:

(1) Proposed name of the development and its location.

(2) Names and addresses of owners and developers.

(3) Date, north arrow and Plan scale. Scale shall be one-inch equals 100 feet or larger scale.

(4) Boundary lines of the proposed development and the total approximate acreage encompassed therein.
(5) Locations, widths and names of all existing public streets or other public ways, railroad and utility rights of way or easements, parks and other public open spaces, permanent structures, and section and corporation lines within or adjacent to the tract.
(6) Existing sewers, water mains, culverts and other underground facilities within the tract, adjacent to the tract or that will be used in developing the tract, indicating pipe sizes, grades and locations.
(7) The adjoining lines of adjacent tracts, parcels or lots.
(8) Existing zoning restrictions.
(9) Existing ground configuration, drainage channels, wooded areas, watercourses and other significant physical features.
(10) Layout of proposed streets, including their names and rights of way, easements, sewers, water lines, culverts and other major improvements.
(11) Layout, numbering and dimensions of lots if more than one.
(12) Layout, location and dimensions of proposed structures.
(13) Parcels of land intended to be dedicated or temporarily reserved for public use or reserved by deed covenant with the condition proposed for such covenant, and for the dedications.
(14) Building setback lines with dimensions.
(15) Tentative street grades and sewer size slope.
(16) Traffic circulation, parking areas and pedestrian walks.
(17) Landscaping plans, including site grading and landscape design.
(18) Engineering feasibility studies of any anticipated problems which might arise due to the proposed development as required by the Planning Commission.
(19) Construction sequence and time schedule for completion of each phase for buildings, parking spaces and landscaped areas.
(20) Preliminary drawings for buildings to be constructed in the current phase, including floor plans, exterior elevations and sections.
(21) Color rendering of building(s), complete with a listing of all colors, including Pantone 1999-2000 Reference Numbers or if Pantone is not available, the manufacturer's reference/serial number with sample, and materials, with samples, to be used.
(Ord. C39-00. Passed 5-15-00.)

(d) Approval of the Development Plan by Phases. The Development Plan may be approved in phases. Each phase shall require approval of a Development Plan for that phase pursuant to the procedures set forth herein. Any changes to the plan that increase the density, change the use of any part within the plan, decrease the amenities or accessory facilities, or detract from the appearance of the project without the approval of the Planning Commission and Council shall void the rezoning and the tract of land shall revert to the zoning district in force prior to the Planned Unit Development submission.
(Ord. C94-87. Passed 12-7-87; Ord. C19-91. Passed 3-4-91.)
(1) Unless otherwise specified by the Planning Commission and Council in the Development Plan approval, each phase of the total project shall be started within the

deadlines set forth in subsection (a)(5) hereof. If any phase is not started or completed within the deadlines set forth herein, the zoning for the property shall revert back to the zoning classification in effect at the time prior to the approval of the rezoning application.
(Ord. C19-91. Passed 3-4-91.)

(2) Prior to the beginning of each phase of the development a Development Plan, annotated as to the as-built conditions, along with an updated construction schedule shall be presented to the Planning Commission and Council for their review and comment. All variances to the original Development Plan and construction schedule shall be noted, and this copy of the Development Plan shall contain a registered surveyor's certificate as to accuracy of the plan and that it is an accurate representation of the as-built conditions in the field. No work shall begin on the next phase of the development until all variances to the approved Development Plan and construction schedule are corrected or approved by Council.

(e) Finding Required. The Planning Commission, after determining that all the requirements of the Zoning Ordinance dealing with Planned Unit Development Districts have been met, shall recommend the approval, approval with modifications or disapproval of the Preliminary Development Plan and/or the Development Plan. The Commission shall enter its reasons for such action in its records. The Commission may recommend the establishment of a Planned Unit Development District provided that they find the facts submitted with the Preliminary Development Plan and/or the Development Plan establish that:
(Ord. C8-02. Passed 2-4-02.)

(1) The uses proposed will not be detrimental to present and potential surrounding uses, but will have a beneficial effect which could not be achieved under any other district.
(2) Any exception from Zoning Code (Ordinance C79-74, passed January 20, 1975) requirements is warranted by the design and amenities incorporated in the Development Plan.
(3) Land surrounding the proposed development can be planned in coordination with the proposed development and that it is compatible in use.
(4) The proposed change to a Planned Unit Development District is in conformance with the general use intent of the area.
(5) Existing and proposed streets are suitable and adequate to carry anticipated traffic within the proposed district and in the vicinity of the proposed district.
(6) Existing and proposed utility services are adequate for the proposed development.
(7) Each phase of the proposed development, as it is proposed to be completed contains the required parking spaces, landscape and utility areas necessary for creating and sustaining a desirable and stable environment.
(8) The proposed Planned Unit Development District and all proposed buildings, parking spaces and landscape and utility areas can be completely developed within seven years of the establishment of the district, unless otherwise provided for by Council.

(f) Planned Unit Development Standards. The purposes of Planned Unit Development Standards are to provide for the rezoning of land to residential, commercial and industrial development zones in conformance with provisions and standards which insure compatibility among all the land uses, foster innovation in site planning and development, and encourage

sound development in the interest of safety and general welfare of the public.
The standards for Planned Unit Development Districts are to provide the Planning Commission and Council with a means to evaluate applications for these districts consistent with the provisions and general intent of the Zoning Code.
The following standards are intended to strengthen public control over development, while providing the necessary latitude for the developer to make creative and efficient use of his property.

(g) Planned Unit Development Residential Permitted Use Standards (PUD-R). In Planned Unit Development - Residential the following uses may be permitted:
(1) One-family dwelling, two-family dwelling.
(2) Multiple family dwelling.
(3) Professional residence - office.
(4) Religious institution.
(5) School.
(6) Community center.
(7) Membership clubhouse.
(8) Public outdoor recreation.
(9) Accessory uses.
(10) Parking.
(11) Other uses approved by the Planning Commission.

(h) Planned Unit Development, Business and Commercial Permitted Use Standards (PUD-C). In Planned Unit Development - Commercial, the following uses may be permitted:
(1) PSO.
(2) C-1.
(3) C-2.
(4) Religious institutions.
(5) Community centers.
(6) Indoor recreation.
(7) Personal services.
(8) Enclosed accessory uses.
(9) Parking.
(10) Other uses approved by the Planning Commission.

(i) Planned Unit Development Industrial Permitted Use Standards (PUD-I). In Planned Unit Development - Industrial, the following uses may be permitted:
(1) IND-1.
(2) IND-2.
(3) Public utilities.
(4) Gasoline station.
(5) Enclosed service and repair.
(6) Trucking and freight terminal.
(7) Garage.
(8) Enclosed accessory uses.
(9) Parking.
(10) Other uses approved by the Planning Commission.

TABLE 1135.14-III AREA, YARD, COVERAGE AND SUPPLEMENTARY REGULATIONS

PUD Type	District (acres)	Area		Yard (feet)						Off-Street Parking	Maximum Building	
		Per Unit *(3)		Front		Side	Rear	District Next to				
		Land *(1) (square feet)	Building Floor Area (square feet)	Private Street	Public Street	*(4) (feet)	(feet)	Res.	Non Res.		Coverage (percent)	Height (feet)
PUD-R Single Family	AS APPROVED BY COUNCIL AND SHOWN ON THE DEVELOPMENT PLAN											
*(2) Two Family	SAME AS REQUIREMENTS OF D-1 ZONING SECTION 1135.10											
Multi-Family	SAME AS REQUIREMENTS OF A-1 ZONING SECTION 1135.10											
Other uses		-------	-------	30	40	10	25	25	30	Section 1135.12	40	35
PUD-C		--------	--------	30	40	10	6	30	20	Section 1135.12	See 1135.12	35
PUD-I		20,000	--------	30	40	25	25	100	25	Section 1135.12	See 1135.12	35

*NOTES:
1. Land per unit pertains to only the land associated with the particular units. Land used in common by the development is excluded.
2. The term unit in the residential uses shall mean family.
3. Side yard distances are measured to the line designating the land to be associated with that building. In all cases the building shall be designed so that no single or two-family building is closer than 12 feet to another building and no multi-family or other type building is closer than 20 feet to another building.

(Ord. C-94-87. Passed 12-7-87; Ord. C72-03. Passed 8-18-03.)

1135.15 A-2 TOWNHOUSE AND ZERO LOT LINE DISTRICTS.

(a) Purpose. The purpose of this district is to provide areas for the development of moderate to high density residential uses and structures in moderately spacious surroundings.

It is the intent of this section that these districts be located in the suburban and intermediate portion of the City where a protected environment suitable for moderate density residential use can be provided, as well as in established moderate density residential areas as a means to ensure their continuance. However, the use of this district is appropriate on a smaller scale in the suburban portions of the City as a transitional or buffer zone between low density residential districts or major transportation arteries, or other uses that are not compatible with a low density residential environment.

In fulfilling the purpose of this district, the townhouse concept may be used which permits the construction of single family immediately adjacent to one another without side yards between the individual units and which units shall be structurally connected to at least one additional unit.

(b) Permitted Use. In an A-2 District, no building or land shall be used or changed in use, and no building shall be hereafter located, erected or structurally altered, unless otherwise provided in this chapter, except for the following use:

(1) Townhouse dwelling. "Dwelling townhouse" means a residential unit attached to one or more residential units by a common wall located on its own lot and designed for or occupied by one family only.

(2) Conditional use. The use permitted under this section shall be permitted as a conditional use in the A-1 Districts if it is approved by the Planning Commission and subject to such conditions, restrictions and safeguards as may be deemed necessary by the Commission. If approved by the Commission, the standards of this district shall apply.

(c) Prohibited Uses. No business, profession or occupation shall be permitted in an A-2 District.

(d) Building Height. In an A-2 District, no building shall exceed two and one-half stories or thirty-five feet in height.

(e) Lot Area.

(1) In an A-2 Townhouse development, each unit lot shall have a minimum of 2,000 square feet and width of not less than twenty feet.

(2) Where a townhouse structure is located on an end lot, the lot width shall not be less than twenty-six feet.

(3) Where a townhouse structure is located on a corner lot, the lot width shall not be less than fifty feet.

(4) All townhouse lots shall have a minimum of twenty feet frontage at the building line.

(5) There shall not be erected more than twelve units per acre.

(f) Yards. In an A-2 District, garages shall be permitted in the front of the unit on minor streets only. There shall be a twenty-six foot setback from the right-of-way line.

There shall be a thirty foot building setback from right-of-way line of collector streets.

On minor streets where head-in parking is provided, the building setback shall be forty-six feet from right-of-way.

There shall be no side yard for a townhouse structure except if the structure is an end unit, the side yard shall not be less than six feet.

Each lot shall have a minimum of twenty feet rear yard. The rear yard shall not be used for parking and storage purposes.

(g) Rear Yard Parking. In an A-2 District where an applicant desires to locate parking in the rear yard of the structure, the following conditions shall apply:

(1) A minimum area between parking and townhouse of twenty feet to be used as a yard unless parking is covered and attached whereby no rear yard is required.

(2) A public access street or private drive is needed to provide flow to and from parking areas as follows:

A. Public. Twenty feet right-of-way with sixteen feet of pavement. "V" Section of pavement shall be permitted. The access street need not be curbed.

B. Private Access Street. To have a pavement width suitable to carry the flow of traffic. Subject to review of the Planning Commission.

(h) Lot Coverage. The total shall not exceed sixty percent (60%) coverage by all structures of total lot area.

(1) A maximum of six living units shall be allowed in each row of townhouses. When an end unit does not side on a street, an open space of at least twenty feet in width shall be provided between it and an end unit of the adjacent row of townhouses.

(2) Townhouses shall be constructed on side lot lines without side yard and no windows, doors or other opening shall face a side lot line except that outside wall of end units may contain such openings.

(3) Every two units shall change setback a minimum of four feet. The purpose of this is to eliminate the box appearance that could develop with a straight-line building.

(i) Streets.

(1) A collector street connecting with an existing collector or arterial street shall have a fifty foot right-of-way with thirty-two feet of pavement. On a collector street, parking shall be permitted in the rear only. A thirty foot setback shall be required with no head-in parking permitted.

(2) A minor street shall have thirty feet of right of way with twenty-six foot of pavement. Ten foot easements for public walks and utilities shall be required on each side of a minor street.

(3) All minor streets ending in a cul-de-sac shall not exceed a maximum length of 300 feet. Cul-de-sacs shall be constructed as per Chapter 1103 of the Codified Ordinances with a forty-two foot right-of-way and forty foot of pavement.

(4) All streets and curbs shall meet the construction requirements of Part Eleven of the Codified Ordinances.
(5) No minor street shall end as a dead-end street.

(j) Parking. In an A-2 District, the applicant shall have the option of locating the parking in the front or rear of each row of townhouses. The location of the parking shall not vary within a row of townhouses.

In an A-2 District, the parking requirements are as follows:

(1) The minimum space size shall be ten feet by twenty feet.
(2) There shall be a minimum of two spaces per unit and a maximum of one-half space per unit for visitor parking.
(3) All parking on public streets shall be curbed.
(4) There shall be no head-in parking on a collector street.
(5) All parking spaces shall have a surface of concrete or asphalt.
(6) All parking spaces shall be clearly addressed or marked for unit intended. Visitor parking spaces shall be clearly marked.

(k) Sidewalks. In an A-2 District, the parking requirements are as follows: Sidewalks shall be installed as per Chapter 1103 of the Codified Ordinances on collector streets. On minor streets, sidewalks shall commence three feet from rear of curb and shall have a minimum width of four feet on a minor street with head-in parking. No sidewalk shall cross more than three parking spaces. Parking areas with more than three parking spaces shall have sidewalk constructed around the parking area. Where sidewalk abuts or is adjacent to parking area, the width shall be five feet.

(l) Floor Area Requirements for A-2 Districts. The floor area per family in each dwelling erected on any lot shall not be less than that established by the following table. In determining floor area, only area used for living quarters shall be counted. Garages, carports, porches, laundry area and basement are to be excluded.

	Two Bedroom One Story	One Bedroom One Story	Two Bedroom Unit Two-Story or Bi-Level	Three Bedroom Two-Story or Bi-Level
Square Feet	700	700	1,000	1,200

(m) Firewall. Each common wall between units shall consist of a minimum of eight inches thick masonry construction from foundation to or through roof and in compliance with OBBC Section 907.7.

Every two units shall have a firewall which extends two feet eight inches above the roof surface. (Ord. C50-81. Passed 9-8-81.)

1135.16 RURAL DISTRICT.

This zoning district is intended to allow the establishment of agricultural operation of property and structures within the corporation limits and future annexed property until such time as the land is rezoned for another use.

The use of land and structures with the Rural District shall conform to the following requirements:

(a) Agricultural uses within this district shall include farming, dairying, pasturage, horticulture, viticulture, animal and poultry husbandry, provided that such operation does not create unsanitary conditions, health or safety hazard or offensive noise and odors.

(b) Existing dwelling structures may be used for housing the owner or tenants provided that the structures meet the requirements of Title 13 of the Codified Ordinances of the City.

(c) New buildings to be used for agriculture purposes shall not be constructed until all appropriate permits have been attained.

(d) Existing buildings that have or are being used for agricultural purposes may continue to be used for such purposes.

(e) New buildings to be used for other than agriculture purposes, including dwelling units, shall be required to be rezoned to the appropriate classification and comply to all requirements of the Codified Ordinances of the City.

(Ord. C39-84. Passed 7-2-84.)

1135.99 PENALTY.

(EDITOR'S NOTE: See Section 1131.99 for general Zoning Code penalty.)

CHAPTER 1136
Landscaping

1136.01 Findings.
1136.02 Purposes.
1136.03 Intent; application of chapter.
1136.04 Definitions.
1136.05 Minimum landscape requirements.
1136.06 Standards for vehicular use areas.
1136.07 Landscape buffer relating to uncomplimentary land uses and zones.
1136.08 Screening of service structures.
1136.09 Other planting requirements.
1136.10 Preservation of trees and wooded areas.
1136.11 Grass and groundcover.
1136.12 Plant material specifications.
1136.13 Maintenance standards.
1136.14 Trees in public streets.
1136.15 Prohibited plantings.
1136.16 Notice to remove tree; noncompliance; costs.
1136.17 Removals of public property by City.
1136.18 Service Director's control, authority and enforcement.
1136.19 Appeals.
1136.20 Landscaping inspection fee.
1136.99 Penalty.

CROSS REFERENCES
Historical area compliance - see P.& Z. 1135.09(b)(14)C.

1136.01 FINDINGS.

Council hereby finds that changes in land use and zoning classification resulting from the sprawl of urbanization have often necessitated the removal of trees and other valuable natural resources and often have the effect of degrading the appearance, character and value of existing land use patterns within and surrounding the City.
(Ord. C11-96. Passed 2-20-96.)

1136.02 PURPOSES.

The purposes of this chapter are to protect and promote the public health, safety and general welfare by fully utilizing the benefits of landscaping in new development to ensure that the local stock of native trees is replenished; to contribute to the process of air purification, oxygen regeneration, ground water recharge and storm water run-off retardation, while at the same time aiding in noise, glare and heat abatement; to buffer uncomplimentary and often incompatible land uses by providing a transitional interface; to assist in controlling traffic to and from, as well as within, off-street parking facilities by limiting the internal movement of vehicles and pedestrians to designated traffic configurations; to relieve the blighted appearance of parking lots; to lessen the impact of structures, and to otherwise facilitate the creation of a pleasant environment.
(Ord. C6-86. Passed 3-3-86; C58-97. Passed 11-17-97.)

1136.03 INTENT; APPLICATION OF CHAPTER.

(a) The intent of this chapter is to:

(1) Encourage landscape development in publicly and privately developed land use areas, except agricultural zones;

(2) Foster a community-wide reforestation program;

(3) Require the installation and maintenance of landscape planting areas in off-street parking facilities and other vehicular use areas;

(4) Require the installation and maintenance of landscape planting areas in uncomplimentary land uses and zones herein set forth; (Ord. C6-86. Passed 3-3-86.)

(5) Encourage the planting of the highest quality landscape materials for residential, commercial and industrial properties, public streets, public places and parks, located within the City's corporation limits. (Ord. C118-88. Passed 12-5-88.)

(6) Require the installation and maintenance of landscape planting areas adjacent to building structures.

(b) All new development, construction or reconstruction shall be in compliance with the provisions of this chapter within one calendar year from the date of completion of construction. Where a development, construction, or reconstruction project involves only a portion of the total property (i.e.: building addition) that portion will be required to comply with the provisions of this chapter. If said development, construction or reconstruction exceeds sixty percent (60%) of the assessed valuation of such structure prior to the project as shown on the most recent tax appraisal of the County Auditor then it shall be required to comply with this chapter for the entire property. Where a building permit has been issued prior to the effective date of this chapter, the provisions of this chapter shall not apply.
(Ord. C6-86. Passed 3-3-86; Ord. C56-97. Passed 11-17-97.)

(c) Where there is a change of use of an existing building with a parking area between the street and building set-back line, the property shall be required to comply with the provisions of this chapter and submit plans for review before the Planning Commission.
(Ord. C56-97. Passed 11-17-97.)

1136.04 DEFINITIONS.

As used in this chapter:

(a) "Architectural planter" means a container within which plantings may be placed to meet the requirements of this chapter.

(b) "Change of use" means a change in the primary function or use of a structure.

(c) "Compatible" means the ability of adjacent developments to coexist without conflict as determined by zoning classification and land use.

(d) "Crown spread" means the distance measured across the greatest diameter of the branch mass of a plant.

(e) "Decorative walls and fences" means barriers constructed of wood, masonry or other appropriate material.

(f) "Developed area" means that portion of a plat or parcel of land upon which a building, structure, pavement, landscape material or other improvement, excluding public rights of way, has been placed.
(g) "Drip line" means the outer perimeter of the crown spread of a plant. In the case of a narrow crown species tree, the drip line from the base of the trunk shall be 40% of the total tree height
(h) "Encroachment" means any protrusion of a vehicle outside of a parking space, display area, storage area, or access aisle into a landscaped area.
(i) "Ground cover" means natural low growing evergreen perennial plants other than lawn grass installed in such a manner so as to form a continuous cover over the ground.
(j) "Incompatible" means the inability of adjacent developments to coexist without conflict as determined by zoning classification and land use.
(k) "Landscape" means the placement of landscape material in the planting area in accordance with the requirements of this chapter.
(l) "Landscape material" means landscaping consisting of material such as, but not limited to, living trees; shrubs; vines; lawn grass; ground cover; landscape water features; and non-living durable material commonly used in landscaping, including, but not limited to, rocks, pebbles, sand, decorative walls and fences, brick pavers, sculpture and earthen mounds, but excluding pavements for vehicular use. Artificial plants are prohibited. (Ord. C6-86. Passed 3-3-86.)
(m) "Large tree class species" means trees that reach forty-five feet or better in height at maturity.
(n) "Medium tree class species" means trees that reach from twenty-five feet to forty-five feet in height at maturity.
(o) "Multiple use" means a property or structure with more than one primary function, use, and/or tenant.
(p) "Other plants" See Plant Material.
(q) "Owner" means the owner of the premises, including the holder of title thereto subject to contract of purchase, a vendor in possession, a lessee or joint lessees of the whole thereof, or an agent or any other person, firm, corporation or fiduciary directly in control of the premises.
(r) "Park" means all public parks having individual names.
(s) "Park Reserve" means a parcel of land dedicated to natural, visual, or recreational purposes.
(t) "Person" includes firms, associations and corporations and persons connected with such firms, associations and corporations.
(u) "Plant material" means living trees; shrubs; vines; lawn grass; ground covers; perennials; annuals; ornamental grasses; and herbs. All plant materials shall conform to the latest edition of the American Association of Nurserymen, Inc. "American Standard for Nursery Stock." Plants shall have passed any inspections required under State regulations.
(v) "Plant standard" means, unless otherwise provided, a plant planted to the following minimum dimensions:

(1) Deciduous trees shall be planted at least two inches (2") caliper minimum for large, medium or small tree class species. At least two inches (2") minimum caliper is required for street tree plantings, and at least 1 1/2" minimum caliper for small class species is required for residential plantings. Trees shall have a clear trunk of at least five feet (5') above ground

(2) Evergreen trees (Pine, spruce, hemlock and fir species and varieties) shall be planted at least six feet (6') in height.

(3) Evergreen shrubs for screening purposes (yew, juniper, holly, boxwood and arborvitae species and varieties) shall be planted at least three feet (3') in height.

(w) "Planting area" means any landscape area of 64 square feet or larger designed for landscape material installation.

(x) "Public street" means all the land lying within the dedicated width of all public streets, boulevards and alleys.

(y) "Retention Area" means any wet retention basin used for holding water, excluding dry detention basins.

(z) "Public places" means all other ground owned by the City.

(aa) "Shrub" means a deciduous or evergreen woody perennial plant differing from a non-woody perennial plant by its persistent woody stems and branches and differing from a tree by its low stature and habit of branching from the base.

(bb) "Single use" means a property or structure with only one primary function or use.

(cc) "Small tree" means all trees that reach a maximum height of twenty-five feet at maturity.

(dd) "Tree" means any self-supporting, deciduous or evergreen, wood plant of a species which normally grows to an overall height of at least fifteen feet and normally develops an average mature crown spread or diameter greater than fifteen feet. Deciduous tree sizes are expressed in inches of caliper, while evergreen tree sizes are expressed in feet of height.

(ee) "Tree standard" See "Plant standard".

(ff) "Urban forestry fee" means fees collected by the City for the exclusive use of purchasing, planting, replacement and maintenance of trees and administration of the urban forestry program. The fees so collected shall be deposited in the Community Environment Fund.

(gg) "Utility" means any public utility either above or below ground including sewers, drains, manholes and inlets.

(hh) "Vehicular use area" means any paved ground surface area, except public rights of way, used by any type of vehicle, whether moving or at rest, for the following purposes, among other possible purposes: driving, parking, loading, unloading, storage or display. Such areas include, but are not limited to, new and used car lots, activities of a drive-in nature in connection with banks, restaurants, filling stations and grocery and dairy stores and other open lot uses, except areas used for parking or other vehicular uses under, on, or within buildings.

