



OFFICE OF THE CITY MANAGER

47 Hall Street | Powell, OH 43065 | 614.885.5380 | cityofpowell.us

MEMO

From: Andrew D. White, City Manager

To: Members of City Council

Initiated by: Logan Stang, Planning Director

CC: Claudia D. Husak, Planning Manager / Zoning Administrator
Jacob Bon, Code Compliance Specialist

Re: ORDINANCE 2026-14 – An ordinance for the repeal of the current and adoption of a new Part Eleven of the Codified Ordinances of Powell, Ohio, otherwise known as the Planning and Zoning Code.

Date: August 4, 2026

Summary:

The Planning Department has been working with a consultant, ZoneCo, on a holistic rewrite of the zoning code, Part Eleven of the Codified Ordinances of Powell. This has been an identified effort since the adoption of the 2016 Comprehensive Plan to ensure the City's development regulations align with the community's long-term vision. The intent is a complete review, revision, and reorganization of the zoning regulations. The result is a more user-friendly, modern, and enhanced code that will guide development decisions for decades to come.

The rewrite is not a redline of the existing code, but builds upon the foundation that has helped shape the City of Powell. Regulations and their intent that have worked are being carried forward while gaps or conflicting provisions are addressed to improve the effectiveness of the code. Other policy efforts have been incorporated to support city goals through development including the Historic Property Survey, Shared-Use Master Plan, Facilities Master Plan, Parks Master Plan, and Village Green Master Plan. These long-term goals all relate to the built environment and are achieved through incremental development decisions.

The proposed code was developed based on several factors: a code assessment completed in 2024, regular work sessions with the Planning and Zoning Commission, and insight from the public on the desires and direction of development. The zoning code is one part of the policy improvements being pursued which also includes an update to the downtown design guidelines and launch of a new application and permitting software. All of these will become effective at the same time with each improvement enhancing the experience that residents, businesses, and property owners will have when pursuing future projects.

Provided in this memo is a summary of the rewrite process, considerations for the proposed code, an overview of the proposed code sections, and relationship of other efforts to the code adoption. The Planning and Zoning Commission recommended approval of the proposed zoning code at their June 10, 2026 meeting. Staff is appreciative of the community's insight and

feedback through the 18-month process and recommends the repeal of the current and the adoption of the proposed Planning and Zoning Code, Part Eleven of