(ii) "Visual screen" means a barrier, opaque of living or non-living landscape material put in place for the purpose of separating and obscuring from view those areas so screened to a defined opaqueness.

(jj) "Reconstruction" means rehabilitation or replacement of a structure on property which either has been damaged, altered or removed to an extent exceeding sixty percent (60%) of the assessed valuation of such structure as shown on the most recent tax roll of the County. (Ord. C17-99. Passed 7-6-99.)

1136.05 MINIMUM LANDSCAPE REQUIREMENTS.

(a) Unless otherwise approved by Council, this chapter defines the minimum requirements that shall be met in regard to perimeter landscaping for noncompatible land use areas, landscaping for service areas and interior landscaping for businesses, buildings, structures or other new developments of the land. A landscape plan shall be submitted with all final development plans. It is encouraged that a landscape plan be submitted with all preliminary development plans.

(b) Vehicular use areas in excess of 7,000 square feet or including more than twenty-five parking spaces shall not be constructed, enlarged or reconstructed in the City until a landscape plan has been approved by Council. The Planning Commission shall not give approval to any landscape plan submitted to them pursuant to this section unless it conforms to the requirements of this chapter, except when the strict adherence would result in an inferior plan. Acceptable adjustments may include the combining, density and/or relocation of landscape materials, parking peninsulas, islands, aisle end islands, and mounding dimensions. All decisions to combine, relocate or adjust any required items will be based on the preservation of existing landscaping and the safety and welfare of the public. Required quantities shall not be reduced except as determined by the Urban Forester. Landscape plans submitted pursuant to this chapter shall be prepared and sealed by a registered landscape architect or approved landscape designer and shall, where appropriate, be submitted as part of the site plan submittals required for a building permit pursuant to the Zoning Code. Landscape plans submitted pursuant to this chapter shall be drawn to scale, including dimensions and distances, and clearly delineate any existing and proposed parking spaces or other vehicular use areas, access aisles, driveways, lighting and their location. The plan shall clearly identify size and description of all landscaping materials including locations of existing trees.
(Ord. C11-96. Passed 2-20-96; Ord. C17-99. Passed 7-6-99; Ord. C28-01. Passed 5-21-01.)

(c) Change of Use for Single Use Structures. All existing non-complying parking areas and/or drive aisles will be required to comply with the provisions of this chapter, as outlined in 1136.06. All existing non-complying structures will be required to comply with the provisions of this chapter, as outlined in 1136.09. All existing non-complying service structures will be required to comply with the provisions of this chapter, as outlined in 1136.08. The landscape material shall be installed at the time of the change of use. Where possible, appropriate landscape setbacks shall be permanently established.
(Ord. C58-97. Passed 11-17-97.)

(d) Change of Use for Multiple Use Structures. All existing non-complying parking areas and/or drive aisles, existing non-complying structures, and existing non-complying service structures will be required to comply with the provisions of this chapter. The percent of landscape material to

be installed will be determined by the portion (percent of total structure square footage) that use or tenant occupies (i.e.: if said tenant occupies 20% of total structure, 20% of required landscape material will be installed). The landscape material shall be installed at the time of the change of use. Where possible, appropriate landscape setbacks shall be permanently established.
(Ord. C58-97. Passed 11-17-97.)

1136.06 STANDARDS FOR OFF-STREET PARKING FACILITIES.

Public and private off-street parking facilities and other vehicular use areas shall be landscaped in accordance with the following requirements.

(a) Frontage Along Public Streets.

(1) For parking lots up to 7,000 square feet and/or including less than twenty-five cars. The setback for off-street car parking facilities is determined by three development options as shown on Exhibit A-1 (Frontage Landscaping Requirements for Off-Street Surface Parking Lots). Option A requires a 10'-0" minimum parking and/or drive aisle set-back with a continuous 3'- 0" height evergreen hedge. Option B requires a 10'- 0" minimum parking and/or drive aisle set-back with a continuous 3'- 0" minimum - 5'- 0" maximum height wall constructed of like materials used on building. Option B may consist of a combination of walls and 3'- 0" height evergreen hedges. Option C requires a 20'- 0" minimum parking and/or drive aisle set-back with a continuous 3'- 0" height minimum earthen mound. In addition to these requirements of the Zoning Code, one 2" minimum caliper large or medium class tree is to be planted for each 35 feet of frontage.

(2) For parking lots exceeding 7,000 square feet or 25 cars. The setback for off-street car parking facilities is determined by three development options as shown on Exhibit A-2 (Frontage Landscaping Requirements for Off-Street Surface Parking Lots). Option A requires a 15'- 0" minimum parking and/or drive aisle set-back with a continuous 3'- 0" height evergreen hedge. Option B requires a 15'- 0" minimum parking and/or drive aisle set-back with a continuous 3'- 0" minimum to 5'- 0" maximum height wall constructed of like materials used on building. Option B may consist of a combination of walls and 3'- 0" height evergreen hedges. Option C requires a 25'- 0" minimum parking and/or drive aisle set-back with a continuous 3'- 0" height minimum earthen mound. In addition to these requirements of the Zoning Code, one 2" minimum caliper large or medium class tree is to be planted for each 35 feet of frontage. The developer is encouraged to consider including additional planting beds containing annual and/or perennial flowers to increase the aesthetic appeal of the frontage landscape requirements.
(Ord. C17-99. Passed 7-6-99.)

(3) For Truck Vehicular Use Areas and Parking. The setback for off-street truck parking facilities is as shown on Exhibit A-3 (Frontage Requirement for Off-Street Surface Parking Lots). Truck parking, loading areas and drive aisles require a 45'- 0" minimum parking and/or drive aisle set-back with a continuous 6'- 0" height minimum earthen mound. In conjunction with this requirement three staggered rows of 6'- 0" height minimum evergreen trees at 20'- 0" maximum spacing and one 2"caliper minimum small class tree per each 40 lineal feet of frontage are to be planted.
(Ord. C17-99. Passed 7-6-99.)

(b) Rear and Side Yards Adjacent Compatible Use Districts. The setback shall be 10'-0" minimum for car parking and/or drive aisles and 20'-0" minimum for truck parking and/or drive aisles, as shown in Exhibit B-1. In addition to these requirements of the Zoning Code, one 2" minimum caliper large or medium class tree and two 18" height deciduous shrubs are to be planted for each 40 lineal feet of property line for all vehicular use areas. If evergreen trees are preferred in lieu of large or medium class trees, the evergreen trees are to be 6'- 0" minimum height and one tree is to be planted for each 20 lineal feet of property line and two 18" height deciduous shrubs are to be planted for each 40 lineal feet of property line for all vehicular use areas. Truck vehicular use areas are to have a 6'- 0" height minimum evergreen tree planted for every 20 lineal feet of property line and two 18" height deciduous shrubs are to be planted for each 40 lineal feet of property line for all vehicular use areas.

(c) Rear and Side Yards Adjacent Incompatible Use Districts. The setback for off-street car and truck parking facilities is determined by two development options for cars and a specific requirement for trucks as shown in Exhibit B-2 (Side and Rear Yard Landscaping Requirement for Off-Street Parking Lots). Option A for cars requires a 20'- 0" minimum parking and/or drive aisle set-back with either a continuous 6'- 0" height wall or solid fence or a 90% opaque 5'-0" height evergreen screen, or a combination thereof. Determination as to which option would be required shall be made by the Urban Forester based on proposed development of parking area in relation to location (i.e. corner lots), street visibility, etc. In addition to the wall or fence, one 2" minimum caliper small class tree, two 6'-0" height evergreen trees, and two 18" height deciduous shrubs are to be planted per each 40 lineal feet of property line. In addition to the evergreen screen, four 18" height deciduous shrubs are to be planted per each 40 lineal feet of property line. The developer is encouraged to consider including additional planting beds containing annual and/or perennial flowers to increase the aesthetic appeal of the parking side of the screen. Option B for cars requires a 30'- 0" minimum parking and/or drive aisle setback with a continuous 4'- 0" height minimum earthen mound. In addition to the mounding requirement a double staggered row of 6'- 0" height minimum evergreen trees at 20'- 0" maximum spacing and one 2" caliper minimum small class tree and two 18" height deciduous shrubs per each 40 lineal feet of property line are to be planted. Truck vehicular areas require a 45'- 0" minimum parking and/or drive aisle set-back with a continuous 6'-0" height minimum earthen mound. In addition to the mounding requirement three staggered rows of 6'- 0" height minimum evergreen trees at 20'- 0" maximum spacing and one 2" caliper minimum small class tree and two 18" height deciduous shrubs per each 40 lineal feet of property line are to be planted. (Ord. C17-99. Passed 7-6-99.)

(d) Interior Vehicular Use Areas. Within interior vehicular use areas peninsulas, islands, aisle end islands, and planting areas are to be constructed for landscape plantings as shown on Exhibit C (Interior Landscaping Requirements for Off-Street Surface Parking Lots). Each peninsula, island, aisle end island, or planting area is to contain at least one, 2" minimum caliper large or medium class tree. Islands, peninsulas, aisle end islands, and planting areas are to be located as follows: between twenty-five (25) and forty-two (42) spaces, one (1) island required; between forty-three (43) and sixty (60), two (2) islands required; beginning

with sixty-one (61), one island shall be added for each additional fifteen (15) spaces. Where islands are required, there shall be a maximum of 21 consecutive spaces. Parking aisles shall be defined as a row of parking spaces beginning and ending with either a peninsula, isle end island, planting area, or a drive aisle. All parking aisles, of seven (7) spaces or less, may be terminated with a drive isle, unless its end is adjacent to a curb cut. Peninsulas, islands, and aisle end islands are to be minimum sizes of eight feet (8') in width and thirty-six feet (36') in length, or eight feet (8') in width and eighteen feet (18') in length, as shown on Exhibit C. Planting areas, peninsulas, islands and aisle end islands which may include lighting fixtures are to be constructed to accommodate landscaping requirements.
(Ord. C58-98. Passed 11-17-98; Ord. C17-99. Passed 7-6-99; Ord. C25-00. Passed 8-21-00.)

(1) In order that there shall be safe access to parking spaces, eight feet (8') landscaped strips shall be arranged so as to divide parking corridors and to limit "cross taxing" through open parking spaces. (Ord. C58-98. Passed 11-17-97.)
(2) To minimize traffic hazards, when an access way intersects a public right of way or when the property abuts the intersection of two or more rights of way, all landscaping shall provide unobstructed cross visibility at a level between three feet and six feet. Landscaping, other than grass or ground cover, shall not be located closer than five feet from the edge of the access way pavement.
(3) Grass or other ground cover shall be planted on all portions of the interior planting area not occupied by other landscape material.
(4) The minimum distance from a tree to a vehicular use area shall be four feet measured from the face of the tree. Vehicles may overhang a landscaped area not more than two and one-half feet when parked head-in to a landscaped area in a marked parking space. (Ord. C11-96. Passed 2-20-96; Ord. C17-99. Passed 7-6-99; Ord. C28-01. Passed 5-7-01.)

1136.07 LANDSCAPE BUFFER RELATING TO UNCOMPLIMENTARY LAND USES AND ZONES.

Where it is determined that as a result of new developments, construction or reconstruction, uncomplimentary or incompatible land uses or zones are created, a continuous 80% opaque landscape hedge, solid fence, wall or earthen mound visual screen, in addition to screening of vehicular use are provisions, shall be required. The determination of uncomplimentary or incompatible land uses or zones will be made using zoning classifications and land uses. Exhibit 'D' defines compatibility based on zoning classifications. The Planning Commission will make the determination based on land uses.
(Ord. C11-96. Passed 2-20-96; Ord. C58-97. Passed 11-17-97; Ord. C17-99. Passed 7-6-99.)

1136.08 SCREENING OF SERVICE STRUCTURES.

Service structures, including, but not limited to, propane tanks, trash dumpsters, electrical transformers, air conditioners/cooling towers, heat pumps, utility vaults which extend above grade, and other equipment or elements providing service to a building or site, are to be screened in all

zoning districts. A continuous 100% opaque landscape hedge, solid fence, wall, or earthen mound is required to enclose any service structure on all exposed sides. If such structure is frequently moved (i.e.: trash dumpster) ~~all but one side is required to be screened~~. Screening shall be one foot (1'- 0") higher than service structure but shall not be required to exceed 8'- 0" in height (6'- 0" height for walls and fences.). If walls or fences are used, supplemental landscaping will be required. Provide 36" height minimum plantings at 5'- 0" maximum spacing around the enclosed portion of the perimeter screen. Curbing and/or bollards are to be installed around any trash disposal or waste collection unit a minimum of 2'- 0" within the screening material to prevent damage to the screening when the container is moved or emptied. Electric and gas service shut-off locations shall be landscaped on the sides only to permit quick identification and access by emergency personnel. (Ord. C11-96. Passed 2-20-96; Ord. C17-99. Passed 7-6-99.) C-86-06

1136.09 OTHER PLANTING REQUIREMENTS.

(a) Planting Requirements for All New Developments. These requirements are in addition to the requirements for vehicular use areas.

(1) Residential and PUD Districts. There shall be a minimum of three trees planted per single family residence, doubles, twins or duplexes. Multi-family structures are to include two trees per dwelling unit. Trees may be either small, medium, ~~or large class~~ species. ~~Large~~, medium, or small species trees shall be 2" minimum caliper. Trees are to be arranged within the front, side or rear yard areas with emphasis on the front facades. In addition a minimum of one-third (1/3) of the facade (or facades in the case of corner lots) fronting the street or vehicular use area is to be landscaped adjacent to the foundation with a minimum of five (5) shrubs, ground cover or other ornamental plantings. The average initial height of these plantings is to be 24" minimum. All residential subdivisions containing at least fifty lots or five acres (whichever is less), apartment complexes over sixteen units and condominium complexes over sixteen units, shall construct prominent entry features of at least 500 square feet at all major points of ingress and egress to such subdivisions and complexes. Entry features shall consist of landscaping or a combination of landscaping and hardscape materials. Lighting and irrigation should be included. All residentially zoned developments with side or rear property lines adjacent to primary or secondary roadways shall construct a landscape buffer consisting of a 30'-0" setback with a continuous 4'-0" height minimum earthen mound. In addition to the mounding requirement a double staggered row of 6'-0" height minimum evergreen trees at 20'-0" maximum spacing and one 2" caliper minimum small class tree and two 18" height deciduous shrubs per each 40 lineal feet of property line are to be planted. Combining tree planting areas to achieve overall compliance is acceptable. However, in no event is a tree planting area to exceed 100'-0". (Ord. C28-01. Passed 5-21-01.) C-57-06, 9/5/06.

(2) Retail Commercial and Shopping Center Use Districts. There shall be a tree planted in a landscaped area for every 50 lineal feet of building perimeter or fraction thereof. Such landscaped areas shall be adjacent to the building, 64 square feet minimum in size, and shall contain a small, medium, or large class species tree in a planting bed, architectural

planter, tree grate or on an earthen mound. Large, medium or small species trees shall be 2" minimum caliper. If tree grates or architectural planters are used, the minimum landscape area may be reduced to 36 square feet. Benches, or other appropriate landscape materials designed and located in a manner complimentary to the overall architecture of the surrounding buildings are encouraged. The intent of this regulation is to encourage an equally spaced landscape envelope around the perimeter of the building. Combining of tree planting areas to achieve overall compliance is acceptable. However, in no event is a tree planting area to exceed 100' - 0". Shrubs, groundcover or other ornamental plantings may be substituted for up to 30% of deciduous tree requirement. These landscaped areas are to be constructed adjacent to the building and be a minimum of 20 square feet per tree converted to shrubs, groundcover or other ornamental plantings. The average initial height of these plantings is to be 24" minimum at 5'-0" maximum spacing. Freestanding signs and flagpoles are to be set in landscaped areas. These landscaped areas are to be a minimum two feet (2') larger than the foundation of the free standing signs or flagpoles on all sides and are to be landscaped on all sides with permanent shrubs, groundcover or other ornamental plantings. Annuals and perennials are permitted in combination with permanent plant materials. The average initial height of the plantings is to be 24" minimum. (Ord. C58-97. Passed 11-17-97; Ord. C17-99. Passed 7-6-99.) C-86-06

(3) Professional Services, Medical, Educational, Service, and Miscellaneous Use Districts. There shall be a tree planted for every 40 lineal feet of building perimeter or fraction thereof. Trees may be either small, medium, or large class species. Large, medium or small species trees shall be 2" minimum caliper. 6'- 0" minimum height evergreen trees may be substituted for up to 30% of deciduous tree requirement. Trees are to be arranged around all sides of the building within 64 square feet minimum of lawn or landscaped areas. In addition a minimum of 40 square feet of landscaped area shall be required for each 50 lineal feet of building perimeter or fraction thereof. These landscaped areas are to be constructed adjacent to the building and are to contain shrubs, ground cover, or other ornamental plantings. The average initial height of these plantings is to be 24" minimum at 5'-0" maximum spacing. The intent of this regulation is to encourage overall uniform landscaping treatment around the perimeter of the building. Combining of these planting areas to achieve compliance is acceptable providing that consideration is given to all facades. Free standing signs and flagpoles are to be set in landscaped areas. These landscaped areas are to be a minimum two feet (2') larger than the foundation of the free standing signs or flagpoles on all sides and are to be landscaped on all sides with permanent shrubs, groundcover or other ornamental plantings. Annuals and perennials are permitted in combination with permanent plant materials. The average initial height of the plantings is to be 24" minimum. (Ord. C58-97. Passed 11-17-97; Ord. C17-99. Passed 7-6-99.)

(4) Light and Heavy Industry Districts. There shall be a tree planted for every sixty (60) lineal feet of building perimeter or fraction thereof. Trees may be either small, medium, or large class species. Large, medium or small species trees shall be two inches (2") minimum caliper. Six foot (6') minimum height evergreen trees may be substituted for up to thirty percent (30%) of deciduous tree requirement. Trees are to be arranged around all sides of the building within sixty-four (64) square feet minimum of lawn or landscaped areas. In addition, a minimum of twenty (20) square feet of landscaped area shall be required for each fifty (50) lineal feet of building perimeter. These landscaped areas are to be constructed adjacent to the building and are to contain shrubs, ground cover, or other ornamental plantings. The average initial height of these plantings is to be twenty-four inches (24") minimum at five foot (5') maximum spacing. The intent of this regulation is to encourage overall landscaping treatment around the perimeter of the building. Combining of these planting areas to achieve compliance is acceptable providing that consideration is given to at least three visually prominent facades. Freestanding signs and flagpoles are to be set in landscaped areas. These landscaped areas are to be a minimum two feet (2') larger than the foundation of the free standing signs or flagpoles on all sides and are to be landscaped on all sides with permanent shrubs, groundcover or other ornamental plantings. Annuals and perennials are permitted in combination with permanent plant materials. The average initial height of the plantings is to be twenty-four inches (24") minimum. (Ord. C58-97. Passed 11-17-97; Ord. C17-99. Passed 7-6-99.)

(b) Street Tree Requirements. Upon the application of a building permit for the construction of a new building or structure, the owner, builder, or developer of such building or structure shall pay an urban forestry fee, the sum of four hundred fifty dollars ($450) per lot, to the City's Community Environment Fund. Except that for all newly platted public streets after May 31, 2005, the owner, builder or developer shall pay an urban forestry fee in the sum of six dollars ($6) per lineal foot of curb/street pavement frontage for the entire plat, to the City's Community Environment Fund. The Urban Forestry Fee shall be paid at the time of final plat approval or development plan approval prior to the start of construction. Any undeveloped street or existing street with undeveloped frontage shall conform to these requirements at the time of the development. The Service Director, his or her designee or the Urban Forester, will cause to be purchased and planted from said deposit, all required street trees and assume full responsibility for care, replacement, and maintenance, as defined by the following conditions:
(Ord. C35-05. Passed 4-18-05; Ord. C106-05. Passed 11-7-05.)

(1) Trees noted under Section 1136.15 Prohibited Plantings, are not to be used on city owned public property. City owned public property shall include all public rights of way, streets, alleys, parks, or other property owned by the Municipality.
(2) The maximum spacing between trees shall be fifty feet for large class trees, forty feet for medium class trees, and thirty feet for small class trees.
(3) The minimum distance between the tree and the back of street curb shall be two and one-half feet. In areas where a sidewalk exists or is proposed, the minimum distance between the tree trunk and both the edge of the street and the sidewalks shall be two feet.
(4) The tree location shall be at least fifty five (55) lineal feet from street intersections and ten (10) lineal feet from fire hydrants or all utilities and twenty (20) lineal feet from all street lights or utility poles and fifteen (15) lineal feet from all handicap ramps.
(5) A small class tree shall be used when planting under or within ten lateral feet of overhead utility wires. A small class or medium class tree shall be used when planting within ten to twenty lateral feet of overhead utility wires.
(6) Trees should be of the same genus and species matched in form and size and planted continuously down each street. Consideration should be given to introducing other tree genus and species for each proposed street or cul-de-sac.
(7) The minimum trunk caliper measured at six inches above the rootball for all street trees shall be no less than two (2) inches.
(Ord. C11-96. Passed 2-20-96; Ord. C58-97. Passed 11-17-97; Ord. C113-04. Passed 12-20-04.)

(c) Retention Area Requirements. It shall be required that all subdividers or developers plant trees adjacent to retention areas of their developments in such a manner, type quantity, and location as recommended by the Service Director, his designee or Urban Forester and recommended by the Planning Commission and as defined by the following conditions:
(1) There shall be a tree planted in a landscape area for every 50 lineal feet of retention area perimeter or fraction thereof;
(2) Trees shall be planted adjacent to the retention area, but no closer than 20 feet from the bank;
(3) Trees may be either medium or large class species trees. Trees shall be 2" minimum caliper. Six feet (6') minimum height evergreen trees may be substituted for up to 50% of deciduous tree requirement. (Ord. C58-97. Passed 11-17-97.)

(d) Added C-57-06, 9/5/06

1136.10 PRESERVATION OF TREES AND WOODED AREAS.

(a) All trees having a trunk diameter of six inches or greater as measured twenty-four inches from ground level (one hundred percent (100%) ground area must be maintained within the drip line) shall be preserved with fencing prior to construction and/or destruction. Signage shall be secured to the fencing every twenty feet (20'), shall be a minimum size of eight and one half inches (8-1/2") by eleven inches (11") and shall include readable text stating "Preservation area, no construction or encroachment permitted under Section 1136, city of Grove City". A site inspection shall be performed by the Service Director or his designee, prior to any construction and/or destruction, to evaluate existing trees and those scheduled for removal. A development plan and/or construction

plan shall be provided to the Service Director, His designee or the Urban Forester propr to the said site inspection. All actual locations of all rights of way, easements, proposed structures, driveway access, parking and/or service areas shall be plainly marked with staking prior to said site inspection. All trees scheduled for removal shall be marked by the Service Director, his designee or the Urban Forester with the following exceptions:

(1) Trees within public rights of way or utility easements, or a temporary construction easement as approved by the Service Director.
(2) Trees within the ground coverage of proposed structures or within fifteen feet from the perimeter of such structures.
(3) Trees within the driveway access to parking or service areas or proposed driveway to service a single-family home.
(4) Trees within proposed parking lots. Efforts shall be taken to locate and protect said trees in planting areas and islands.
(5) Trees that, in the judgment of the Service Director, his designee or the Urban Forester, are damaged, diseased, over-mature, which interfere with utility lines or are an inappropriate or undesirable species for that specific location.

It is encouraged that exempted trees subject to destruction be preserved by relocation and replanting of such trees on a lot or that new trees (two inch caliper - deciduous; six foot high - evergreen) of the same species, or of a species approved by the Service Director, his designee or the Urban Forester, be planted on a lot or approved location in lieu of such trees. (Ord. C17-99. Passed 7-6-99.)

(b) Preservation of Wooded Areas. It is encouraged that efforts be made to preserve natural vegetation areas. Consideration shall be given to laying out streets, lots, structures and parking areas to avoid the unnecessary destruction of heavily wooded areas or outstanding tree specimens. It is further encouraged that whenever possible, heavily wooded areas be designated as park reserves. As part of the site inspection, all designated reserves which contain trees shall be temporarily marked and protected from construction and traffic damage with fencing and signage until all construction and/or destruction in the immediate area is complete. Signage shall be secured to the fencing every twenty feet (20'), shall be a minimum size of eight and one half inches (8-1/2") by eleven inches (11") and shall include readable text stating "Preservation area, no construction or encroachment permitted under Section 1136, City of Grove City".
(Ord. C58-97. Passed 11-17-97.)

(c) All preliminary and/or final development plans, when submitted, shall show existing individual trees of six inches diameter at breast height (DBH) or larger with all proposed streets, lots, structures, utilities, and parking areas. Prior to the removal of any trees, a site inspection by the Service Director, his designee or the Urban Forester, shall be performed. This inspection shall mark those trees permitted for removal, the delineation of areas to be preserved and any other construction restrictions. The removal of any trees and/or shrubs is prohibited until said site inspection is completed. (Ord. C58-97. Passed 11-17-97.)

(d) Prior to the issuance of a "new" building permit, a site inspection, marking of trees permitted for removal and any other construction restrictions, shall be performed by the Service Director his designee or the Urban Forester, in cooperation with the builder. The removal of any trees and/or shrubs is prohibited until said site inspection is completed. (Ord. C21-97. Passed 4-21-97; Ord. C58-97. Passed 11-17-97.)

(e) Credit for Preserving Existing Woods. In perimeter and interior use areas where Council has determined that the strict application of this section would require the removal of trees to plant the required landscaping, such required landscaping may be omitted. Preserved woods deemed eligible for credit shall be healthy and of such quality as is acceptable to the Service Director, his designee, or the Urban Forester. In order to maintain the trees within the woods, one hundred percent (100%) of the ground area under and within the drip line of the trees shall be protected from construction damage with fencing and signage, undisturbed (except for removal of trash) and preserved in it's natural state. Signage shall be secured to the fencing every twenty feet (20'), shall be a minimum size of eight and one half inches (8'1/2") by eleven inches (11") and shall include readable test stating "Preservation area, no construction or encroachment permitted under Section 1136, City of Grove City". (Ord. C58-97. Passed 11-17-97.)

1136.11 GRASS AND GROUNDCOVER.

Sod and/or seed shall be placed upon the ground in all barren areas to cover the front yard, side yards and rear yard for all new developments with the exception of single family lots. Single family lots shall be sodded to cover the front yard, side yards, and ten feet of rear yard. The sod or seed shall be a species normally grown as permanent lawn in central Ohio. Sod shall be laid solid. Seed shall be spread evenly and covered with a protective covering of wood cellulose hydro-mulch, or straw. Sod or Seeded areas shall be properly maintained to establish a dense turf, free of noxious pests, weeds and disease. All dead sod or seeded areas shall be replaced, at the earliest planting season, and properly watered and maintained to establish a dense turf, free of noxious pests and disease. For steep banks or areas where groundcover is preferred, groundcover maybe used in lieu of grass. Groundcovers shall be planted at a consistent spacing to achieve a finished well developed appearance within two growing seasons.
(Ord. C11-96. Passed 2-20-96; Ord. C58-97. Passed 11-17-97.)

1136.12 PLANT MATERIAL SPECIFICATIONS.

Plants Including Large and Medium Species Trees, Small Species Trees, Evergreens. Trees, evergreens and evergreen shrubs shall meet the minimum "plant standard" immediately after planting. Tree planting areas for interior landscaping of off-street parking lots shall be as shown on Exhibit C. All other planting areas shall be the minimum standard as indicated within this chapter. Areas indicated as landscape areas are to be maintained with plant material or porous landscape material surface cover. Tree species shall be of varieties normally grown in Ohio and suitable for USDA Zones 4 and/or 5.
(Ord. C11-96. Passed 2-20-96.)

1136.13 MAINTENANCE STANDARDS.

All required plant material, grass, as well as nonliving structural elements, shall be replaced when necessary and maintained in a good and healthy condition based upon the judgment of the Service Director, his designee or the Urban Forester. (Ord. C58-97. Passed 11-17-97.)

(a) Replacement. Dead plant material shall be replaced in accordance with the specifications detailed herein and within a time period appropriate to the growing season of the species in question, not exceeding the calendar year.

(b) Protection. All required landscape areas shall be protected from unpermitted vehicular encroachment by the use of wheel stops, curbing or other suitable methods.

(c) Use. No required landscape area shall be used for parking, except for encroachments as provided herein, accessory structures, garbage or trash collection or any other functional use contrary to the intent and purpose of this chapter.
(Ord. C11-96. Passed 2-20-96.)

1136.14 TREES ADJACENT TO PUBLIC STREETS OR WITHIN PUBLIC RIGHTS OF WAY.

(a) Any property owner may plant or cause to be planted within the public street adjacent to the property they own those trees of 2" caliper or greater that have been approved or recommended by the Service Director, his designee or the Urban Forester. All trees shall be planted so as not to interfere with sight distances at intersections, the maintenance or operation of utilities and the paved street surfaces.

(b) All trees planted within the public street, whether or not they are on the recommended and approved tree list of the Service Director, his designee or the Urban Forester, shall be subject to pruning and removal when it is determined by the Service Director, his designee, the Urban Forester or Director of Public Safety that trees constitute a health or safety hazard or when they have become unsightly, diseased or dead.

(1) Tree topping. No person shall, as a normal practice, top any tree within the public rights-of-way. Topping is defined as the severe cutting back of limbs to stubs larger than three inches in diameter within the tree's crown to such a degree so as to remove the normal canopy and disfigure the tree.

(2) Height of limbs over sidewalks and streets. Tree limbs extending over a sidewalk shall be trimmed to such an extent that no portion of the same shall be less than ~~seven~~ nine feet above the sidewalks. Tree limbs extending over the streets shall be trimmed to such an extent that no portion of the same shall interfere with the normal flow of traffic. C-57-11

(3) Abuse or mutilation of public trees.

A. Unless specifically authorized by the Service Director, his designee or the Urban Forester, no person shall intentionally damage, cut, carve, transplant, or remove any tree or shrub; attach any rope, wire, nails, advertising posters, or other contrivance to any tree or shrub; allow any gaseous liquid, or solid substance which is harmful to such trees or shrubs to come in contact with them; or set fire or permit fire to burn when such fire or the heat thereof will injure any portion of any tree or shrub.

B. No person shall excavate any ditches, tunnels, trenches, or lay any driveway or sidewalk within the radius of ten feet from the trunk of any public tree or shrub without first obtaining written approval from the Service Director.

(4) Placing of materials on public property. No person shall deposit, place, store, or maintain upon a public place of the City, any stone, brick, sand, concrete, or other materials which may impede the free passage of water, air, and fertilizer to the roots of any tree growing therein, except by written consent of the Service Director.

(c) All species and varieties of evergreen trees and upright evergreen shrubs (which exceed 3'-0" at mature height) shall not be permitted for planting in public rights of way.
(Ord. C11-96. Passed 2-20-96; Ord. C58-97. Passed 11-17-97.)

1136.15 PROHIBITED PLANTINGS.

(a) No person shall cause to be planted any large-class species tree with 50 feet of any public utility line above or below the ground including sewers, drains, manholes and inlets. (Ord. C58-97. Passed 11-17-97.)

(b) No person shall cause to be planted any tree listed herein below on any public property or right of way in the City, except as approved by the Service Director, his or her designee or the Urban Forester:

Silver Maple (Acer Saccharinum)
Box Elder (Acer Negundo)
Horsechestnut (Aesculus Hoppocastanum)
Tree of Heaven (Ailanthus Altissina)
Birches, (Betula sp.) - except Betula nigra (River Birch Tree)
Catalpa (Catalpa speciosa) All species and varieties
Crabapple (Malus sp.) All species, except as approved by Service Director, his or her designee or the Urban Forester
Mulberry (Morus sp.) All species and varieties
American Sycamore (Plantanus occidentalis)
London Plane (Plantanus x Acerifolia)
Poplar, Aspen Cottonwood (Populus) All species and varieties
Bradford Pear (Pyrus calleryana 'Bradford')
Black Locust (Robinia pseudoacacia)
Willows, Osiers (Salix) All species and varieties
European Mountain Ash, Rowan (Sorbus aucuparia)
Siberian Elm (Ulmus pumila)

(Ord. C118-88. Passed 12-5-88; Ord. C11-96. Passed 2-20-96; Ord. C58-97. Passed 11-17-97.)

1136.16 NOTICE TO REMOVE TREE; NONCOMPLIANCE: COSTS.

(a) Notice of Removal. The Service Director, his designee or the Urban Forester shall examine all trees that appear to be within ~~50~~ 15 feet of any rights of way, easement or public utility line as described in Section 1136.14(a), and, if a tree is found to be dangerous or causing damage, he shall give to the tree owner or the person having charge and control of the tree, including an administrator or executor, written notice of his findings and request the removal of the tree by the owner or the person having charge or control of the tree within forty-five days. Proper service of such notice shall be by personal service, residence service or by registered mail; provided, however, that such notice shall be deemed to be properly served upon such owner or person having charge or control of the tree, including an administrator or executor, if a copy thereof is sent by certified mail to his last known address. (Ord. C118-88. Passed 12-5-88.) C87-04

(b) Procedure for Noncompliance with Removal Notice. Upon failure of the person or persons to comply with the notice to remove any tree in accordance with subsection (a) hereof, the Service Director, his designee or the Urban Forester shall cause the tree to be removed by use of City forces and equipment or by hiring of private individuals and equipment. Upon completion of such work as is required to remove the tree, the Service Director shall cause the expenses and labor costs incurred to be determined and a statement therefor to be mailed to the affected person. (Ord. C118-88. Passed 12-5-88.)

(c) Written Return to County Auditor; Lien Upon Property. If statements have not been paid within sixty days after mailing, the Director of Finance shall make a written return to the County Auditor of the action under Section 1136.16(a) and this section, with a statement of the charges and a proper description of the premises. Such amount, when allowed, shall be entered upon the tax duplicate and a lien upon such lands from and after the date of entry and shall be collected as other taxes and returned to the Municipality with the General Fund.
(Ord. C11-96. Passed 2-20-96.)

1136.17 REMOVALS OF PUBLIC PROPERTY BY CITY.

The Service Director shall remove, or cause to be removed, all trees, shrubs or other plants, or parts thereof, upon the public streets, parks or public places within the City when such removal is beneficial to the public health, safety, traffic safety or for public improvements, or where such trees, shrubs or other plants constitute a public nuisance, or are dead or diseased or detrimental to the growth of adjacent trees, shrubs and other plants now planted or to be planted in any public street, park or public place within the City.
(Ord. C118-88. Passed 12-5-88; Ord. C11-96. Passed 2-20-96; Ord. C58-97. Passed 11-17-97.)

1136.18 SERVICE DIRECTOR'S CONTROL, AUTHORITY AND ENFORCEMENT.

(a) The Service Director, shall have the authority to establish, create and publish a list of recommended and approved trees to be planted in planting areas, public streets, public places and park properties within the City.

(b) The Service Director shall be responsible for enforcement of this chapter. Whenever the Service Director determines that a violation of this chapter exists, he or she shall take action as follows:

(1) He or she shall give written notice of the violation to the occupant and the owner shown on the most recent tax roll. A copy of such written notice endorsed by him or her shall be transmitted to the Law Director. The notice shall include, but not be limited to:

A. A description of the location of the property involved, either by street address or by legal description;

B. A statement indicating the nature of the violation;

C. A statement showing the time within which all necessary remedial action shall be accomplished, which time may not be less than forty-five (45) days from the date of such written notice;

D. The name of the person upon whom the notice of violation is served;

E. A statement advising that upon the failure to comply with the requirements of the notice, the City shall take such enforcement procedures as may be required under this chapter. Upon failure of the person or persons to comply with the notice, the Service Director, his designee or Urban Forester shall cause action to be taken by use of City forces and equipment or by hiring of private individuals and equipment. Upon completion of such work, as required, the Service Director shall cause the expenses and labor costs incurred to be determined and a statement therefor to be mailed to the affected person. If statements have not been paid within sixty (60) days after mailing, the Director of Finance shall make a written return to the County Auditor of the action, with a statement of the charges and a proper description of the premises. Such amount, when allowed, shall be entered upon the tax duplicate and a lien upon such lands from and after the date of entry and shall be collected as other taxes and returned to the Municipality with the General Fund.

(2) Service of written notice required by this chapter shall be deemed completed upon posting of the notice by certified mail, return receipt requested, to the last known address of such person.

(Ord. C58-97. Passed 11-17-97.)

1136.19 APPEALS.

Any applicant aggrieved by a decision of the Service Director made pursuant to this chapter may appeal to the Board of Zoning Appeals within forty five days of written notice.
(Ord. C11-96. Passed 2-20-96; Ord. C58-97. Passed 11-17-97.)

1136.20 LANDSCAPING INSPECTION FEE.

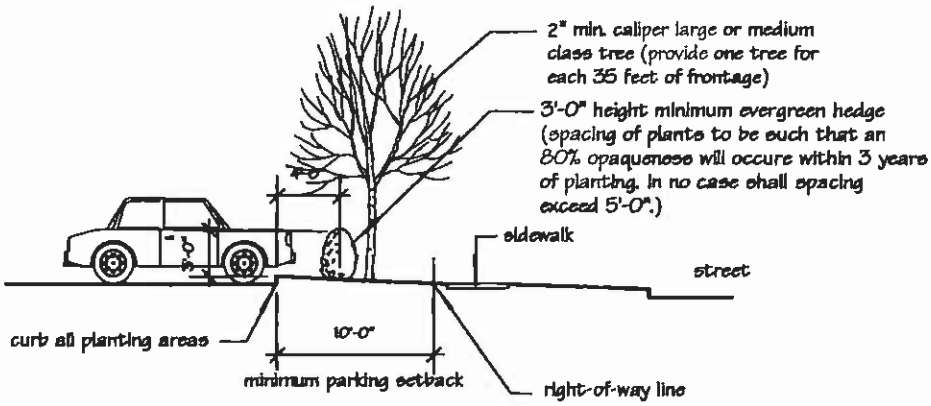
(a) There shall be a landscape inspection fee for all plans review and site inspections, as follows:

Type	Initial Fee	Re-inspection Fee
Single-family residential	$25	$50/each
Multi-family (apartments/condos)	$25/per unit	$50/per unit
Commercial (per structure)	$100	$150/each

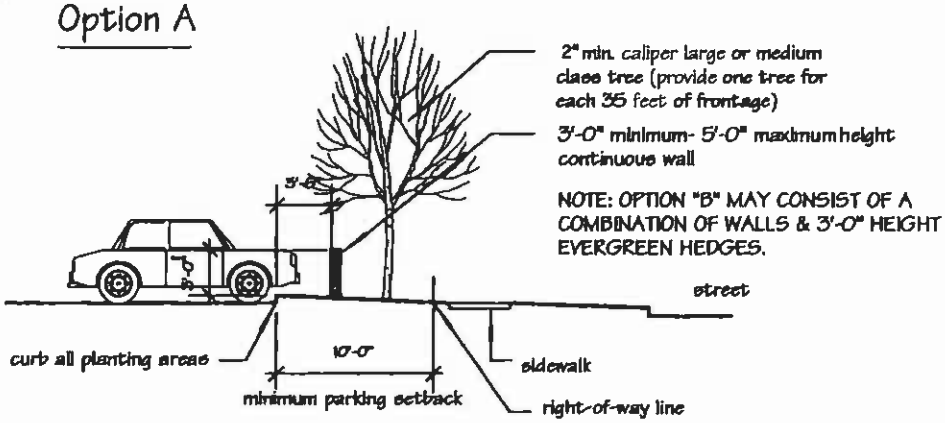
(b) All landscape inspection fees collected under this section shall be dedicated to fund the inspector's personnel costs and pension benefits and be deposited into the Community Environment Fund for this express purpose.
(Ord. C36-05. Passed 4-18-05; Ord. C106-05. Passed 11-7-05.)

1136.99 PENALTY.

Whoever violates or fails to comply with any of the provisions of this chapter is guilty of a misdemeanor of the fourth degree and shall be jailed not more than thirty (30) days for each offense and fined not more than two hundred fifty dollars ($250) for each offense. A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues. A separate offense shall be deemed committed for the unlawful destruction of each tree six inches (6") or greater.
(Ord. C6-86. Passed 3-3-86; Ord. C58-97. Passed 11-17-97.)



Option A



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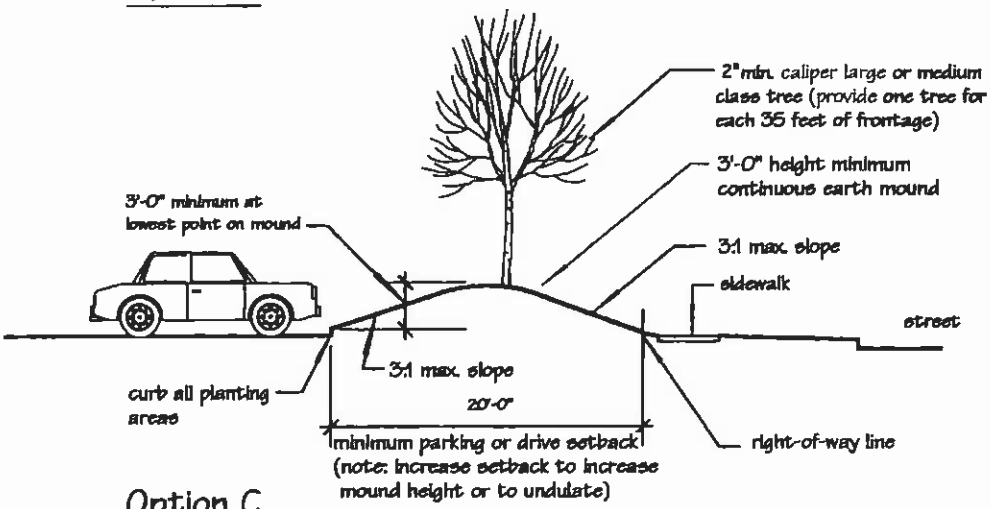
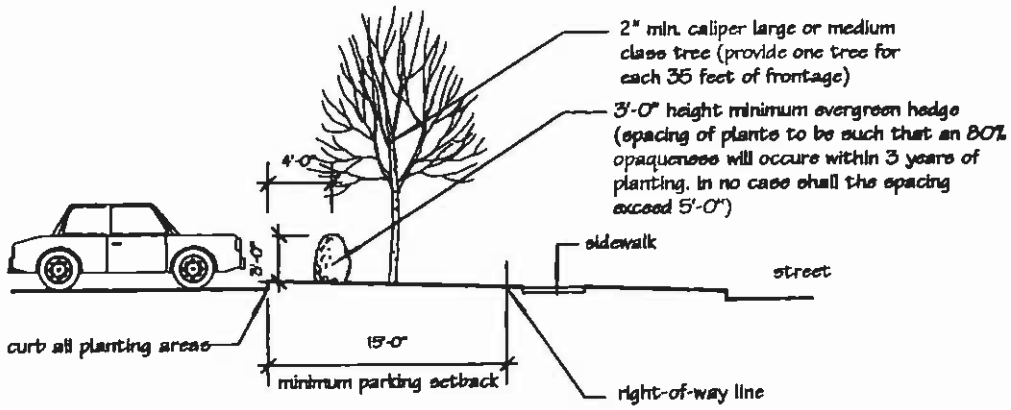


Option C

Exhibit 'A-1'
Frontage landscaping requirements for off- street surface parking lots
For parking lots up to and including 25 cars
3/30/99



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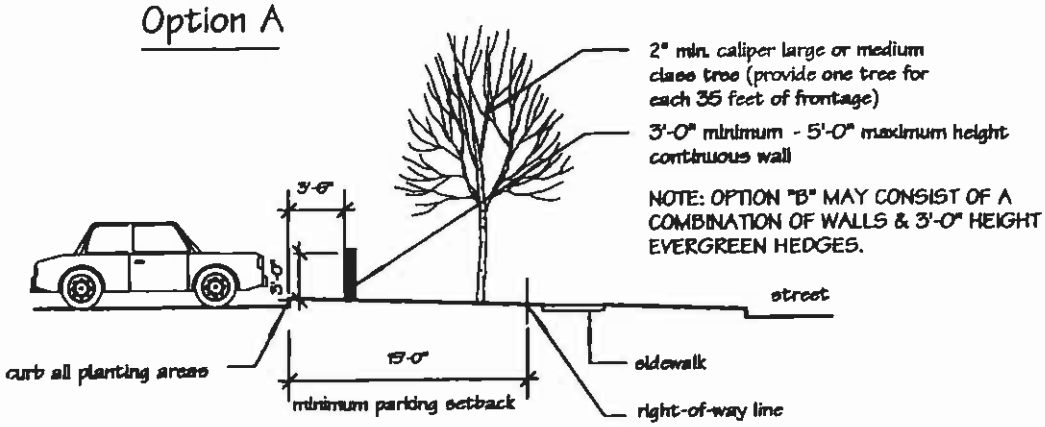

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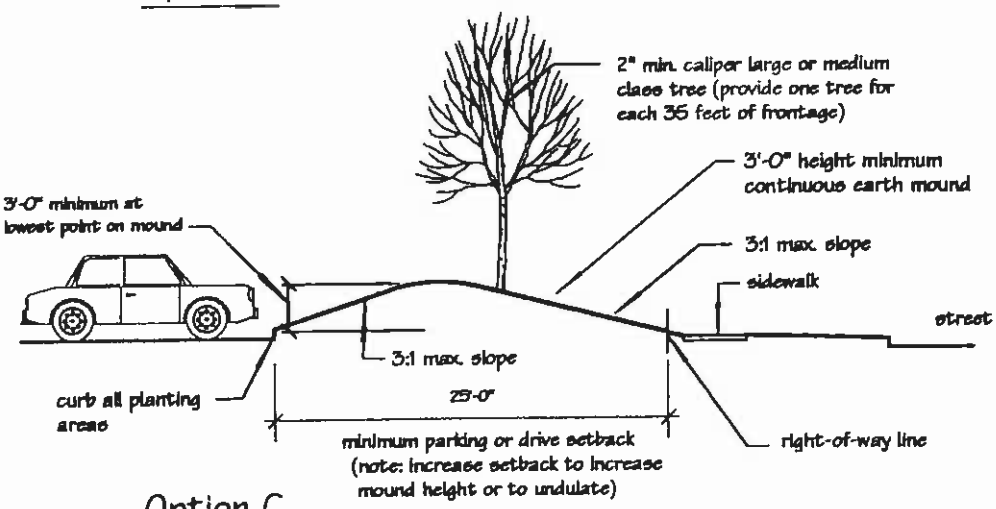
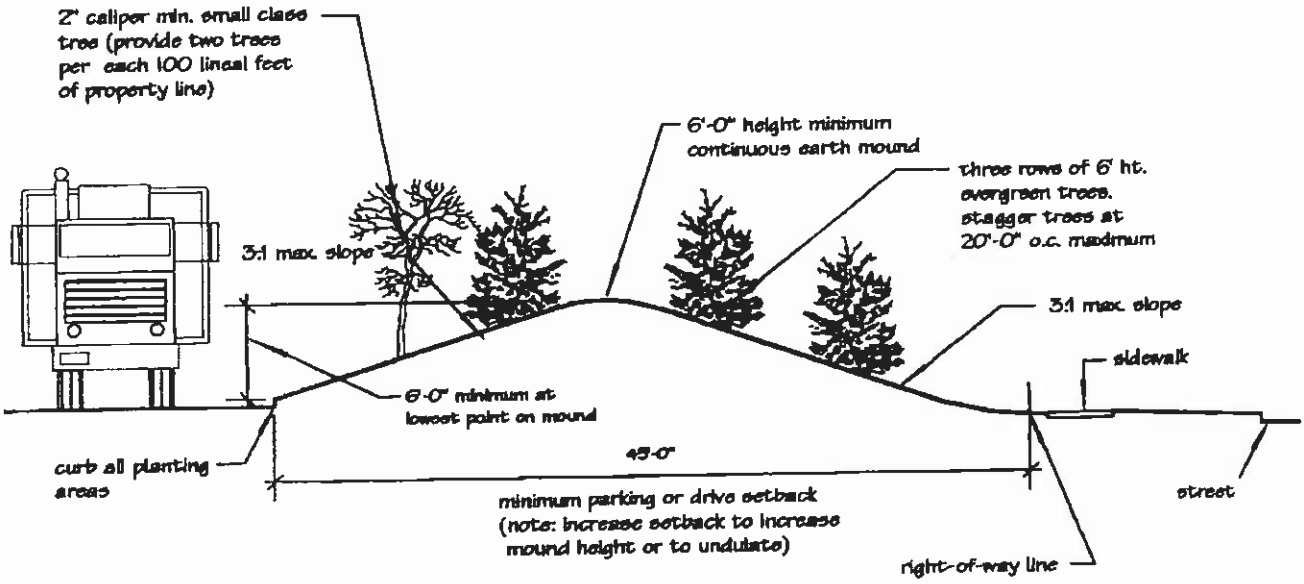


Option C

Exhibit 'A-2'

Frontage landscaping requirements for off- street surface parking lots
For parking lots exceeding 25 cars

3/30/99

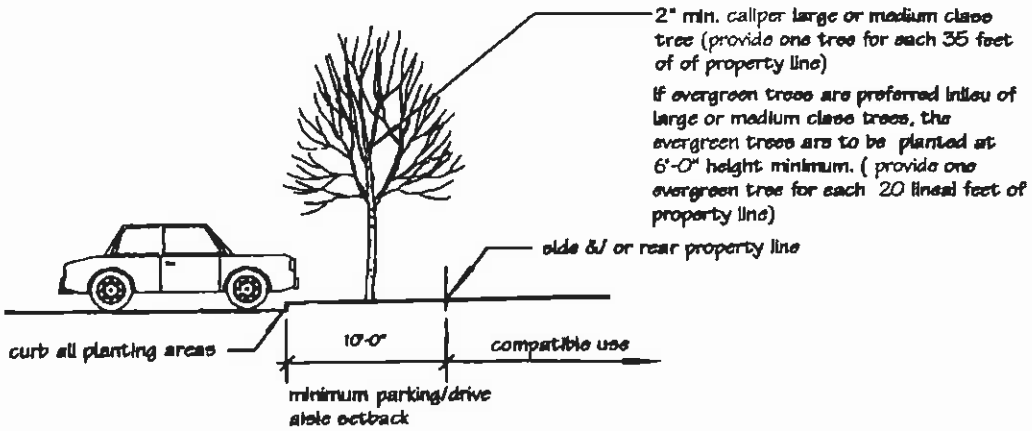


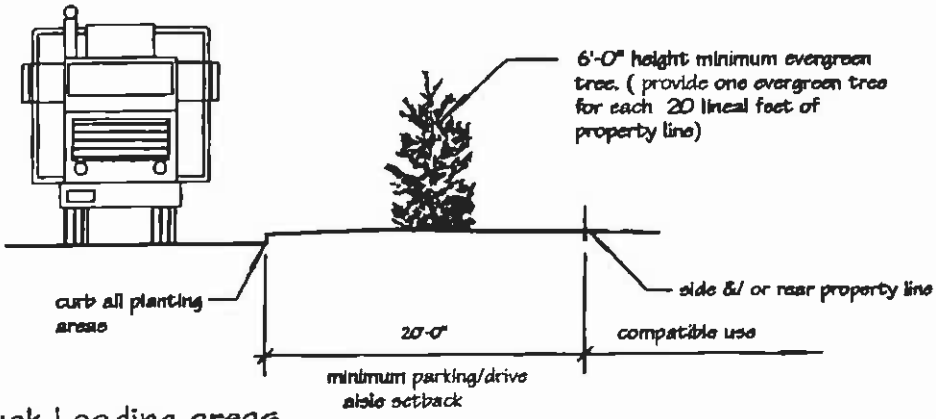
Truck Loading/ parking areas

Exhibit 'A-3'

Frontage landscaping requirements for off- street surface parking lots

3/30/99





Truck Loading areas

Exhibit 'B-1' Compatible Use
Side & rear yard landscaping requirements for off- street parking lots
3/30/99

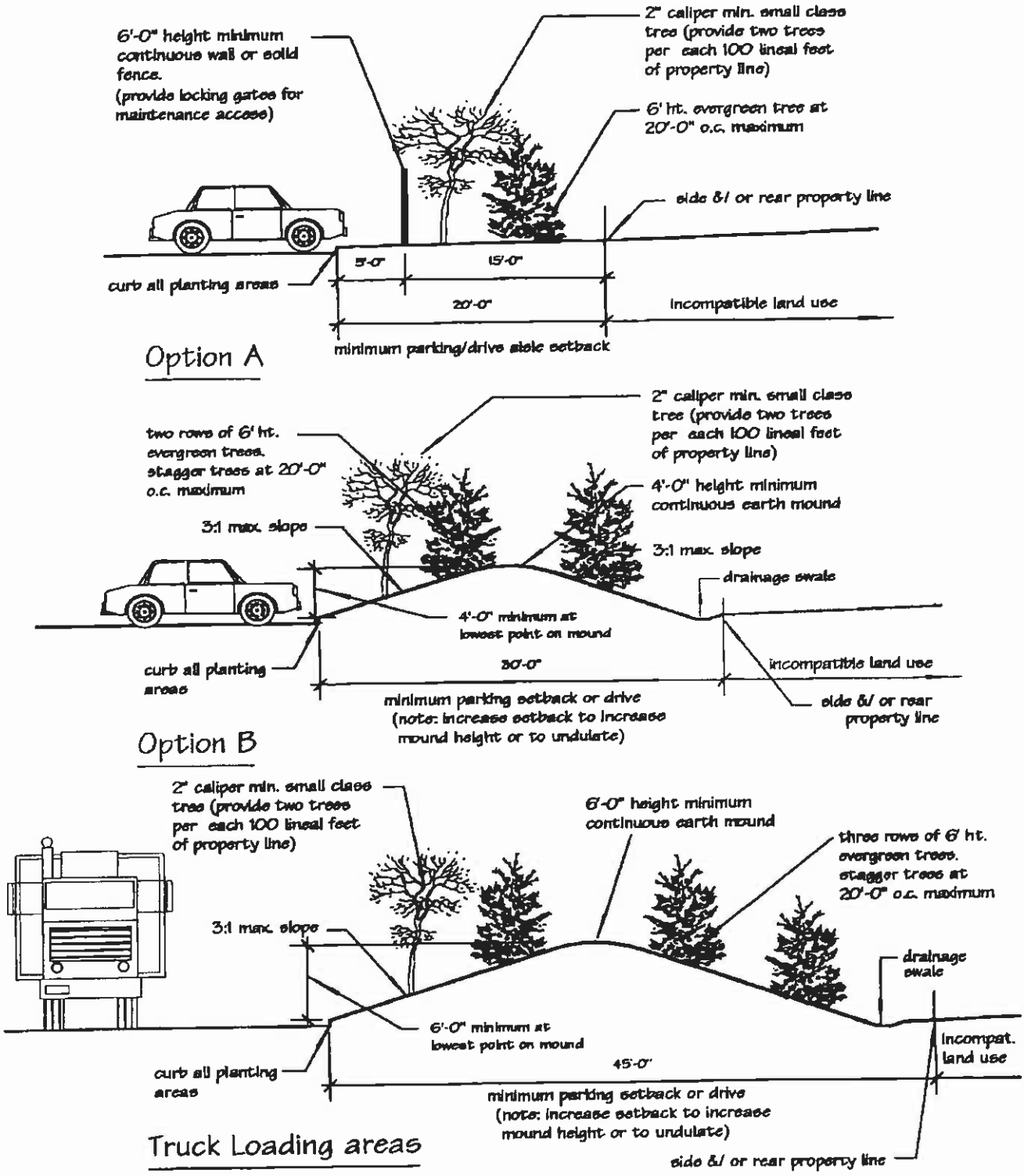


Exhibit 'B-2' Incompatible land Use
Side & rear yard landscaping requirements for off-street parking lots
3/30/99

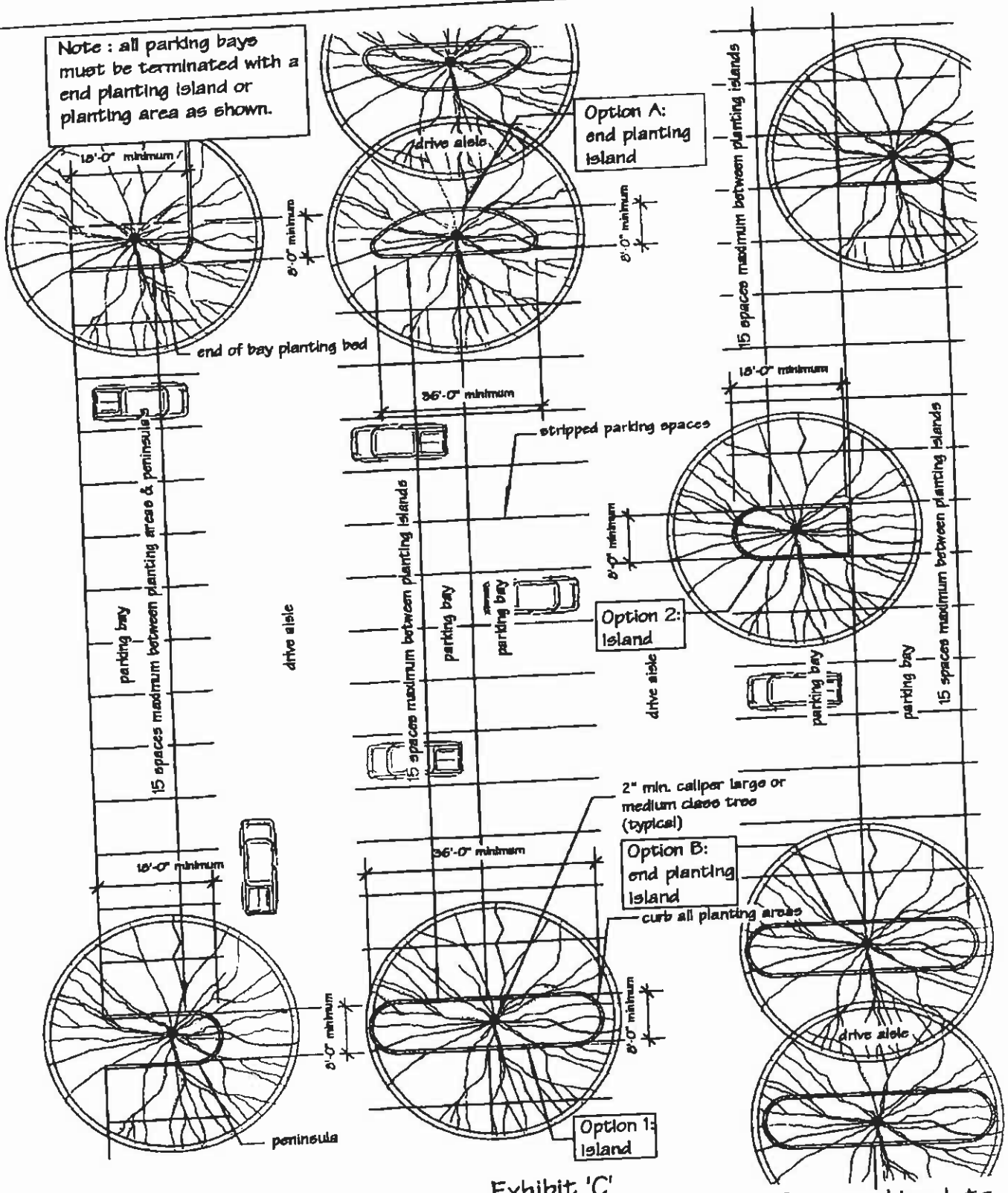


Exhibit 'C'

Interior landscaping requirements for off- street surface parking lots

3/30/99

Exhibit D – Compatibility of Zoning Classifications for Vehicular Use Area Landscaping.

A. When the following:	B. ...adjoins the following or vice versa	C. It is determined to be:
Single Family Residence (SF, R, or D)	Any other Zoning Classification, except PUD-R and A	Incompatible
Single Family Residence (SF, R, or D)	Mobile Home Park	Incompatible
Single Family Residence (SF, R, or D)	PUD-R and A	Recommended by Planning Commission
Any Residential Zoning Classification	Any other Non-Residential Zoning Classification	Incompatible
Professional Services (PSO), Medical (M), and Educational (SD)	Any Commercial (C-1, C-2, or PUD-C), Recreational Facilities (SD-3), Miscellaneous (SD-4), or Industrial (IND-1, IND-2, IND-3, or PUD-I) Zoning Classifications, except Office Laboratory Research (OLR)	Incompatible
Professional Services (PSO), Medical (M), and Educational (SD)	Office Laboratory Research (OLR)	Recommended by Planning Commission
Office Laboratory Research (OLR)	Any Commercial (C-1, C-2, or PUD-C), Recreational Facilities (SD-3), or Industrial (IND-1, IND-2, IND-3, or PUD-I) Zoning Classifications, except Miscellaneous (SD-4)	Incompatible
Office Laboratory Research (OLR)	Miscellaneous (SD-4)	Recommended by Planning Commission
Miscellaneous (SD-4)	Any Commercial (C-1, C-2 or PUD-C) or Recreational Facilities (SD-4) Zoning Classifications	Recommended by Planning Commission
Miscellaneous (SD-4)	Light and Heavy Industry (IND-1, IND-2, IND-3 or PUD-I) Zoning Classifications	Incompatible
Recreational Facilities (SD-4)	Any Commercial (C-1, C-2 or PUD-C) Zoning Classifications	Recommended by Planning Commission
Recreational Facilities (SD-4)	Light and Heavy Industry (IND-1, IND-2, IND-3 or PUD-I) Zoning Classifications	Incompatible
Any Commercial (C-1, C-2 or PUD-C) Zoning Classification	Light and Heavy Industry (IND-1, IND-2, IND-3 or PUD-I) Zoning Classifications	Incompatible
Central Business District	Professional Services (PSO) or Commercial (C-1, C-2 or PUD-C) Zoning Classifications	Recommended by Planning Commission
Light and Heavy Industrial and PUD-I Districts	Transportation Industry (IND-3)	Recommended by Planning Commission

(Ord. C17-99. Passed 7-6-99.)

CHAPTER 1137
Supplemental Zoning Requirements

1137.01 Nonconforming uses declared; general requirements.
1137.02 Abandonment of nonconforming use.
1137.03 Prior permit validity; time limits for completion of building.
1137.04 Establishing setback line on property in use.
1137.05 Yard obstructions and fences.
1137.06 Off-street parking facilities.
1137.07 Loading space.
1137.08 Private garages in residential districts; permit and fee for portable accessory buildings
1137.09 Public garages in residential buildings.
1137.10 Public garages, repair shops and filling stations.
1137.11 Driveways and parking lots.
1137.12 Satellite ground stations; provision within residential districts.
1137.13 Satellite ground stations; provisions within nonresidential districts.
1137.14 Street numbers required.
1137.15 Radio and television antennas and/or antenna towers.
1137.16 Screening of service/mechanical equipment.
1137.17 Temporary portable structures for nonresidential use.
1137.18 Model homes in residential districts.
1137.19 Portable storage units.
1137.20 Dumpsters.
1137.21 Collection bins.
1137.99 Penalty.

CROSS REFERENCES

Two-year abandonment of nonconforming use - see Ohio R.C. 713.15
Nonconforming use defined - see P. & Z. 1131.03(37)
Appeals and variance granting by Board of Zoning Appeals - see P. & Z. 1133.02
Zoning districts and regulations - see P. & Z. Ch. 1135
Windows and ventilation - see BLDG. 1341.07

1137.01 NONCONFORMING USES DECLARED; GENERAL REQUIREMENTS.

Subject to the provisions of this section, a use of land or building, existing at the time of the enactment of this chapter, may be continued even though such use does not conform with the provisions of these regulations for the district in which it is located.

(a) No enlargement or expansion shall be permitted except as approved by the Board of Zoning Appeals.

(b) Except by variance granted by the Board, no building arranged, designed and devoted to a nonconforming use and conducted without abandonment as stated in Section 1137.02 may be reconstructed, structurally altered or enlarged in any lawful manner, or extended so as to increase floor space over that existing, unless the use of the building is changed to conforming use.

(c) If any nonconforming structure or use is, by any cause, damaged to the extent of fifty percent (50%) of its value as determined by the Building Inspector, it shall not thereafter be reconstructed as such. (Ord. C79-74. Passed 1-20-75; Ord. C37-99. Passed 7-6-99.)

(d) Nothing in this chapter shall prevent the use of presently subdivided, nonconforming lots for purposes approved in Chapter 1135. (Ord. C48-78. Passed 8-21-78.)

(e) The Board may provide, upon appeal from a refusal of issuance of a permit by the Building Inspector for completion, restoration, reconstruction, extension or substitution of any nonconforming use.
(Ord. C79-74. Passed 1-20-75.)

1137.02 ABANDONMENT OF NONCONFORMING USE.

A nonconforming use of a building or land which has been abandoned shall not thereafter be returned to such nonconforming use. The enactment of this section shall not in any way affect the force and legality of previous orders requiring the discontinuance of nonconforming uses. A nonconforming use shall be considered abandoned, as follows:

(a) When the intent of the owner to discontinue use is apparent.
(Ord. C79-74. Passed 1-20-75.)

(b) When voluntarily discontinued for a period of not less than six months.
(Ord. C54-91. Passed 8-19-91.)

(c) When the characteristic equipment and furnishings of the nonconforming use have been removed from the premises and have not been replaced by similar equipment within ninety days, unless other facts show intention to resume the nonconforming use.

(d) When such nonconforming use has been replaced by a conforming use.

(e) When such nonconforming use has been changed to another use by special permission from the Board of Zoning Appeals.
(Ord. C79-74. Passed 1-20-75.)

1137.03 PRIOR PERMIT VALIDITY; TIME LIMITS FOR COMPLETION OF BUILDING.

Nothing contained herein shall require any change in plans, construction or designated use of buildings for which a building permit has been issued; and

(a) The construction of which has begun within ninety days of the date of such permit;

(b) The ground story framework, including the second tier of beams have been completed within one year of the date of such permit;

(c) The entire building has been completed according to such plans as filed within three years from the date of passage of this Zoning Code (January 20, 1975).
(Ord. C79-74. Passed 1-20-75.)

1137.04 ESTABLISHING SETBACK LINE ON PROPERTY IN USE.

On properties currently in use where setback lines are not established the following shall govern:

(a) On property fronting upon any street where forty percent or more of such frontage is improved with residences, all future buildings shall maintain a frontage aligned with the existing buildings. Such alignment shall be regular within a range of variation no greater than three feet. For cases where existing alignments vary to a greater extent, the Planning

Commission shall establish rules for defining and regulating building lines as may in its opinion serve the purpose of this section.

(b) On property fronting upon any street where sixty percent or more of such frontage is improved with buildings that are built at the street line, the street line shall be the building line.

(c) Whenever any parcel of land now separately owned, and which was so owned prior to the passage of this chapter (January 20, 1975), is of such restricted area that it cannot be appropriately improved without building beyond the front yard line established by the above sections, the Planning Commission shall, on application in a specific case, authorize the construction of a building beyond such front yard line to an extent necessary to secure an appropriate improvement of such parcel of land.

(d) On lots adjoining a street frontage along which either no building line or a front yard line nearer to the street is provided; the Planning Commission may, upon application in a specific case, permit a building or a portion thereof to be erected beyond the building line as herein provided.

(Ord. C79-74. Passed 1-20-75.)

1137.05 YARD OBSTRUCTIONS AND FENCES.

(a) If the building is not over two stories in height, the cornices or eaves may project not over two feet into the side yard.

(b) An open fire escape may project not more than four feet into a side or rear yard.

(Ord. C79-74. Passed 1-20-75.)

(c) No fence on any lot shall be erected more than five feet (60 inches) in height above the plane of the finished grade of a lot at the location of the fence on the lot, except screening or privacy fences. The height of a screening or privacy fence shall not exceed the height of six feet (72 inches). A screening or privacy fence shall be constructed of wood conditioned for exterior use or chain link with metal slabs of one color.

No fence shall be erected between the building setback line and the street right-of-way line except:

(1) On corner lots: A decorative fence shall be permitted parallel to and within one foot (1') of the right-of-way line of the street parallel to the lot's side yard and shall be installed so as to not obstruct the vision of vehicular and pedestrian traffic through the intersection. The fence shall not be over forty-two inches (42") in height and constructed of no more than three (3) split rails or boards which do not exceed six inches (6") in width. The rails or boards shall have at least six inches (6") clear space between them. The return along the right-of-way shall not exceed eight feet (8') toward the interior of the lot.

(2) On interior lots: On side lot lines of interior lots, a decorative fence shall be permitted parallel to side lot lines and to within one foot (1') of the right-of-way line of both the side and front of the lot. The fence shall not be over forty-two inches (42") in height and be constructed of no more than three (3) split rails or boards that do not exceed six inches (6") in width. The rails or boards shall have at least six inches (6") clear space

between them. The return along the right-of-way to the front of the property shall not exceed eight feet (8') toward the interior of the lot.

(3) Flower beds: Fences under fifteen inches (15") in height that are used for the protection of flowers and shrubs that enclose less than five percent (5%) of the area between the building setback line and street right-of-way line and fences less than twelve feet (12') long and four feet (4') high that run parallel to the front of the dwelling and are within eight feet of the building line.
(Ord. C5-85. Passed 2-18-85.)

(d) All fences in existence at the time of the passage of this chapter (January 20, 1975) conforming to prior ordinances shall not be required to conform to this chapter.
(Ord. C79-74. Passed 1-20-75.)

(e) No person, firm or corporation shall construct any fence from any material whatsoever without first securing a fence erection permit from the Division of Building Regulations. Application for a permit shall include a site plan indicating the location, material and height of the proposed fence. All fences shall be constructed of durable materials and in good building practice and standards and shall be subject to inspection by the Division. The fee for a fence permit and inspection shall be ten dollars ($10).
(Ord. C29-88. Passed 5-16-88.)

(f) No person shall locate, construct or install any swimming pool or make any change in such pools or appurtenances thereof without surrounding the pool with a fence at least five feet (5') in height and containing openings in the fence no larger than four square inches (4") in area or three inches (3") wide.

(g) No shrub, trees or plantings shall be planted or allowed to grow so as to obstruct sidewalks or streets or obstruct the vision of pedestrians or vehicular traffic.
(Ord. C79-74. Passed 1-20-75.)

1137.06 OFF-STREET PARKING FACILITIES.

Off-street parking facilities as required in this Zoning Code shall be provided in accordance with the following:

(a) Existing nonconforming off-street parking facilities use shall be permitted until such time as the use of the existing building changes or alterations are made to the existing structure. Existing off-street parking facilities provided at the effective date of this chapter (Ordinance C79-74) and actually being used at that date for the parking of automobiles in connection with the operation of an existing building or use shall not be reduced to an amount less than herein required under this Zoning Code for a similar new building or new use except as permitted by the Planning Commission.

(b) Additional off-street parking facilities shall be provided on the basis of the total applicable units of measurement when a building use is altered or expanded or when the number of employees is increased. The parking requirements shall be changed to conform to the changing use of the building it supports.

(c) In the case of a use not specifically mentioned, the requirements for off-street parking facilities for a similar use shall apply.

(d) In the case of mixed uses, the total requirement for off-street parking facilities shall be the sum of the requirements of the various uses computed separately, and off-street parking facilities for one use shall not be considered as providing required parking facilities for any other uses except as herein specified for joint use; except that, the above provisions shall not apply where a use is accessory to the main use and is not intended to serve additional patrons or employees.

(e) Nothing in this section shall be construed to prevent collective provision of off-street parking facilities for two or more buildings or uses; provided that, the total of such off-street parking facilities provided collectively shall not be less than the sum of the requirements for the various individual uses computed separately.

(f) Joint use of not more than fifty percent of the off-street parking facilities required by this Zoning Code for theaters, bowling alleys, dance halls and establishments for the sale and consumption on the premises of beverages, food or refreshments, may be supplied by off-street parking facilities provided for other kinds of buildings or uses, as defined below, not normally open, used or operated during the same principal operating hours, provided that, a written consent is executed by the parties concerned for the joint use of the off-street parking facilities, a copy of which shall be filed with the application for a building permit.

(g) Joint use of not more than fifty percent of the off-street parking facilities required by this Zoning Code for banks, business offices, retail stores, personal service shops, household equipment or furniture shops, and manufacturing buildings and similar uses, may be supplied by off-street parking facilities provided for other kinds of buildings or uses as defined in subsection (f) hereof which are not normally used, open or operated during the same principal operating hours, provided that written consent is executed and filed as specified above.

(h) Other alternate uses may be approved by the Planning Commission.

(i) For a private residence or a residential structure with a Special Use Permit authorizing use as a boarding house, bed and breakfast inn, group family home, group multi-family home or fraternity or sorority house, the parking facilities shall be on the same lot or parcel of land as the building they are intended to serve.
(C09-05. Passed 2-22-05.)

(j) For all accessory, commercial and industrial uses, the parking facilities shall be within 1,000 feet of the facilities they are intended to serve, unless otherwise noted. The distance stated above shall be measured between the nearest point of the parking facilities and the nearest point of the building.

(k) All parking facilities of five or more parking spaces, having an exit on a public street, shall be so designed that each car leaving such facility shall be traveling in a forward motion when entering traffic.

(l) (This subsection was repealed by Ordinance C57-78, passed September 5, 1978.)

(m) All driveways to a parking facility from the curb to the lot line shall be subject to the rules, regulations, inspections and permit by the Division of Building Regulations.

(n) Customer and commercial parking facilities operated after sundown shall be lighted during such operation to insure safety to both pedestrian and motorist.
(Ord. C79-74. Passed 1-20-75.)

(o) When improvements are made on lots or parcels of land that front on the following streets, provisions shall be made on these lots or parcels of land, outside of the street right of way lines, for vehicles to turn around so that when entering these streets the vehicles shall be moving in a forward direction. On State highways and heavily traveled roads, the Planning Commission or Council may limit the number, size and location of access points and/or require service roads.

Home Road
Southwest Boulevard (Demorest Road to Richard Avenue)
Grove City Road
Columbus Street (Broadway to Hoover Road)
Stringtown Road
White Road
Orders Road
Broadway and/or Harrisburg Pike
Haughn Road (South of Woodgrove Drive)
Demorest Road
Hoover Road
Marlane Drive
Hawthorne Parkway
Buckeye Parkway (From 665 to Holton Road)
S.R. 665 (Within or adjacent to incorporated area)
Borror Road (Within or adjacent to incorporated area)
South Meadows Drive
Enterprise Parkway
Seeds Road (Within or adjacent to incorporated area)
Old Stringtown Road
Brookham Drive
McDowell Road
Rensch Road
Harrisburg Station Lane.
Big Run Road
Holt Road
Holton Road
Gateway West Drive
(Ord. C20-82. Passed 4-19-82; Ord. C3-03. Passed 2-3-03.)

1137.07 LOADING SPACE.

(a) Loading space shall be provided and maintained on the same premises with every building, structure or part thereof, erected and occupied or intended to be used for manufacturing, storage, warehouse, goods display, department store, wholesale store, market, hotel, hospital, mortuary, laundry, dry cleaning or other uses similarly involving the receipt or distribution, by vehicles, of materials or merchandise.

(b) Such space, unless otherwise adequately provided for, shall include a 10 by 25 foot loading space with a 14 foot height clearance for every 20,000 square feet or fraction thereof in excess of 3,000 square feet of building floor or land use for abovementioned purpose.

(c) Loading and unloading space shall not be occupied or considered as any part of the required customer or employee parking area.

(d) Loading and unloading space shall not occupy any part of a public right of way. (Ord. C79-74. Passed 1-20-75.)

1137.08 PRIVATE GARAGES IN RESIDENTIAL DISTRICTS; PERMIT AND FEE FOR PORTABLE ACCESSORY BUILDINGS.

Private garages in residential and apartment districts shall be so located and constructed as to conform to such of the following requirements as shall be applicable considering the use for such garage and the district in which it is located.

(a) Garages shall not be an accessory use to a lot in a residential type district unless such lot is occupied by a residence or unless a building permit has been issued and construction started on a residence building on such lot;

(b) Garage provisions, as an accessory use in a D-1, D-2 or A-1 District shall not provide for more than two motor vehicles for each family for which such residence is arranged or designed;

(c) When garage provision as an accessory use is built in a terrace or retaining wall on the front or side of the lot, such garage shall not project in front of the terrace or retaining wall more than three feet, and in no case above the level of the ground, or main floor of a residence on an adjoining lot;

(d) No separate garage building shall be erected in a terrace or retaining wall closer to a street than the required building line, or closer than minimum side yard requirement or building line to an adjoining lot line. On corner lots, the separate garage building shall not be closer to it than five feet to the lot line opposite the front lot line, nor closer than the building line of the side street;

(e) All detached garages shall have such separation from residence or apartment as specified in the Building Code.

(f) No part of any detached garage or accessory building shall be erected closer than three feet to a side lot line on a lot having a width of sixty-five feet or less, at the building line, closer than four feet to the side lot line on a lot having a width over sixty-five feet and not more than seventy-five feet at the building line, or closer than five feet to a side lot line on a lot seventy-five feet or more at the building line; except that, when the lot is less than 110 feet in depth from the front property line and seventy-five feet or less at the building line, no part of any detached garage or accessory building shall be erected closer than three feet from the side lot line. No garage or accessory building shall be erected nearer than twelve feet from a dwelling on an adjacent lot. (Ord. C79-74. Passed 1-20-75.)

(g) All accessory buildings up to and including 100 square feet of floor space and less than seven feet high are considered portable and require a permit, the cost of which is five dollars ($5.00). All buildings over 100 square feet shall be considered permanent and require a permit as set forth in Chapter 1305. Portable buildings do not require permanent foundations.
(Ord. C52-78. Passed 8-21-78.)

(h) No detached garages and accessory buildings shall exceed a height of thirteen feet above grade. (Ord. C79-74. Passed 1-20-75.)

1137.09 PUBLIC GARAGES IN RESIDENTIAL BUILDINGS.

Public garages may be placed in buildings used as hotels, motels, extended stay hotels, or other accommodations available for a fee except those accommodations requiring a Special Use Permit if all parts of such public garages are cut off from the rest of the buildings as specified in the Building Code. (Ord. C79-74. Passed 1-20-75; Ord. C09-05. Passed 2-22-05.)

1137.10 PUBLIC GARAGES, REPAIR SHOPS AND FILLING STATIONS.

No public garage, garage repair shop or filling station shall be erected or established which has any part of its proposed building or structure within 100 feet of the building structure of a public or parochial school, church, playground, public library, hospital or children's home now existing or for which a building permit has been issued or is in effect, except as follows:

(a) Nothing in this section shall be construed to permit any such institution now located in any district zoned for business, by acquiring premises therein or erecting additional buildings thereon to shorten the 100-foot limit between such institutional structure heretofore erected and such proposed garage or filling station structure as defined by this Zoning Code.

(b) Nothing in this section shall be construed to prohibit the erection or maintenance of automobile sales or display rooms or buildings with automobile service stations connected thereto. Such automobile service stations connected to buildings, or automobile sales or display rooms, shall have no vehicle entrance located upon the same street with and within 300 feet of any part of the building structure of any public or parochial school, playground, public library, church, hospital or children's home heretofore erected. Distance shall be measured by "crow fly" or straight-line measurement.

(c) All entrances and exits of public garages shall have an unobstructed width of not less than twenty feet for a distance of not less than twelve feet from a street.

(d) A public garage or garage repair shop shall not have an opening in a wall or roof facing adjacent property that is located in a residential or apartment district unless such opening is located on a public street or highway.
(Ord. C79-74. Passed 1-20-75.)

1137.11 DRIVEWAYS AND PARKING LOTS.

Driveways and parking lots shall be constructed as follows:

(a) Driveways and parking spaces in all districts shall be smoothly graded with an asphaltic or portland concrete surface, and properly drained.

(b) Whenever a public parking lot or a driveway to a parking lot abuts the side or rear line of a lot in a residential or apartment area, a fence or wall, approved by the Planning Commission or Building Inspector, shall be constructed and maintained by the owner of the parking lot.
(Ord. C79-74. Passed 1-20-75.)

1137.12 SATELLITE GROUND STATIONS; PROVISIONS WITHIN RESIDENTIAL DISTRICTS.

(a) Within residential districts, the following provisions shall apply to satellite ground stations or other antennas designed to transmit or receive radio or television signals to or from earth satellites.

(1) Such ground stations or antennas shall be for the personal use of residents and their guests only.
(2) Such ground stations or antennas shall contain no graphic message or advertising.
(3) Ground mounted stations or antennas shall be considered accessory structures and shall comply with the following conditions and requirements:
A. Such stations or antennas not mounted on the roof of a primary or accessory structure shall be located to the rear of the principle building or structure and shall not exceed an above grade height of twelve feet.
B. Such stations or antennas shall not be located closer than ten feet from a side lot line, or one foot from any easement.
C. Such stations or antennas shall be mounted in a concrete base in line with grade and only metal supports of galvanized construction shall be utilized.
D. Wiring between such stations and any other structure shall be placed underground.
E. Such stations or antennas shall be designed to withstand a wind force of up to seventy miles per hour without the use of supporting guy wires.
(4) Roof mounted stations or antennas shall be considered accessory structures and shall comply with the following conditions and requirements:
A. Such stations or antennas 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.
B. Such stations or antennas mounted on the roof of a primary or accessory structure shall not exceed a height of greater than three feet above the roof on which it is mounted. The height shall be measured vertically from the point at which such station or antenna is mounted on the roof.
C. The diameter of any dish antenna mounted upon the roof of a primary or accessory structure shall not exceed three feet.
D. Such stations or antennas shall be designed to withstand a wind force of up to seventy miles per hour without the use of supporting guy wires.
(Ord. C58-84. Passed 9-17-84.)

1137.13 SATELLITE GROUND STATIONS; PROVISIONS WITHIN NONRESIDENTIAL DISTRICTS.

(a) Within nonresidential districts, the following provisions shall apply to satellite ground stations or other antennas designed to transmit or receive radio or television signals to or from earth satellites.

(1) Such ground stations or antennas shall contain no graphic message or advertising.

(2) Ground mounted stations or antennas shall be considered accessory structures and shall comply with the following conditions and requirements:

A. Such stations or antennas not mounted on the roof of a primary or accessory structure shall be located to the rear of the principle building or structure on the property where the station is located and shall not exceed an above grade height of twelve feet.

B. Such stations or antennas shall not be located within fifty feet of a public right-of-way, eight feet of a rear or side lot line and not closer than fifty feet from a lot line of a residential district.

C. Such stations or antennas shall be mounted in a concrete base in line with grade and only metal supports of a galvanized construction shall be utilized.

D. Wiring between such stations and any other structure shall be placed underground.

E. Such stations or antennas shall be designed to withstand a wind force of up to seventy miles per hour without the use of supporting guy wires.

(3) Roof mounted stations or antennas shall be considered accessory structures and shall comply with the following conditions and requirements:

A. Such stations or antennas 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.

B. Such stations or antennas 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 point at which such station or antenna is mounted on the roof.

C. Such station or antenna shall be designed to withstand a wind force of up to seventy miles per hour without the use of supporting guy wires.

(Ord. C58-84. Passed 9-17-84.)

1137.14 STREET NUMBERS REQUIRED.

An owner, occupant(s) or person(s) having control of a residential, industrial, commercial or public building shall display the numerical address of the building in arabic numbers not less than three inches in height.

(a) The color of the numbers shall contrast to the color of the surface on which they are mounted and the numbers shall be clearly visible from the street on which the building is numbered.

(b) The numbers shall be placed on the front of the building facing the public or private street on which the building is numbered.

(c) For buildings not having entrance doors facing the street on which the buildings are numbered, numbers of all units within such building shall be placed either on the wall of the building facing the street on which the building is numbered or on a sign in compliance with Chapter 1145 of the Codified Ordinances.

(d) The owner of a residential building may post additional sets of address numbers provided that one set complies with the provisions of this section.

(e) Whoever violates this section or any part thereof, upon being notified in writing of such violation by the Building Inspector, shall have thirty days in which to comply with the provisions of this section. Upon expiration of thirty days and failure to comply with the provisions of this section within that period, the owner, occupants or persons having control of a building shall be deemed in violation. Each subsequent day shall constitute a separate violation. (Ord. C10-86. Passed 3-17-86.)

(f) No issuance of an occupancy permit or a temporary occupancy permit shall be issued for any building until the numerical address is displayed according to this section. (Ord. C36-87. Passed 5-18-87.)

1137.15 RADIO AND TELEVISION ANTENNAS AND/OR ANTENNA TOWERS.

(a) (1) Application of regulations. The provisions of this section are applicable to antennas and antenna towers used for the following purposes:

A. VHF and UHF television;
B. AM and FM radio;
C. Two-way radio;
D. Common carriers;
E. Cellular telephones;
F. Fixed-point microwave; and
G. Ham and citizen band (CB) radio antennas in excess of twenty-five feet in height.

(2) Exemptions. The following antennas are exempt from the provisions of this section:

A. "Ham" and Citizen Band (CB) radio antennas which are less than twenty-five feet in height;
B. Portable, handheld and vehicular transmissions;
C. Industrial, scientific and medical equipment operating at frequencies designated for that purpose by the FCC;
D. A source of nonionizing electromagnetic radiation with an effective radiated power of seven watts or less;
E. A sole-source emitter with an average output of one kilowatt or less if used for amateur purposes; and
F. Marketed consumer products, such as microwave ovens, citizens band radios and remote control toys.

(b) Whenever a new antenna is proposed, the property owner, developer or their agent shall submit the following material, in addition to the other information required for a special use permit, as required in Section 1135.09(b)(12)E.:

(1) A site plan or plans drawn to scale and identifying the site boundary; tower(s); guy wire anchors; existing and proposed structures; vehicular parking and access; existing vegetation to be retained, removed or replaced; and uses, structures, and land-use designations on the site and abutting parcels;
(2) A plan drawn to scale showing proposed fencing and landscaping, including plant species type, size, spacing and other features;
(3) A report from a professional engineer. The report shall:
A. Describe the tower and the technical reasons for the tower design;
B. Demonstrate that the tower complies with the City Building Code; and
C. Describe the capacity of the tower, including the number and type of future antennas that it could accommodate;
(4) Information on conditions determining shared use of facilities pursuant to Section 1137.14(c); and
(5) Other information as may be required by the Service Director to determine compliance with the provisions of this Zoning Code.

(c) The use of existing facilities for the placement of antennas is encouraged. Prior to the approval of an application for a new antenna tower the applicant shall document that existing towers within the areas of the range of the proposed equipment have been surveyed, and shall demonstrate that one or more of the following conditions exists:
(1) Planned equipment would exceed the structural capacity of existing and approved towers;
(2) Planned equipment will cause RF interference with other existing or proposed equipment for that tower, and that interference cannot be prevented at a reasonable cost;
(3) Existing towers do not have space on which to function in parity with similar equipment in the area;
(4) The fees and/or costs for shared use are unreasonable; and/or
(5) Other conditions exist that render the placement of proposed equipment on an existing tower impracticable.

(d) New antenna towers shall be located on a site of sufficient size so as to contain on-site substantially all ice-fall or debris from tower failure and preserve the privacy of abutting properties. The specific setback requirements are as follows:
(1) The base of the antenna tower shall be set back from all abutting property (including public streets) by a distance of not less than one hundred percent (100%) of the height of the tower.
(2) Guy wire anchors shall be set back from all abutting property not less than twenty-five feet.
(3) Accessory buildings shall be set back from all abutting property not less than the required rear yard setback for the zoning district in which the antenna is located.

(4) New antenna towers shall not be located any closer than two times the height of the proposed antenna or antenna tower from any existing, platted residential subdivision or any residential structure within the City.

(e) The design and construction of the antenna and antenna tower shall meet the standards of the Building Department, as well as any applicable requirements of the Federal Aviation Administration (FAA).
(Ord. C69-89. Passed 10-16-89.)

(f) A landscape and fencing buffer shall be required at the antenna tower site, according to the following requirements:

(1) The antenna tower base and accessory structure and each guy wire anchor location shall be separately enclosed by fencing of such type to prevent illegitimate access. Such fencing shall be not less than six feet in height.

(2) Antenna 100 feet or less in height. A row of evergreen trees or shrubs shall be planted directly outside of the fencing surrounding the tower base and accessory building and each guy wire anchor point location. Such trees or shrubs shall be planted not more than fifteen feet apart, and be not less than five feet high at time of planting. A second landscape buffer shall consist of a planting of evergreen trees or shrubs, to be located within ten feet outside of the first row of trees or shrubs. This buffer shall be six feet high at time of planting. Earth mounding of three feet in height or less may be used to achieve the required overall height of six feet. Vegetation shall have a minimum year-round opaqueness of eighty percent (80%) when viewed from two to five feet from the ground.

(3) Antennas more than 100 feet in height All requirements of subsection (f)(2) hereof shall be met, except that the second row of evergreen trees shall be located within twenty-five feet of the outside of the fencing. At least one row of deciduous trees, not less than one and one-half inches in caliper diameter six inches (6") above grade and spaced not more than twenty feet apart, shall be planted within ten feet from the outside of the first row. (Ord. C112-89. Passed 1-8-90; Ord. C74-97. Passed 12-15-97.)

(g) Only those uses and structures necessary and directly related to the operation of the facility, that is, transmission and emergency broadcasting equipment, shall be allowed as accessory uses on the site. Accessory uses shall not include offices, broadcast studios, long-term vehicle or other equipment, storage or similar uses. If an antenna occupies a site as a primary use, no other permitted use in that district shall occupy the same site.
(Ord. C69-89. Passed 10-16-89.)

1137.16 SCREENING OF SERVICE/MECHANICAL EQUIPMENT.

Unless otherwise approved by Council: a) service/mechanical equipment shall be screened in all zoning districts; b) all roof mounted service/mechanical equipment shall be fully screened on all four sides, with a height to exceed the installed equipment, by raising the parapet around the top of the building. Screening design and material shall be architecturally compatible with the remainder of the building. Placement of all non-roof mounted mechanical equipment shall comply with Section 1136.08 of the Codified Ordinances.

For the purposes of this Section, service/mechanical equipment shall include, but not be limited to: propane tanks, loading docks, storage tanks, dumpsters, electrical transformers, utility vaults which extend above the surface, air conditioners/cooling towers, heat pumps, roof-top units and other equipment or elements providing service to a building or a site.
(Ord. C29-00. Passed 5-1-00.)

1137.17 TEMPORARY PORTABLE STRUCTURES FOR NONRESIDENTIAL USE.

(a) A Certificate of Appropriateness shall be obtained for temporary portable structures. A temporary portable structure as defined herein shall refer to structures in excess of 100 square feet not intended for residential use. Furthermore structures as defined in this section do not include tents (see 1301.03 for definition of a tent). To obtain a permit the following requirements shall be submitted to the Building Division a minimum of 30 days prior to locating a temporary portable structure on any lot:

(1) Site plan.
(2) Floor plan(s).
(3) Elevation of the proposed building.
(4) Color photographs of all 4 sides of the structure(s) and photographs taken from the main structure toward property and adjacent buildings.
(5) Materials samples/manufacturer's literature.
(6) Points of ingress and egress.
(7) Lighting detail.
(8) Building setback lines and easements.
(9) Additions or deletions to parking.
(10) Landscape additions or deletions.
(11) Show any portable restrooms.
(12) A descriptive narrative at least a paragraph long discussing the extent of the project. Included in the narrative shall be hours of operation and length of time that the temporary structure will be in use.

(b) Additional requirements for temporary portable structures:

(1) Temporary portable structures hours of operation shall not exceed 9:00 p.m.
(2) Site lighting shall be turned off no later than 9 p.m.
(3) Sales trailers for new home sites shall be permitted for a period not to exceed one calendar year.
(4) Portable restrooms used in conjunction with sales or construction trailers must be maintained on a regular basis.

(5) Areas surrounding the temporary portable structure must be kept clean of debris and maintained in a neat an orderly fashion.

(c) Any person whose application for a Certificate of Appropriateness has been denied by the Chief building and Zoning Official may appeal such decision by filing an appeal with the Planning Commission within thirty (30) days of such denial, and at least fourteen (14) days prior to the Planning Commission meeting date at which such appeal shall be heard. The appeal shall be in the form of a "Request for Application to the Planning Commission and Council," which must be fully completed and contain all materials required pursuant to Section 1143.06. The application, with eighteen (18) copies, along with a check for fifty dollars ($50) (made payable to the City of Grove City) must be submitted to the secretary of the Planning Commission. The appeal shall be treated as an original application for approval pursuant to Chapter 1101.
(Ord. C25-03. Passed 4-21-03.)

1137.18 MODEL HOMES IN RESIDENTIAL DISTRICTS.

(a) As used in this section, Model Homes are defined as a residential structure used by a licensed homebuilder/developer, real estate worker or realtor to demonstrate construction, display built-in amenities and color selection charts to prospective homebuyers and to promote sale or lease of housing units. The home may be staffed and furnished.

(b) A certificate of appropriateness shall be obtained for all model homes. To obtain a certificate of appropriateness the following requirements the following requirements shall be submitted by application to the Building Division in conjunction with the building permit application.

(1) Lighting detail.
(2) Additions or deletions to parking.
(3) Landscape additions or deletions.
(4) Zoning restrictions for the property.
(5) Hours of operation.
(6) Number of employees who will be on site.

(c) Additional requirements for model homes shall include:

(1) The home must be integrated into the residential character of the neighborhood with external lighting approved on a case-by-case basis. No exterior lighting other than usual customary residential lighting shall be permitted at the model home after 9:00 p.m.
(2) The home shall be approved for a limited duration not to exceed five years for models in a new subdivision and not to exceed two (2) years in developed or mature neighborhoods. Extensions of the duration of model homes may be permitted by formal written request submitted to the Zoning Official. The Zoning Official shall consider the same criteria in approving extensions as is prescribed for initial applications.
(3) Model homes shall be identified by no more than one sign in compliance with the Chapter 1145.
   A. Model home signage shall be removed when the model is no longer maintained as the original intended use.
   B. Model home signage may only consist of ground signage.

(d) Any person whose application for a certificate of appropriateness has been denied by the Chief Building and Zoning Official may appeal such decision by filing an appeal with the Planning Commission within thirty (30) days of such denial, and at least fourteen (14) days prior to the Planning Commission meeting date at which such appeal shall be heard. The appeal shall be in the form of a "Request for Application to the Planning Commission and Council" which must be fully completed and contain all materials required pursuant to Section 1143.06. The application, with eighteen (18) copies, along with a check for fifty dollars ($50) (made payable to the City of Grove City) must be submitted to the secretary of the Planning Commission. The appeal shall be treated as an original application for approval pursuant to Chapter 1101.
(Ord. C26-03. Passed 4-21-03.)

1137.19 PORTABLE STORAGE UNITS.

(a) For the purpose of this section, the term "portable storage unit" shall mean any portable enclosed unit of whatever type construction or material, designed for permanent or temporary storage, which can be transported by vehicle and left on-site.

(b) Portable storage units are not permitted as a principal permitted use, accessory use or as a special use in any zoning district within the City.

(c) For residential districts and uses, portable storage units are permitted as a temporary use for a period not to exceed five (5) days per calendar year and no permit shall be required provided the following conditions are met:

(1) Portable storage units must be located on an asphaltic or portland concrete surface outside of the right-of-way. Such units shall be a minimum of six (6) feet from any property line and shall not obstruct right-of-way vision clearance at any time.
(2) Not more than one (1) unit per tax parcel is permitted.
(3) If the portable storage unit is being used as a result of a major catastrophe (e.g. fire, flood or other event where there is significant property damage), the Chief Building Official may extend the period up to a maximum of thirty (30) days total within a one (1) year period.
(4) Portable storage units may not exceed a size of twelve hundred (1,200) cubic feet on the interior. All portable storage units in excess of twelve hundred (1,200) cubic feet are prohibited in residential areas.
(5) Portable storage units may be used in conjunction with residential construction or alteration when a building permit has been issued provided the following conditions are met:
    A. Unit shall be located on-site for duration of construction but not to exceed three (3) months for new construction, remodeling, renovation, or expansion work without written approval of the Chief Building Official and then not to exceed a reasonable period determined by the City.
    B. For construction of a new residential house the container may be located in an unpaved driveway provided it is outside of the right-of-way.
    C. Unit must be removed from premise after construction is complete prior to issuance of a certificate of occupancy.

D. No more than one (1) storage unit per tax parcel is permitted.

(d) For non-residential districts and uses, portable storage units shall be permitted for a period not to exceed five (5) days per calendar year and no permit shall be required provided the following conditions are met:

(1) Portable storage units must be located on an asphaltic or portland concrete surface outside of the right-of-way.
(2) Not more than one (1) storage unit per tax parcel is permitted.
(3) Units shall be a minimum of six feet from any property line and shall not obstruct vehicular vision at any time.
(4) Units shall be located behind the building setback line.
(5) Units shall not be located in required parking spaces or drive isles.
(6) Units in excess of twelve hundred (1,200) cubic feet on the interior shall be considered a temporary portable structure and regulated in accordance with Section 1137.17 (Temporary Portable Structures for Nonresidential Use).
(7) Units located in non-residential zoning districts for more than five (5) days shall be regulated in accordance with Section 1137.17 (Temporary Portable Structures for Nonresidential Use).

(Ord. C25-06. Passed 5-1-06)

1137.20 DUMPSTERS.

(a) For the purpose of this section, the term "dumpster" shall mean any unit designed for the collection of large quantities of trash, yard waste, garbage, building or construction debris, trees or limbs designed to be delivered and picked-up by a truck and which is left on site in any zoning district. Dumpsters do not include garbage cans which can be moved by a person.

(b) Dumpsters are permitted within non-residential and multiple-family districts for the regular collection of trash and garbage from the premises thereof, subject to all other applicable zoning requirements for screening and location. Dumpsters are not permitted as a principal permitted use, accessory use or as a special use in any single-family zoning district within the City.

(c) For single-family districts, properties, and uses, dumpsters are permitted as a temporary use subject to the following limitations:

(1) At construction sites, not to exceed three (3) months without written approval of the Chief Building Official and then not to exceed a period reasonably necessary to complete the construction. Dumpster may be located in an unpaved driveway provided it is outside of City right-of-way.
(2) For existing structures, dumpsters may be located on-site for the duration of the remodeling, renovation, or expansion work but not to exceed a total of three (3) months in a calendar year without written approval of the Chief Building Official and then not to exceed a period reasonably necessary to complete the construction. Dumpster must be located on a paved surface out of the right-of-way.
(3) Dumpster must be removed from the premise after construction is complete, prior to issuance of a certificate of occupancy.
(4) No more than one (1) dumpster at a time is permitted on a single-family residential lot without written approval of the Chief Building Official.

(5) No trash, yard waste, garbage, building or construction debris, tree limbs may be brought from other properties or premises to a dumpster located on residential premises.
(Ord. C26-06. Passed 5-1-06.)

1137.21 COLLECTION BINS.

(a) For the purpose of this section, the term "collection bin" shall mean any portable enclosed unit of whatever type construction or material, designed for the collection and or temporary storage of donated items or recyclable materials. Collection bin does not include household recycle bins which can be moved by a person.

(b) Collection bins used solely for the collection of donated articles or recycled materials may be permitted provided it will not be objectionable to contiguous properties. Such approval may be subject to reasonable health, safety, and welfare conditions as to the location, size, type, and maintenance of such unit.

(c) A certificate of appropriateness shall be obtained for all collection bins. To obtain a permit the following requirements shall be submitted to the building division a minimum of thirty (30) days prior to locating a collection bin on any lot:

(1) Site plan.
(2) Color photographs of all four (4) sides of the structure(s) and photographs taken from the main structure toward property and adjacent buildings.
(3) Points of ingress and egress.
(4) Lighting detail.
(5) Building setback lines and easements.
(6) Additions or deletions to parking.
(7) Landscape additions or deletions.
(8) A descriptive narrative at least a paragraph long discussing the intended use, duration, and need for such facility.

(d) Additional requirements for collection bins.

(1) Areas surrounding the collection bin must be kept clean of debris and maintained in a neat an orderly fashion.
(2) Bins are to be emptied on a regular basis.
(3) Placement of items/materials outside of the bin is prohibited.
(4) Semi-trailer donation centers shall be prohibited.

(e) Failure to comply with any of the above stated regulations will result in the revocation of the permit and will require immediate removal of the collection bin.

(f) Any person whose application for a certificate of appropriateness has been denied by the Chief Building and Zoning Official may appeal such decision by filing an appeal with the Planning Commission within thirty (30) days of such denial, and at least fourteen (14) days prior to the Planning Commission meeting date at which time such appeal shall be heard. The appeal shall be in the form of a "Request for Application to the Planning Commission and Council," which must be

fully completed and contain all materials required pursuant to Section 1143.06. The application, with eighteen (18) copies, along with a check for fifty dollars ($50) (made payable to the City of Grove City) must be submitted to the secretary of the Planning Commission. The appeal shall be treated as an original application for approval pursuant to Chapter 1101.
(Ord. C27-06. Passed 5-1-06.)

1137.99 PENALTY.
(EDITOR'S NOTE: See Section 1131.99 for general Zoning Code penalty.)

CHAPTER 1138
Historical Preservation Area and Sign Code

Historical Preservation Area
1138.01 Purpose.
1138.02 Boundaries.
1138.03 Criteria for evaluating applications for certificate of appropriateness.
1138.04 Design requirements.
1138.05 Procedure for architectural review and approval; certificate of appropriateness required.
Sign Code
1138.20 Purpose of Sign Code.
1138.21 Definitions for signs.
1138.22 Approval procedure.
1138.23 Signs not requiring a permit.
1138.24 Temporary signs.
1138.25 Permanent signs.
1138.26 Nonconforming signs.
1138.27 Street numbers required.
1138.28 Schedule of sign regulations.
1138.29 Additional requirements.
1138.30 Schedule of fees.
1138.31 Portable signs.
1138.99 Penalty.

CROSS REFERENCES
Parking and renovation standards - see P. & Z. 1135.09(b)(14)

HISTORICAL PRESERVATION AREA

1138.01 PURPOSE.

The purpose of the Historical Preservation Area is to maintain and enhance the distinctive character of the older sections of the City by safeguarding the architectural integrity of the various period structures within it, and to prevent intrusions and alterations within the district that would be incompatible with this established character.
(Ord. C70-86. Passed 10-20-86)

1138.02 BOUNDARIES.

The boundaries of the Historical Preservation Area are the properties facing on Broadway from Southwest Boulevard south to approximately 341 feet south of Woodlawn Avenue, from the Baltimore and Ohio Railroad tracks east to Haughn Road on Park Street and from Broadway east to Haughn Road on Columbus Street.
(Ord. C70-86. Passed 10-20-86.)

1138.03 CRITERIA FOR EVALUATING APPLICATIONS FOR CERTIFICATE OF APPROPRIATENESS.

In considering the appropriateness of any proposed change to the exterior surface of structures or to the other environmental features of the district, including landscaping, vegetation and exterior signage, the Planning Commission shall consider the following:

(a) The distinguishing original qualities or character of a period building, structure or site and their environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features should be avoided when possible.

(b) All buildings, structures and sites shall be recognized as products of their own time. Alterations that have no historical basis and which seek to create an earlier appearance inconsistent or inappropriate to the original integrity of the building shall be discouraged.

(c) Whereas changes which may have taken place in the course of time are evidence of the history and development of a building, structure or site and its environment, if these changes are deemed to have acquired significance, then this significance, if any, shall be recognized and respected.

(d) Distinctive stylistic features or examples of skilled craftsmanship which characterize a building, structure or site shall be treated with sensitivity.

(e) Significant architectural features which have deteriorated shall be repaired rather than replaced, wherever possible. In the event replacement is necessary, the new material should match the material being replaced in composition, design, color, texture, and other visual qualities. Repair or replacement of architectural features should be based on accurate duplications of features, and if possible, substantiated by historic, physical or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.

(f) The surface cleaning of structures shall be undertaken with methods designed to minimize damage to historic building materials. Sandblasting and other cleaning methods that will damage the historic building materials should be avoided.

(g) Every reasonable effort shall be made to protect and preserve archeological resources affected by, or adjacent to any project.

(h) Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historical, architectural or cultural material, and such design is compatible with the size, scale, color, material and character of the property, neighborhood or environment.

(i) Whenever possible, new additions or alterations to structures shall be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the original structure would be unimpaired.

(Ord. C70-86. Passed 10-20-86.)

1138.04 DESIGN REQUIREMENTS.

(a) Existing Structures and Premises. Reconstruction or rehabilitation within the Historical Preservation Area shall conform to the distinguishing, original exterior qualities or character of the structure, its site and its environment.

(b) New Construction. The design of new structures and of additions to existing structures, including new site improvements, shall take into account the architectural style, general design, arrangement, texture, material and color of other structures and premises with the Historical Preservation Area.

(c) Materials.

(1) All new structures and all reconstruction or remodeling of existing structures within the Historical Preservation Area shall utilize natural traditional exterior materials such as brick, stone, masonry and wood.

(2) The use of contemporary materials, such as aluminum, other metals, fiberglass and plastics for exterior surfaces on architecturally significant structures shall be prohibited unless the use of such materials would contribute to preservation or enhancement of existing traditional materials and the overall integrity and longevity of a structure.

(d) Color. Traditional colors and combinations of those colors that are both identified with the origin or the era in which the area was originally built, and approved by the Planning Commission, shall be used for building exteriors for all new construction to be built, and reconstruction, remodeling and exterior maintenance of existing structures with the historical area.

(e) Signs. All signs within the historical area shall conform to color and material standards of this section, be of such a style or design that reflects the era during which the structure was built, and shall conform to the requirements of Chapter 1138 and Section 1145.14 of the Codified Ordinances. Sign size and shape shall also respond to the existing proportions of period structures, and signs shall not be permitted to cover, "blank-out" or close existing window and doorway openings or otherwise hide important architectural features.
(Ord. C70-86. Passed 10-20-86; Ord. C55-00. Passed 7-17-00.)

1138.05 PROCEDURE FOR ARCHITECTURAL REVIEW AND APPROVAL; CERTIFICATE OF APPROPRIATENESS REQUIRED.

(a) A certificate of appropriateness is required from the Planning Commission prior to any new construction, remodeling, reconstruction or demolition. A certificate of appropriateness is required from the Building Inspector prior to the onset of maintenance or repair such as set forth in subsection (c) hereof.

In order to be heard by the Planning Commission, a fee of $50, payable to the City for deposit in the General Fund, shall accompany the application or petition. This fee is for the purpose of defraying the costs of plan review, legal, legislation, notices, official publications required by the City and any other incurred costs and shall not be refundable even if the application is disapproved by the Planning Commission or Council.

(b) A certificate of appropriateness is required from the Planning Commission prior to the erection of any sign which requires a permit pursuant to Chapter 1138 of the Codified Ordinances.

In order to be heard by the Planning Commission, a fee of $50, payable to the City for deposit in the General Fund, shall accompany the application or petition. This fee is for the purpose of defraying the costs of plan review, legal, legislation, notices, official publications required by the City and any other incurred costs and shall not be refundable even if the application is disapproved by the Planning Commission or Council.

The Commission may grant a variance to the requirements of Chapter 1138. The application fee for such a variance shall be fifty dollars ($50).

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

(d) Applications for a certificate of appropriateness shall be filed with the Building Inspector at least fifteen days before a meeting of the Commission. The applicant shall submit with his application, drawings, materials and color samples, sketches and other information that indicate or identify the proposed exterior.

(e) The Commission shall review and approve, approve with modification, or disapprove such applications and forward its recommendation to Council. Upon approval, or approval with modifications by Council, the Building Inspector shall issue a certificate of appropriateness to the applicant within fifteen days.
(Ord. C70-86. Passed 10-20-86; Ord. C49-01. Passed 8-6-01.)

SIGN CODE

1138.20 PURPOSE OF SIGN CODE.

The purpose of this subchapter is to establish standards for the development of planned graphic signing systems which are consistent with the preservation of the historic character of the Historical Preservation Area. To protect the general health, safety and welfare, and to protect and encourage a more attractive economic and business image and improved overall physical appearance of the Historical Preservation Area, all signs and signing systems within the Historical Preservation Area are subject to the regulations contained in this subchapter.
(Ord. C85-01. Passed 12-3-01.)

1138.21 DEFINITIONS FOR SIGNS.

As used in this chapter, the following words and phrases shall have the meanings given herein:

(a) "Awning" means a nonstructural hood or cover that projects from the wall of a building and which is generally intended to provide shading from direct sunlight.

(b) "Banner" means a nonrigid cloth, plastic or canvas sign typically related to a special event or promotion.

(c) "Billboard" means an outdoor sign exceeding sixty square feet in area.

(d) "Canopy" means a projection from a building made from any material, which is cantilevered, suspended or supported on columns intended only for shelter or ornamentation.

(e) "Flashing" means a sign or graphic which in any manner, as a whole or in part, physically changes in light intensity or gives the appearance of such change.

(f) "Ground sign" means a freestanding detached sign whose support structure is embedded in the ground.

(g) "Interior sign" means a sign which is not in any manner physically affixed to or painted on the glass or other structural component of the window but which is on the interior of the premises and clearly visible through the window from the exterior of the premises.

(h) "Joint identification sign" means a sign intended to provide the identity or name, whether through logo, type, graphics or other symbols for two or more uses within one building or on the property or the name of the building or its address for property occupied by two or more businesses.

(i) "Marquee" means a canopy that provides additional loading for graphics.

(j) "Message center" means a display capable of transmitting variable information to the public, such as the date, time and temperature, public service messages or a wide variety of promotional announcements.

(k) "Moving signs" means any sign, all of any part of which physically moves up or down or sideways, revolves, or is animated so as to give the appearance of movement.

(l) "Pennant" means a triangular shaped banner.

(m) "Permanent sign" means a sign intended to be erected and used or in fact which is used for a time period in excess of one year.

(n) "Portable sign" means a sign designed or constructed in such a manner that it can be moved or relocated without involving any structural or support changes.

(o) "Projecting name plate" means a sign indicating only the name and/or address of an occupant which extends outward perpendicular to the building face.

(p) "Roof line" means the lowest point of a roof which is closest to the ground.

(q) "Roof sign" means a sign erected upon the roof of a building, any portion which is above the roof line of the building.

(r) "Sign" means a name, identification, description, display or illustration which is affixed to or upon a building, structure, parcel or lot and which directs attention to an object, product, place, activity, person, institution, organization or business. The word "sign(s)" as used throughout this chapter means sign(s) that are externally visible from adjacent properties or streets. Signage that is placed internally within a structure or building that is not externally visible shall be excluded from sign regulations.

(s) "Streamer" means a ribbon-shaped or cord-like rope which may have pennants and/or banners attached which is stretched or hung between two or more supports.

(t) "Temporary sign" means a sign intended to be used and in fact used for a time period of one year or less.

(u) "Wall sign" means a sign attached to a building face, with the exposed face thereof in a plane parallel to the plane of the wall. Wall signs include messages, graphics and other designs painted along with any letters or numerals mounted or painted on buildings and any extensions thereon.

(v) "Window sign" means a sign, graphic, poster, symbol or other identifications which is physically affixed to or painted on the glass or other structure component of the window. (Ord. C85-01. Passed 12-3-01.)

1138.22 APPROVAL PROCEDURE.

All applications for permanent signs within the Historical Preservation Area shall be submitted to the Planning Commission, which shall make a recommendation to Council regarding approval. The Council shall have the right to approve, approve with modifications or disapprove the application.
(Ord. C85-01. Passed 12-3-01; Ord. C24-03. Passed 4-21-03.)

1138.23 SIGNS NOT REQUIRING A PERMIT.

The following signs may be erected without a permit:

(a) Address and name of occupant of premises for a residential structure, not to include designations as to employment or home occupation and to be limited in size to two square feet.

(b) Signs required or authorized for a public purpose by any law, statute or ordinance, such signs to include traffic control devices provided that such signs contain no supplementary advertising.

(c) Signs that indicate the sale, development, rental or lease of a particular structure or land area, to be limited in size to six square feet, with one sign allowed per street front. Such signs shall not be located in a public right of way.

(d) Interior signs that are limited in size to twenty-five percent (25%) of the window area, or four square feet, whichever is less and which are either not illuminated or are illuminated only from a concealed light source.

(e) Posters and posters in display cases no larger than six square feet for theatres within the Historical Preservation Area.
(Ord. C85-01. Passed 12-3-01; Ord. C24-03. Passed 4-21-03.)

1138.24 TEMPORARY SIGNS.

(a) There shall be no temporary signs permitted within the Historical Preservation Area limits other than specifically set forth within this chapter and that meet all the minimum requirements therein stated.

(b) Community events and programs which last for a time period of fourteen days or less and which are sponsored by nonprofit, public, educational, religious and charitable organizations may display four signs during the event and for a time period of seventy-two hours immediately preceding the commencement of the event. One sign may be located at the site of the event provided it does not exceed twenty-four square feet in size. All off-site signs shall not exceed eighteen square feet in size. Each sign shall be placed at a different site and shall be removed not later than forty-eight hours after the scheduled activity. If the program or event is for a continuing period of time in excess of seven days, only one sign, not larger than ten square feet is permitted and such sign shall be located either

at the site of the event or program or at the location of the sponsoring organization. At no time shall there be allowed a portable sign or sign with removable letters and numbers. A portable sign includes trailer signs, A-frame signs, self-supporting signs, streamer and air-activated attraction devices.

(c) Signs greater than four square feet in size which promote special business sales, promotions or occasions, shall be considered temporary signs and not permitted other than provided for within this chapter.

(d) Political campaign headquarters signs shall be permitted without a sign permit being issued for periods not to exceed thirty days prior to such election, nor to remain for more than forty-eight hours after such regularly-scheduled election. Such signs shall comply with size and location requirements of this Code.
(Ord. C131-88. Passed 1-16-89; Ord. C85-01. Passed 12-3-01; Ord. C24-03. Passed 4-21-03.)

1138.25 PERMANENT SIGNS.

(a) All permanent signs shall require a permit. Permitted permanent signs shall be classified as either wall signs, window signs, awnings, projection signs or ground mounted signs. However, no signs are permitted within a public right of way or easement, unless otherwise approved in this chapter.

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

A. Signs may be painted on an awning area or attached to a canopy, marquee or roof which projects beyond the building provided that no part of such sign may extend above the roof line, canopy or marquee.

B. Projecting nameplates, provided that:
The nameplate does not exceed four square feet in size; is placed not less than ten feet above the sidewalk or ground level; and projects no more than three feet outward from the building face; and

(2) Permanent window signs and graphics shall be limited to signs denoting the identification of the occupant, the address of the premises and its primary use. Window signs shall be limited to one sign per window and shall not exceed one-fourth of the total area of the window, and in no case shall exceed ten square feet.

(3) Ground mounted signs shall be limited to signs denoting the identification of the occupant, the address of the premises and its primary use, and the business phone number. Ground mounted signs shall be limited to one sign per property, regardless of the number of buildings or business establishments on such property. The size of the sign shall not exceed eight feet in height and shall not exceed a total of twenty-five square feet. There shall be permanent landscaping planted at the base of the sign, as described in Section 1322.10(e). (Ord. C-16-99. Passed 5-3-99; Ord. C24-03. Passed 4-21-03.)

(b) The following general requirements shall apply for characteristics of permanent signs:

(1) Illumination. Illumination shall be from a concealed or indirect light source and shall not flash, blink, fluctuate, travel, move or in any way fail to provide constant illumination and shall not create a hazard or visibility problem or interfere with or impair vehicular traffic. The level of illumination emitted from a sign shall not be of any intensity to constitute a demonstrable safety hazard to vehicular movement on any street from which the sign may be viewed. Illuminated signs shall be constructed and maintained so that the source of illumination is shielded or otherwise prevented from beaming directly onto adjacent properties or streets.

(2) Animation, Message Centers and Moving Signs. Message centers, flashing signs, moving signs and the animation of signs are prohibited.

(3) Construction. The construction of all signs, including any electrical wiring necessary for the operation of illuminated signs shall conform to the specifications of the City Building Code All signs shall be adequately maintained and shall not constitute a safety hazard.

(4) Location.

A. All permanent signs shall be located on the site being promoted, identified or advertised.

B. In no case shall any part of a sign be placed in, over, or extend onto any public right of way except for projecting nameplates on lots where no front yard exists and for publicly owned signs such as traffic control and directional signs. In no case shall any part of a sign be placed in, over or extend above the roof line of any structure.

(5) Maximum number, height and area of signs. In addition to placement of signs, the height, area and number of permitted signs allowed per use or lot shall be regulated by Section 1138.28 entitled Schedule of Sign Regulations. The height of the sign shall be measured from the established grade which shall be defined as that point where the grade line intersects the front wall of the building. The height of a sign shall not be artificially increased beyond the permitted height by placement of signage on earth mounds that are created during site development. The maximum height is eight feet.

(6) Joint identification signs. Joint identification signs shall be limited to wall or ground signs and to premises where there are two or more uses located within the same building on a property having frontage on at least one public street. A second joint identification sign is permitted if the premises has pedestrian access open to the public from parking facilities both in the front and in the rear of the property. The size of a joint identification sign shall not exceed a total of twenty-five square feet. (Ord. C24-03. Passed 4-21-03.)

(7) Billboards. Billboards are prohibited.

(8) Roof signs. Roof signs are prohibited.

(Ord. C85-01. Passed 12-3-01.)

1138.26 NONCONFORMING SIGNS.

(a) The continuance of an existing sign which does not meet the regulations and requirements of this chapter shall be deemed a nonconforming sign which shall terminate by abandonment. A sign shall be considered abandoned:

(1) When the sign is associated with an abandoned use.

(2) When the sign remains after the termination of a business. A business has ceased operations if it is closed to the public for at least ninety consecutive days. Seasonal businesses are exempt from this determination.

(3) When the sign, together with all supports, braces, guys and anchors is not kept in repair and in proper state of preservation. The display surfaces of all signs shall be subject to periodic inspection in accordance with the Building Code.

(4) Abandonment shall be determined based upon the above definitions by the Building Division and/or any appropriate court of jurisdiction. Upon a finding that the sign is abandoned, the right to maintain and use such sign shall terminate immediately. (Ord. C24-03. Passed 4-21-03.)

(b) A nonconforming sign shall not be structurally relocated or replaced unless it is brought into compliance with the provisions of this chapter. Should any replacement or relocation take place without being brought into compliance, the sign shall be existing illegally.

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

(1) The size and structural shape shall not be changed or altered. The copy may be changed provided that the change applies to the original nonconforming use associated with the sign and that the change is made by the owner of the sign at the time the sign became nonconforming; the copy area shall not be enlarged. Any subsequent owner or user shall bring the sign into compliance within thirty days.

(2) In case damage occurs to the sign to the extent of fifty percent (50%) or more of either the structure or the replacement value of the sign, the sign shall be brought into compliance. Where damage to the sign is less than fifty percent (50%) of the structure or its replacement value, the sign shall be repaired within thirty days. (Ord. C85-01. Passed 12-3-01.)

1138.27 STREET NUMBERS REQUIRED.

An owner shall display the numerical address of the building in arabic numbers not less than four inches in height.

(a) The color of the numbers shall contrast to the color of the surface on which they are mounted and the numbers shall be clearly visible from the street on which the building is numbered.

(b) The numbers shall be placed on the front of the building facing the street on which the building is numbered.

(c) For buildings not having entrance doors facing the street on which the buildings are numbered, numbers of all units within such building shall be placed either on the wall of the building facing the street on which the building is numbered or on a sign in compliance with this chapter.
(Ord. C85-01. Passed 12-3-01.)

1138.28 SCHEDULE OF SIGN REGULATIONS.

Permitted Contents	Address Name of Business Primary Use Graphics Phone Number
Permitted Types	Wall, window, joint identification and ground
Maximum Number of Signs	Two per building (excluding directional signs and projecting nameplates and except as otherwise provided for in buildings with multiple business occupancy.)
Maximum Sign Area (Sq. Ft.)	1 sq. ft. of signage per 4 linear feet of frontage; 25 maximum total on all signs. A minimum sign area of 4 sq. ft. required for all signs.
Projecting Signs	No sign shall project more than 36-inches from the face of a building and shall not advertise a name brand product.

(Ord. C85-01. Passed 12-3-01; Ord. C131-88. Passed 1-16-89; Ord. C83-94. Passed 11-21-94; Ord. C24-03. Passed 4-21-03.)

1138.29 ADDITIONAL REQUIREMENTS.

(a) Second Floor. Window or wall signs may be used to indicate upper floor usage. Window signs shall cover no more than fifteen percent (15%) of the window. Both window and wall signs shall be no higher than twenty feet above the floor level of the first story.

(b) Maximum Sign Area. Second floor signs shall comprise no more than thirty-three percent (33%) of the total sign area allowed. Where second floors are in use the permitted sign area may be increased by one square foot per six and one-half lineal feet of frontage; fifteen square feet maximum additional square footage; one additional sign per building.

(c) Buildings With Multiple Business Occupants. Buildings with two or more occupants which have individual and separate entries shall be permitted one ground or wall sign the maximum area shall not exceed twenty-five square feet and the maximum per individual sign is fifteen square feet. Buildings with multiple business occupants sharing a common entry shall refer to joint identification signage (1138.25 (6)). (C83-94. Passed 11-21-94; Ord. C24-03. Passed 4-21-03.)

(d) Property Frontage Within the Historical Preservation Area. Property frontage within the Historical Preservation Area shall include frontage on parking lots, alleys and secondary streets.

(e) Sign Landscaping. All ground signs shall be landscaped at their base with acceptable ground cover material in accordance with Chapter 1136 of the Codified Ordinances. The landscape plan shall accompany, and be presented simultaneously, with the related sign plan. However, the landscape plan may be accepted or rejected independent of the sign plan.
(Ord. C85-01. Passed 12-3-01.)

1138.30 SCHEDULE OF FEES.

The fee shall be fifteen dollars ($15.00) per sign application.
(Ord. C85-01. Passed 12-3-01; Ord. C131-88. Passed 1-16-89; Ord. C24-03. Passed 4-21-03.)

1138.31 PORTABLE SIGNS.

Portable Signs for all Historical Preservation Area structures located in the Central Business District, as defined in Section 1135.12, shall conform to the requirements of Section 1145.14.
(Ord. C85-01. Passed 12-3-01.)

1138.99 PENALTY.

Any person, firm or corporation who violates or fails to comply with any provision of this chapter for which no other penalty has been provided, or fails to comply with any order or regulation made thereunder, or erects such structure in violation of a sign permit or certificate issued thereunder shall be guilty of a misdemeanor of the fourth degree for each and every violation and noncompliance. A separate offense shall be deemed committed each day during or on which an offense occurs or continues. The imposition of a penalty shall not excuse the violation or permit it to continue and the application of such penalty shall not be held to prevent the enforced removal of prohibited conditions.
(Ord. C85-01. Passed 12-3-01.)

CHAPTER 1139
Zoning Amendments and Annexed Territory

1139.01 Amendment applications or petitions; fee.
1139.02 Power of Council; effect on existing buildings.
1139.03 Method of zoning change; reversion of zoning classification.
1139.04 Zoning map and zoning changes.
1139.05 Annexed territory.
1139.99 Penalty.

CROSS REFERENCES

Power to annex contiguous territory - see CHTR. 1.02
Zoning of annexed territory - see Ohio R.C. 303.25, 519.18
Notice and hearing on zoning measures, approval of Council - see Ohio R.C. 713.12

1139.01 AMENDMENT APPLICATIONS OR PETITIONS; FEE.

Applications or petitions for change or amendment to existing zoning districts in the City shall be made to the office of the Planning Commission and shall be accompanied with a fee of $100 payable to the City and shall be deposited in the General Fund. This fee is for the purpose of defraying the costs of preparing the necessary plats, maps, data, legislation and notices and all official publications required by the City and shall not be refundable even though the application is disapproved by the Planning Commission or Council. Applications under Sections 1135.01 to 1135.05 are included herein.
(Ord. C79-74. Passed 1-20-75; Ord. C49-01. Passed 8-6-01.)

1139.02 POWER OF COUNCIL; EFFECT ON EXISTING BUILDINGS.

Council may, from time to time on its own motion or petition, after public notice and hearing, amend the regulations and districts herein established but no amendment shall become effective unless the same has been first submitted to the Planning Commission for approval. The Commission shall give its consideration and report back to the Council within sixty days from submission. If the Commission does not act within the sixty day period, it will be deemed to have approved the action of Council. No such amendment which has been disapproved by the Commission shall take effect unless subsequently passed by a three-fifths vote of Council. If any area is hereafter transferred to another district by a change in the district boundaries by amendment as provided in this section, the provisions of this Zoning Code with regard to building or premises existing or buildings for which permits have been issued at the time of the passage of this Code (January 20, 1975) shall apply to buildings or premises existing for which permits have been issued in such transferred area at the time of the passage of such amendment.
(Ord. C79-74. Passed 1-20-75; Ord. C65-88. Passed 7-18-88.)

1139.03 METHOD OF ZONING CHANGE; REVERSION OF ZONING CLASSIFICATION.

(a) All requests for modifications of the use districts as established by this Zoning Code shall be submitted to the Planning Commission upon such forms as provided by the Planning Commission for that purpose and pursuant to such rules and regulations as shall be established by the Planning Commission. The Commission may, upon its own motion, recommend to Council changes in the use districts herein established. An applicant requesting a change in the use districts herein established shall file together with the request as hereinbefore described an affidavit with the Planning Commission listing thereon the names and mailing addresses of all persons, corporations and entities owning land within, contiguous to, and directly across the street from the parcel or parcels for which a change and use classification is sought; a legal description for the parcel or parcels for which a change in use classification is being sought; and a map (no larger than 11 x 17) outlining said parcel or parcels and showing the contiguous parcels with names and parcel number. The Commission after hearing and consideration of such request shall forward its findings and recommendations to Council and provide a copy thereof to the applicant and other interested parties who shall request the same.

(b) The Planning Commission shall adopt from time to time such rules and regulations as it may deem necessary to carry into effect the provisions of this Zoning Code. The concurring vote of three members of such Commission shall be necessary to reverse or modify any order, requirement, decision or determination; except that, in the event that at any meeting of the Commission there are only three members present, the unanimous vote of such three members shall be sufficient for such action.

(Ord. C79-74. Passed 1-20-75; Ord. C75-82. Passed 11-1-82; Ord. C34-02. Passed 4-1-02.)

1139.04 ZONING MAP AND ZONING CHANGES.

(EDITOR'S NOTE: For changes in and amendment to the zoning map see Table F of Special Ordinances in the Preliminary Unit of these Codified Ordinances.)

1139.05 ANNEXED TERRITORY.

All territory annexed to the City shall immediately upon annexation be subject to the zoning classification, regulations and restrictions as hereinafter set forth in this section.

(Ord. C39-84. Passed 7-2-84.)

(a) Territory annexed to the City shall be zoned by Council after receiving recommendations from the Planning Commission if the petitioner(s) for annexation apply to the Planning Commission as hereinafter set forth in subsections (b) and (c) hereof. All other annexed territory zoned under County or Township zoning shall be classified as the most comparable district of this Zoning Code.

(b) Petitioner(s) for annexation may apply to the Planning Commission for a zoning classification(s) once an annexation petition has been filed with the County Commissioners. Once the County Commissioners have approved the annexation, Council shall act upon the annexation ordinance, whereby the zoning classification(s) shall be a part. Council shall accept, deny or modify the Planning Commission's recommended zoning.

(c) A petitioner(s) requesting annexation shall file with the Clerk of Council within fifteen days of the approval of annexation by the Board of County Commissioners, or before, the names and mailing addresses of all persons, corporations and entities owning land within,

contiguous to and directly across the street(s) from the parcel or parcels of territory to be annexed to the City. Thirty days notice shall be given to said property owners advising them of the hearing to accept the annexation and establish the zoning classification(s) to the territory to be annexed.
(Ord. C85-94. Passed 11-21-94.)

1139.99 PENALTY.
(EDITOR'S NOTE: See Section 1131.99 for general Zoning Code penalty.)

CHAPTER 1141
Development Plan

1141.01 Approval of Development Plan; modification of zoning requirements.
1141.02 Application to existing plats; interpretation, purpose.
1141.03 Plat approval; acceptance of streets upon dedication and bond.
1141.04 Bond and deposit for improvement.
1141.05 Obligations of owner and/or developer.
1141.06 Site plan to accompany building permit application.
1141.99 Penalty.

CROSS REFERENCES

Subdivision development plan submission - see P. & Z. 1101.07
PUD Plan submission - see P. & Z. 1135.14

1141.01 APPROVAL OF DEVELOPMENT PLAN; MODIFICATION OF ZONING REQUIREMENTS.

(a) The owner or owners of any tract of land shall submit to the Planning Commission a plan for the use and development of such tract of land lying within the City or within the three-mile limit thereof, and the plan of streets, drives and ways dedicated for public use.

(b) If such Development Plan is approved after hearing by the Planning Commission and Council, the application of the use and yard regulations established herein shall be modified as required by such development plans provided that for such tract as a whole, excluding street area but including area to be devoted to parks, parkways or other permanent open space, there will be not less than the required area per family for the area district in which such tract of land is located for each family which under such Development Plan may be housed on such tract; and provided further, that under such Plan the appropriate use of property adjacent to the area included in such Plan is fully safeguarded and all the improvements are assured, and so certified to the heads of all divisions responsible for such improvements. (Ord. C79-74. Passed 1-20-75.)

1141.02 APPLICATION TO EXISTING PLATS; INTERPRETATION, PURPOSE.

In interpreting and applying the provisions of this Zoning Code, such provisions shall be held to be the minimum requirements adopted for the promotion of the public health, safety, comfort, convenience and general welfare. This Zoning Code shall not repeal, abrogate, annul or in any way impair or interfere with any existing provisions of law or ordinance or any rules or regulations previously adopted or issued or which shall be adopted or issued pursuant to law relating to the use of buildings or premises, provided that where this Zoning Code imposes a greater restriction upon the use of buildings or premises or upon the height of the buildings or requires larger lots or yards than are imposed or required by such existing provisions of law or ordinance or by such rules or regulations the provisions of this Zoning Code shall control.
(Ord. C79-74. Passed 1-20-75.)

1141.03 PLAT APPROVAL; ACCEPTANCE OF STREETS UPON DEDICATION AND BOND.

(a) Upon the acceptance of a plat by Council and the filing of the plat with the County Auditor, all streets thereon become dedicated to the City.
(Ord. C 79-74. Passed 1-20-75.)

(b) Upon acceptance of the plat and the dedication of streets, as provided in subsection (a) above, the owner or developer shall furnish a performance bond or other forms of guarantee as provided for in Section 1141.04. No building permits shall be issued until such bond or guarantee for the public improvement has been posted by the owner or developer in the amount provided for herein.
(Ord. C 42-75. Passed 6-23-75.)

1141.04 BOND AND DEPOSIT FOR IMPROVEMENT.

(a) Upon acceptance of the final plat by Council, the owner or the developer shall agree, in writing, to complete all public improvements required by Sections 1141.01 to 1141.05 and prior to recording the plat with the County Recorder, he shall guarantee the remaining construction of the public improvements using one of the following:
(Ord. C38-76. Passed 4-19-76.)

(1) A performance bond equal to the estimated construction cost as approved by the City Engineer for the public improvements;
(2) A certified check equal to fifty percent of the estimated construction cost as approved by the City Engineer for the public improvement; or
(3) Subject to the approval of the Director of Finance, a certification to the City by the institution, person, or corporation financing the construction of the public improvements stipulating that the funds in the amount of the estimated construction costs are available and set aside from all other funds;

That these funds will not be released to the owner, developer or their agents unless a release is signed by the City;

That such release by the City only certifies that as best the City can determine the construction was completed to the City's satisfaction and does not relieve the owner and/or developer of the City's maintenance guarantee requirements;

That ten percent of all moneys released will be placed in an escrow account for use by the City should there be cause for the City to have to finish any work through the default, neglect, or negligence of the owner, developer or their agents;

That only the City shall have the right to release the funds in the escrow account; and

That acceptance of the public improvements by the City and the posting of the one year maintenance guarantee shall constitute release of the funds in the escrow account lacking any formal release by the City.
(Ord. C 42-75. Passed 6-23-75.)

(b) The owner or developer shall, prior to beginning construction, deposit with the Finance Director a sum of money as prescribed by the City Engineer, to defray the cost of inspection and whatever engineering services may be required and expense incurred by the City in the installation of the improvements. Should the amount of such deposit be insufficient to pay the cost thereof, the subdivider shall, immediately upon demand, deposit such additional sums as are estimated by the City Engineer to be necessary. Upon completion and acceptance of the improvement, any unexpected balance remaining from such deposit or deposits shall be refunded.
(Ord. C 79-74. Passed 1-20-75.)

1141.05 OBLIGATIONS OF OWNER AND/OR DEVELOPER.

(a) The owner and/or developer of the plot or tract of land to be developed agrees:
   (1) That he will make no conveyance of any lot or parcel smaller in frontage or area than indicated on the plat, except for the purpose of increasing the area of another lot.
   (2) That all construction work and materials used in connection with the public improvements in the area platted will conform to requirements and specifications of the City.
   (3) That the City Engineer will be notified in writing three days before any construction is begun on such public improvements in order that inspection may be provided.

(b) The developer shall hold the City 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 own cost and expense any suit or action brought against the City by reason thereof until the improvement has been accepted by the City at the end of the one year maintenance period and the developer notified, except such liability of the City resulting from its sole negligence.
(Ord. C79-74. Passed 1-20-75.)

1141.06 SITE PLAN TO ACCOMPANY BUILDING PERMIT APPLICATION.

Applications for all building permits for new construction or remodeling shall be accompanied with a site plan and grading plan as part of such applications, showing description of land and proposed building construction so as to readily identify and definitely locate such land and building, showing distances from side lot lines to adjacent buildings on the same lot or adjacent lots, showing off-street parking areas as designated by this Zoning Code for the various use districts, showing location of existing rights of way, showing access to the property, and showing existing and proposed grades and drainage from or onto adjacent property.
(Ord. C79-74. Passed 1-20-75.)

1141.99 PENALTY.

(EDITOR'S NOTE: See Section 1131.99 for general Zoning Code penalty.)

CHAPTER 1143
Exterior Building Alterations or Modifications

1143.01 Purpose.
1143.02 Areas regulated.
1143.03 Criteria for evaluation.
1143.04 Design guidelines.
1143.05 Procedures.
1143.06 Submission requirements.
1143.99 Penalty.

CROSS REFERENCES

New development standards - see P. & Z. Ch. 1101
Historical Preservation Area - see P. & Z. Ch. 1138

1143.01 PURPOSE.

The purpose of this chapter is to maintain a high character of community development to protect the stability of property values and for the general community welfare by regulating the exterior characteristics of non-residential structures and preservation of buildings. The following purposes are hereby established to protect and promote harmony of developments in the City:

(a) To define the concepts and components of planning and design, which would cause all commercial renovation and new construction to be compatible with the places and properties of the commercial districts, which constitute the City's development heritage, thereby protecting the value of property.

(b) To create, protect and preserve civic qualities, open spaces, effective traffic flow and vehicular access within community entry corridors, all of which help define the high quality of community heritage necessary for the City to retain its economic identity.

(c) To establish design and development concepts and guidelines to promote architectural continuity and good design, and to promote and create desirable relationships between circulation systems and adjacent land uses, and the related relationships between parking areas and buildings within the existing community.

(Ord. C33-01. Passed 5-21-01.)

1143.02 AREAS REGULATED.

This chapter governs all zoning classifications except 1, 2 and 3 family Residential and the Historical Preservation Area.
(Ord. C33-01. Passed 5-21-01.)

1143.03 CRITERIA FOR EVALUATION.

In considering the appropriateness of any proposed change to the exterior surface of structures in the areas regulated, the Chief Building and Zoning Official, or Planning Commission and Council in the case of appeal, as established in 1143.05(b), shall consider the following:

(a) The distinguishing qualities or character of the area in which the proposed change is located shall not be diminished. Changes should be harmonious with or a betterment of the qualities and character of the surrounding properties. Changes, which result in the removal or alteration of any material or distinctive architectural features, shall be discouraged.
(b) Distinctive stylistic features or examples of skilled craftsmanship which characterize a building, structure or site should be treated with sensitivity.
(c) Every reasonable effort shall be made to protect and preserve archaeological resources on or adjacent to the property.
(d) Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy architectural or cultural material, and such design is compatible with size, scale, color, material and character of the property, neighborhood or environment.
(e) Compliance with any other Regulated District established in the Codified Ordinances for the City.
(Ord. C33-01. Passed 5-21-01.)

1143.04 DESIGN GUIDELINES.

The Design Guidelines are intended to create a building and site design that is compatible with the other buildings in the areas regulated and with the building's neighbors. The following materials are considered to be examples (but not a complete listing) of materials harmonious to the areas regulated:

(a) Brick. Brick should be in colors or color ranges which are harmonious with other materials of the building and the area in which the property is located. Colors in the red family are encouraged. Glazed brick is discouraged unless it is used only as a minor feature. Brick should be laid up in common bond; stack bond is strongly discouraged. Applying any application to a brick surface shall be discouraged.
(b) Stone. Rubble or random Ashlars limestone are encouraged.
(c) Wood Siding. Wood siding in a natural, color stained or painted state. Stain and paint colors shall be compatible with other buildings in the area in which the property is located.
(d) Vinyl Siding. Horizontal vinyl siding may be used in limited amounts. Large expanses of vinyl siding are discouraged. Eight, five or four-inch exposure along with color shall be compatible with buildings in the area in which the property is located.
(e) Alternative materials. Alternative materials may be approved based on compatibility with buildings on or in the area in which the property is located, and as approved by the Chief Building and Zoning Official, or in the case of appeal, as established in 1143.05(b), by the Planning Commission and Council.
(Ord. C33-01. Passed 5-21-01.)

1143.05 PROCEDURES.

(a) A certificate of appropriateness is required from the City prior to any exterior changes, site modification, remodeling, reconstruction or demolition.

(b) Applications for certificate of appropriateness shall be filed with the Building Department. The Chief Building and Zoning Official shall determine whether the proposed changes are "significant" based upon the impact the changes will have on the property and its surrounding area. If the Chief Building and Zoning Official determines that the proposed changes are not significant, he shall so inform the applicant and no Certificate of Appropriateness shall be required. If the Chief Building and Zoning Official determines that the proposed changes are significant, he shall review the application for compliance with the provisions of this Chapter, and either issue or deny the request for the Certificate of Appropriateness. All requests for Certificates of Appropriateness submitted under this Chapter shall be deemed approved unless the Chief Building and Zoning Official disapproves the same within 15 days of submission of the application.

(c) Any person whose application for a Certificate of Appropriateness has been denied by the Chief Building and Zoning Official may appeal such decision by filing an appeal with the Planning Commission within 30 days of such denial, and at least 14 days prior to the Planning Commission meeting date at which such appeal shall be heard. The appeal shall be in the form of a "Request for Application to the Planning Commission and Council", which must be fully completed and contain all materials required pursuant to Section 1143.06. The application, with 18 copies, along with a check for $50.00 (made payable to the City of Grove City) must be submitted to the secretary of the Planning Commission. The appeal shall be treated as an original application for approval pursuant to Chapter 1101, under which the Planning Commission shall examine, take action within 45 days and forward its recommendations to Council for its approval, approval with modifications, or denial. The decision of Council shall be final. Upon approval or approval with modifications by Council, the Chief Building and Zoning Official shall issue a Certificate of Appropriateness to the applicant within fifteen days.
(Ord. C33-01. Passed 5-21-01.)

1143.06 SUBMISSION REQUIREMENTS.

(a) The following information shall be required, as applicable, with the application for a Certificate of Appropriateness:

(1) Site plan.
(2) Floor plan(s).
(3) Elevation of existing building(s) and elevation of the proposed changes.
(4) Color photographs of all four sides of the structure(s) and photographs taken from the main structure toward property line and adjacent buildings.
(5) Materials samples/manufacture's literature.
(6) Points of ingress and egress.
(7) Lighting detail.
(8) Building setback lines and easements.
(9) Additions or deletions to parking.
(10) Landscape additions or deletions.
(11) Zoning restrictions for the property.
(12) A descriptive narrative at least a paragraph long discussing the extent of the project.

(b) Nothing in this chapter shall be construed to prevent the ordinary maintenance or repair of any property within the areas regulated, provided such work involves no change in materials, design, texture, color or outer appearance; nor shall anything in this chapter be construed to prevent any change, including the construction, reconstruction, alteration or demolition of any feature which in the view of the Chief Building and Zoning Official is required for the public safety because of an unsafe, insecure or dangerous condition. A Certificate of Appropriateness is not required from the Chief Building and Zoning Official in connection with the performance of any routine maintenance consisting of:

(1) Re-painting of the same color.
(2) Replacement of damaged or worn-out materials with the same or comparable materials, which do not involve a color change.
(3) Any other ordinary or routine maintenance, which does not alter the exterior appearance of the property being maintained.

(c) Any deviation from the original, approved Development Plan, shall be considered an Amendment to the same and shall require approval as established in Chapter 1101.
(Ord. C33-01. Passed 5-21-01.)

1143.99 PENALTY

(EDITORS NOTE: See Section 1131.99 for general Zoning Code penalty.)
(Ord. C33-01. Passed 5-21-01.

CHAPTER 1145
Signs

1145.01 General restrictions; exclusions for Historical Preservation Area.
1145.02 Definitions.
1145.03 Purpose and construction.
1145.04 Construction requirements.
1145.05 Removal of prohibited signs.
1145.06 Prohibited signs.
1145.07 Permit.
1145.08 Utility line restriction.
1145.09 Electrical sign inspection.
1145.10 Maintenance.
1145.11 Improper installation or maintenance.
1145.12 Attachment to other structures.
1145.13 Sign in public right-of-way or right-of-way easements.
1145.14 Signs permitted in Grove City, which do not require a permit.
1145.15 Portable signs.
1145.16 On-premise signs.
1145.17 Highway signs.
1145.18 Signs for public or semi-public purposes.
1145.19 Off-premises signs.
1145.20 Nonconforming signs.
1145.21 Registration required; fee.
1145.22 Sign landscaping.
1145.23 Banners.
1145.99 Penalty.

CROSS REFERENCES

Power to regulate fences, billboards and signs - see Ohio R.C. 715.27
Power to regulate advertising - see Ohio R.C. 715.65
Advertising on State and interstate highways - see Ohio R.C. 5516
Unauthorized traffic signs; hiding or advertising on traffic control devices - see TRAF. 313.07
Advertising provisions - see GEN. OFF. 541.09
Garage sale advertising - see BUS. REG. 713.04
Necessary signs installed before issuance of certificate of occupancy - see BLDG. 1309.03(b)
Plumbing and sewer work signs - see BLDG. 1331.10(c)
Signs in residential districts - see P. & Z. 1135.11
Appeals and variances - see P. & Z. 1133.02, 1133.05

1145.01 GENERAL RESTRICTIONS; EXCLUSIONS FOR HISTORICAL PRESERVATION AREA.

No sign or outdoor advertising structure or any classification shall be permitted except as provided in this chapter. However, the Historical Preservation Area, as described in Section 1138.02 of this Code of Ordinances, shall be subject to the sign regulations as stated in Chapter 1138, entitled Historical Preservation Area and Sign Code.
(Ord. C85-01. Passed 12-3-01; Ord. C58-05. Passed 7-5-05.)

1145.02 DEFINITIONS.

As used in this chapter, certain terms are defined as follows:

(a) "Banners" means signs of flexible materials suspended by rope, wire, line, string, or fastened directly to posts or other structures.

(b) "Bench sign" means any sign painted on, located on or attached to any part of a bench.

(c) "Bus shelter sign" means any sign painted or affixed to any bus shelter.

(d) "Changeable copy sign" means a sign or portion thereof with characters, letters or illustrations that can be changed or rearranged manually or electronically.

(e) "Directional sign" means a temporary or permanent sign that provides information regarding location, instructions for use or functional/directional data.

(f) "Flags" means noncommercial flags or any flags displayed from flagpoles or staffs that do not display any commercial advertisement and are not considered to be signs.

(g) "Flashing sign" is any directly or indirectly illuminated sign that exhibits changing natural or artificial light or color effects by any means.

(h) "Free-standing signs" means signs supported by or suspended from posts, pillars, columns or other similar structures or signs supported by or mounted on buildings in such a manner that such sign is not parallel to and flush with such wall.

(i) "Frontage" (building) means the length of a single exterior building wall or structure of a single premise orientated to the public way.

(j) "Highway sign" refers to an on-premises advertising sign above the maximum height limit. New construction or reconstruction of these signs is not permitted.

(k) "Informational sign" means signs used by businesses to promote new products, sales or seasonal products, placed in windows or on the premises.

(l) "Interior sign" means any sign placed within a building, but not including "window signs" as defined by this chapter. Interior signs, with the exception of window signs as defined, are not regulated by this chapter.

(m) "Marquee sign" means a permanent roofed structure attached to and supported by the building and projecting beyond the building line or over public property. A marquee sign is attached or constructed in a marquee.

(n) "Monument sign" means a free-standing sign having fifty percent (50%) or more of the bottom of the sign in contact with the ground or supporting structure.

(o) "Off-premises sign" means any outdoor device or display designed to inform or convey messages to the public about persons, products or services available principally at a site removed from the location of the sign. This could include, but shall not be limited to, ground signs, bus shelters, bench advertising, trash receptacles, flags, banners, posts, and inflatable devices.

(p) "Outdoor advertising structure" means any structure or device designed to hold, stabilize or maintain a sign.

(q) "Pole sign" means a free-standing sign having more than fifty percent (50%) of the sign separated from the ground by air.

(r) "Political sign" means a sign having reference to a candidate for elective public office or a public question or issue to be submitted to the electorate at any election.

(s) "Portable sign" means a sign with fixed type or that which is designed to allow for adding and removing letters and numbers to the sign face and which can be moved from one

location to another without any change to its structure or components. This includes trailer signs, A-frame signs, self-supporting signs, streamers, and air activated devices.

(t) "Projecting sign" means any sign that extends perpendicular from a structure, suspended above ground level. Maximum area is eight square feet (8').

(u) "Public or semi-public signs" means signs for a church, school, community or other public or semi-public institutional building not exceeding forty square feet (40') in area and located on the premises.

(v) "Real estate sign" means a sign offering real estate for sale, lease or rent or indicating property has been sold, leased or rented. Sign shall not be illuminated. Sign to be removed ten days or less after conveyance of property. Sign is not to exceed eight square feet (8') in area, nor more than four feet (4') in height above ground level; located no closer than ten feet (10') to the right-of-way along the street or streets on which the lot or parcel fronts; City may enforce, at its discretion, greater distance to achieve safe view for traffic. One (1) sign shall be permitted on each lot or parcel of property for which conveyance is intended. No permit needed.

(w) "Roof sign" means a sign mounted on, and supported by, the main roof portion of a building, or above the uppermost edge of a parapet wall of a building and which is wholly or partially supported by such a building. Signs mounted on a mansard facade, pent eaves and architectural projections such as canopies or marquees shall be considered to be rooftop signs.

(x) "Roofline" means the top edge of a peaked roof or in the case of an extended facade or parapet, the uppermost point of the facade or parapet.

(y) "Sign" means any device visible from a public place that displays either commercial or noncommercial messages by means of graphic presentation of alphabetic or pictorial symbols or representations.

(z) "Streamer" means a ribbon-shaped or cord like rope, which may have pennants and/or banners attached and which is stretched or hung between two (2) or more supports.

(aa) "Temporary signs" means signs not exceeding forty total square feet (40') announcing special events, construction of buildings, the architect, or building, contractor, and may be erected for a period of sixty days (60) in one (1) calendar year on sites which a building permit has not been obtained or until building construction is completed. Real estate signs shall be excluded as a temporary sign. See subsection (e) hereof for definition of Real Estate Sign.

(bb) "Window sign" means a sign, graphic, poster, symbol or other identifications, which is within six feet of the interior side of the window and conveys a message to the exterior. (Ord. C85-01. Passed 12-3-01; Ord. 58-05. Passed 7-5-05.)

1145.03 PURPOSE AND CONSTRUCTION.

It is the declared purpose of the provisions of this chapter to regulate, control and limit the size, location, manner or construction and maintenance, safety and quality of all signs within the City insofar as sign regulation, control and limitation shall be inconsistent with and superceded by the construction and laws of the United States, the State of Ohio or the Charter of the City. The invalidation or repeal of any portion of the provisions of this chapter either expressly or by implication shall not invalidate or repeal the remainder.
(Ord. C85-01. Passed 12-3-01; Ord. C58-05. Passed 7-5-05.)

1145.04 CONSTRUCTION REQUIREMENTS.

(a) No part of a projecting sign shall be supported from an unbraced parapet wall. All metal parts used in sign or structure, including pole or pylon, metal, supports and braces, shall be galvanized or of corrosive-resistant material or painted with approved corrosive-resistant paint. When existing poles or structures are used for new sign installation, all parts shall be brought to like-new condition and shall be painted with approved rust and corrosion-resistant paint. Existing pole and installation of pole shall be approved before being used in new sign installation.

(b) When a sign is removed for any reason, a new permit for future installation of the sign shall be obtained, or all mast arms, cable, guys of any nature, clips, brackets and all structures of the old sign shall be removed with the sign.

(c) No equipment such as cable to support electric circuits, light fixtures, guys, etc. may be added to sign structure or supports other than as approved by the Building Inspector in the sign permit. Brackets, wires, switches, etc., required to illuminate the sign may be added. When sign structure or supports are used in any manner other than outlined above, certification by a licensed engineer shall be obtained to show the structure is capable of supporting the load.

(d) Projecting signs, such as marquee signs, shall not be installed on a building or structure unless the support has been designed specifically for the purpose of supporting a sign and approved by the Building Inspector. Projecting sign surface area is limited to eight square feet and must be at least 10 feet above ground level, but are not permitted to extend over streets, easements or rights of way.

(e) No sign or outdoor display structure shall be erected, constructed or maintained so as to create a traffic hazard by obstructing or confusing the view of traffic lights, railroad crossing lights or warning signs. No sign or outdoor display structure shall be of such character or with such inscription or marking that it may be mistaken for a highway sign or marker. No sign of any description shall be installed, erected or constructed in such a manner as to obstruct any fire escape or any door or window giving access to any fire escape, nor shall a sign be attached in any form, shape or manner to a fire escape.

(f) No revolving or flashing lights or beacons of any kind shall be used on any type sign.

(g) All electrical signs shall be plainly marked on the bottom edge of the sign using 3/4 inch minimum letters with the erector's name, the voltage, amperes or watts, and the date of installation. All signs shall be grounded.

(h) All wiring, fittings and materials used in the construction, connection and operation of electrically illuminated signs shall be in accordance with the provisions of the National Electric Code. Electric sign wiring shall be maintained in weather-proof condition during erection or alteration by use of permanent or temporary cover.

(i) Pole size for monument signs shall be of sufficient size to support a thirty-pound (30) per square foot wind pressure against face of sign. The Central Ohio Sign Association's most current specification charts and tables for determining size of supporting steel and concrete foundation of ground-supported signs is hereby adopted as minimum requirements.

(j) No sign is to be erected until the excavation for foundation or foundations has been inspected and a permit application with drawing to comply with the table for depth has been submitted and approved.

(k) Materials for the primary base and supporting structures for all new, replacement, or reconstructed monument signs will consist of brick, stone, or other masonry material approved by the Building Department, or a treated wood accepted by the Building Department.
(Ord. C85-01. Passed 12-3-01; Ord. C58-05. Passed 7-5-05.)

1145.05 REMOVAL OF PROHIBITED SIGNS.

Portable or temporary signs in existence at the effective date of this section which do not comply with the provisions of this chapter and all other signs heretofore erected or displayed without legal authorization or to which a nonconforming use has not been established, shall be removed within ten days after the delivery of written notice to that effect by the Building Inspector to the owner or occupant of the premises on which such signs are located. This section does not apply to sign in public rights-of-way or easements as set forth in Section 1145.13.
(Ord. C85-01. Passed 12-3-01; Ord. C58-05. Passed 7-5-05.)

1145.06 PROHIBITED SIGNS.

(a) Bench signs.

(b) Bus shelter signs.

(c) Signs with changeable copy, electronic or manual, except for manual gasoline service station pricing boards that do not exceed eight square feet.

(d) Signs exceeding the roofline or affixed to the roof.

(e) Streamers or banners used by private or publicly held corporations.

(f) Off-premise signs.

(g) Exposed neon and/or skeleton tubing.

(h) Any sign attached to, or placed on, a vehicle or trailer parked on public or private property, except for signs that are attached by magnetic or static decals or painted upon an integral part of the vehicle or equipment, as originally designed by the manufacture, and do not break the silhouette of the vehicle.
(Ord. C58-05. Passed 7-5-05.)

1145.07 PERMIT.

(a) No sign or outdoor advertising structure shall be constructed until a sign permit has been issued by the Building Department certifying that the sign or structure conforms to the requirements of this chapter. The name, address and telephone number of the owner, advertising agency or person/company constructing the sign shall be clearly placed on all signs.

(b) Permit fees for on-premise signs shall be: Fifty dollars ($50) for the first sign and twenty-five dollars ($25) for each additional sign.

(c) (EDITOR'S NOTE: This subsection was repealed by Ordinance C84-94, passed November 21, 1994.)(Ord. C85-01. Passed 12-3-01; Ord. C58-05. Passed 7-5-05.)

1145.08 UTILITY LINE RESTRICTION.

No sign shall be erected any closer than eight feet to any electrical overhead power line. (Ord. C85-01. Passed 12-3-01; Ord. C58-05. Passed 7-5-05.)

1145.09 ELECTRICAL SIGN INSPECTION.

No electrical sign of any description shall hereafter be erected without having been inspected on the ground and approved by the Building Inspector. It shall be the duty of the manufacturer or installer of such sign to notify the Inspector when the sign is ready for ground inspection. (Ord. C85-01. Passed 12-3-01; Ord. C58-05. Passed 7-5-05.)

1145.10 MAINTENANCE.

If any sign is or becomes insecure or is in danger of falling or otherwise unsafe, the owner thereof or the person maintaining it shall, upon receipt of written notice by certified mail, as defined in Section 1133.06 of the Codified Ordinances, from the Building Inspector, proceed immediately within seventy-two (72) hours to put the sign in a safe and secure condition or remove it. (Ord. C85-01. Passed 12-3-01; Ord. C58-05. Passed 7-5-05.)

1145.11 IMPROPER INSTALLATION OR MAINTENANCE.

If any sign is installed, erected, constructed or maintained in violation of any of the provisions of this chapter, the Building Inspector shall notify the owner or lessee thereof in writing to alter such sign so as to comply with this chapter or to remove such sign within ten (10) days or a time designated by the Inspector.
(Ord. C85-01. Passed 12-3-01; Ord. C58-05. Passed 7-5-05.)

1145.12 ATTACHMENT TO OTHER STRUCTURES.

No display or advertising sign shall be attached to the standard of a free-standing sign, other than the display surface originally constructed as a part of such sign. The standard of the free-standing sign shall be painted in only one (1) color unless the sign standard is covered with metal, wood or masonry; any or all may be used together. No display or advertising sign shall exceed eight square feet (8') when attached to or painted or otherwise displayed on a light standard,

gasoline pump, fence, wall, post or other structure, or to any portable supporting device, except as specifically authorized by this section.
(Ord. C85-01. Passed 12-3-01; Ord. C58-05. Passed 7-5-05.)

1145.13 SIGN IN PUBLIC RIGHT-OF-WAY OR RIGHT-OF-WAY EASEMENT PROHIBITED; EXCEPTIONS.

(a) No sign shall be placed in any public right-of-way except:
(1) A governmental sign, such as a traffic control or directional sign; and
(2) Signs in the central business district, provided the signs meet the requirements of this chapter.

(b) Any sign placed in a public right-of-way or right-of-way easement may be removed by the city and stored in a city complex for a minimum of seventy (72) hours and may thereafter be destroyed.

(c) Whoever violates this provision of this section shall be fined not more than one hundred fifty ($150). A separate offense shall be deemed committed for each sign placed on said rights-of-way.
(Ord. C85-01. Passed 12-3-01; Ord. C28-05. Passed 4-4-05; Ord. C58-05. Passed 7-5-05.)

1145.14 SIGNS PERMITTED IN GROVE CITY, WHICH DO NOT REQUIRE A PERMIT.

(a) Real estate, political, church, temporary, garage sales, public or semi-public, directional subdivision's and/or contractor's signs as defined in this chapter and Chapter 713 of the Codified Ordinances may be erected and maintained within the City limits, subject to the limitations and restrictions set forth in this chapter and Section 713.04 of the Codified Ordinances.

(b) Political signs may be displayed as defined in Section 1145.02(r) provided that such signs shall not be located any closer than ten feet (10') to the right-of-way along the street or streets on which a lot or parcel fronts. Such signs shall not be illuminated nor be erected within any public rights-of-way or easements nor attached in any manner to any utility pole, fence or any other structure within any public rights-of-way.

(c) On-site directional signs not exceeding four square feet in area and three feet in height.

(d) Informational signs are limited in size to fifteen (15) square feet and shall be limited to one sign for businesses with less than zero (0) lineal feet of building frontage and no more than two (2) for businesses, exceeding forty (40) lineal feet of building frontage, but at no time shall a sign exceed twenty-five percent (25%) of the window area. Such signs shall be placed in ground level windows only.

(e) Signs/banners temporarily displayed to advertise grand openings shall be permitted for nonresidential uses in commercial and industrial districts subject to the following limitations:

(1) Such signs/banners shall be limited to one (1) sign per street front;

(2) Such signs/banners may be displayed for not more than twenty (20) consecutive days for any new business within the first one hundred twenty (120) days of operation.

(3) Total area of all such signs/banners shall not exceed forty (40) square feet.

(f) Signs denoting "open," management information or acceptable forms of payment may not exceed two (2) square feet for any business.
(Ord. C85-01. Passed 12-3-01; Ord. C58-05. Passed 7-5-05.)

1145.15 PORTABLE SIGNS.

(a) All portable signs are prohibited within the City limits, except as provided for in subsection (c) hereof for the Central Business District.

(b) See Section 1145.02(j) for definition of "portable sign".

(c) Businesses in the Central Business District, as defined in Section 1135.12, shall make application to the Planning Commission and upon approval by Council, may have one portable sign per business within their property boundaries or the public right-of-way or easement, with the following stipulations:

(1) The sign must be constructed of wood or metal. No cardboard or paper-based materials are permitted.
(2) No signs will be permitted with movable parts, lights, banners, balloons, flags or streamers.
(3) Signs shall be a maximum of thirty-six (36) inches high from ground level and no wider than twenty-four (24) inches from outside edges of the frame. Messages may be placed on both sides of the sign.
(4) No more than half the sign may consist of a changeable writing board or chalk board. Individual changeable letters are not permitted and the area outside the writing surface must be permanent.
(5) Signs may be constructed to have two separate panels hinged at the top, opening at the bottom to form the base. Signs constructed with one panel must incorporate a base which does not enlarge the sign above the maximum permitted height and width dimensions, or extend support braces or feet perpendicular from the base which may cause pedestrians to trip. Signs must be self-supporting without assistance from external cables, brackets, wires or props. Signs must be stable to withstand inclement weather, or removed during periods of inclement weather.
(6) Colors of the sign frame, sign surface and permanent lettering must be from the approved historical preservation color palette.
(7) The placement of the portable sign must be directly in front of its corresponding business, at least three feet (3') from the roadway, but shall not impede sidewalk traffic or line-of-sight of vehicular traffic. Signs which are at least three feet (3') from the roadway, but interfere with sidewalk usage or vehicular line of sight, will not be allowed.
(8) After application is made to the Planning Commission and approval received by Council, a sign permit to construct must be obtained from the Building Department, at no charge.
(9) The sign must be replaced when it becomes defaced or tattered in whole or part, at the determination of the City Code Enforcement Official. A new sign application is not

necessary for the exact replacement of an existing sign by the current permit holder. However, before changes to an existing portable sign occur, or replacement of an existing sign with another design occurs, application must be made to Planning Commission and approved by Council. A sign permit and the rights granted under the Code are non-transferable to new owners or operators of a business or building.

(10) A sign that is deemed as a threat to the health, safety or welfare of the community, or is placed on the public right-of-way or easement and does not conform to this chapter, will be removed by the city.

(11) A portable sign may only be displayed when an establishment is open for business. (Ord. C85-01. Passed 12-3-01; Ord. C58-05. Passed 7-5-05.)

1145.16 ON-PREMISE SIGNS.

(a) Sign Area Measurement.

(1) Signs shall be computed by including the entire area within the sign faces. In computing the sign measurement of a double-faced sign, use one face only. Border trim and structural supports not bearing advertising matter shall not be included in computing the sign area.

(2) Total maximum area for a single sign, identifying an entrance to a business or business center may not exceed fifty square feet for commercial properties and one hundred (100) square feet for industrial properties (see subsection (e) hereof).

(3) The aggregate sign area or display surface of all attached building signs shall not exceed the following:

A. Each business shall be allowed one square foot of building signage per lineal foot of building frontage with a maximum square footage of two hundred (200) square feet.

(b) Use of Building Walls and Windows for Signs.

(1) No sign shall be painted on any wall displaying or advertising a product or service offered with the building.

(2) In commercial and industrial districts, wall signs shall be flat on the face of the building or any architecturally designed extension thereof and shall not project more than twelve inches (12"). Wall signs shall not extend above the parapet of the building.

(3) All signage for multiple tenant buildings shall be consistent in style, color and design (i.e. all channel letters or all box signs).

(c) Roof Signs. All roof signs shall be prohibited.

(d) Double-faced Signs. All signs, except those erected parallel to any right of way, in front of a permanent structure or natural barrier, shall be double faced.

(e) Monument and Pole (Free Standing) On-Premise Signs.

(1) There may be only one sign located on any single tax parcel of land, as established by the Franklin County Auditor, regardless of the number of buildings or business establishments on such parcel. A sign may be located in front of the building set back

line. The sign shall not exceed the height of eight feet for commercial or industrial properties. The sign shall not exceed a maximum of fifty square feet for commercial properties or one hundred (100) square feet for industrial properties of display space per face of a double-faced sign. Such structure shall be in conformity with the Central Ohio Sign Association's specifications as adopted by Section 1145.04(j). No sign shall be located within the street right of way or on any easement.

(2) The entire sign, including all support structures, base, and associated landscaping shall not be less than ten feet (10') from any adjoining lot line.

(3) The top face of the sign shall be no more than eight feet (8') for commercial properties and industrial properties measured from the base of the sign or supporting structure at finished grade to the top of the highest element. Finished grade shall be grade defined under standard civil engineering practice, exclusive of any filling, berming, or mounding solely for the purpose of increasing the elevation of a sign.

(f) Awnings and Canopies.

(1) Setback from curb lines. No awning or canopy shall be permitted to extend beyond a point of twelve inches inside the curb line.

(2) Height above sidewalk. All awnings and canopies shall be constructed and erected so that the lowest portion thereof is not less than eight feet above the level of the sidewalk.

(3) Advertising. No advertising shall be placed on any awning or canopy, except that the name of the owner and the business, industry or pursuit conducted within the premises may be painted or otherwise permanently placed on a space not exceeding eight inches (8") in height on the front and side portions thereof. Any advertising space used on an awning or canopy shall be considered as part of the total permitted signage for a building or structure, as determined by this section.

(g) Signage for commercial properties located in a PUD zoning classification may request a deviation from subsection (a) and (e) of this section and shall be subject to recommendations of the Planning Commission and Council approval. Consideration for any deviation shall be based on providing consistent and complimentary signage for the entire project and to scale the signage to set backs, and wall space.
(Ord. C85-01. Passed 12-3-01; Ord. C58-05. Passed 7-5-05.)

1145.17 HIGHWAY SIGNS.

(a) All on-premise highway signs currently in existence after the passage of this section shall be allowed only as a pre-existing, nonconforming sign. (See Section 1145.20.) These signs shall still maintain a design and be certified by a licensed engineer to show structure and sign are capable of withstanding required windload and shall not in any way be a menace to persons or property. Highway signs shall be brought into conformity with this Code when conditions described in Section 1145.20 occur.

(b) (EDITOR'S NOTE: This subsection (b) was repealed by Ordinance C84-94, passed November 21, 1994.)
(Ord. C85-01. Passed 12-3-01; Ord. C58-05. Passed 7-5-05.)

1145.18 SIGNS FOR PUBLIC OR SEMI-PUBLIC PURPOSES.

Temporary signs for churches, schools, community and other public or semi-public institutional buildings shall be permitted, provided the area of such bulletin board or sign does not exceed forty (40) square feet in area and twenty (20) feet in length and comply to the requirements of this chapter. These signs do not require a permit.

(Ord. C85-01. Passed 12-3-01; Ord. C58-05. Passed 7-5-05.)

1145.19 OFF-PREMISES SIGNS.

All off-premises signs are prohibited within the City limits.

(Ord. C85-01. Passed 12-3-01; Ord. C58-05. Passed 7-5-05.)

1145.20 NONCONFORMING SIGNS.

Any sign that is nonconforming with this chapter shall be brought into compliance with the enforced sign legislation when there is a change in use of the business or when the sign becomes a hazard as described by this chapter or when a business ceases operation for a period of six (6) months or more.

(Ord. C85-01. Passed 12-3-01; Ord. C58-05. Passed 7-5-05.)

1145.21 REGISTRATION REQUIRED; FEE.

No person shall construct, install, alter or repair any publicly displayed signs within the City unless the person is the holder of a license then in force, issued by the City, giving the person the right to perform or supervise the work or unless the person has then in his employ a holder of a license then in force supervising the work. The license shall be obtained by request therefor to the Building Department and such request shall be accompanied by a fee of fifty dollars ($50) and meet the requirements of Chapter 1375.

(Ord. C85-01. Passed 12-3-01; Ord. C58-05. Passed 7-5-05.)

1145.22 SIGN LANDSCAPING.

All ground signs shall be landscaped at their base with acceptable ground cover material in accordance with Chapter 1136 of the Codified Ordinances. The landscape plan shall accompany, and be presented simultaneously, with the related sign plan. However, the landscape plan may be accepted or rejected independent of the sign plan.

(Ord. C85-01. Passed 12-3-01; Ord. C58-05. Passed 7-5-05.)

1145.23 BANNERS.

Banners shall be permitted only as public or semi-public signs for churches, schools, community or other public or semi-public (such as the Chamber of Commerce, Civic Club, registered nonprofit agencies) buildings or events, not to exceed forty (40) square feet. Banners may not be used by privately held companies or publicly held corporations, except as provided for in Section 1145.14(e). Permissible banners may be erected for not more than thirty (30) days per calendar year. Banners displaying personal messages, such as birthday, births, retirement, graduation, or other personal messages may be erected on private residential parcels for not more than fifteen (15) days in one calendar year.

(Ord. C85-01. Passed 12-3-01; Ord. C58-05. Passed 7-5-05.)

1145.99 PENALTY.

(EDITOR'S NOTE: See Section 1301.99 for general Building Code penalty.)

(Ord. C85-01. Passed 12-3-01; Ord. C58-05. Passed 7-5-05.)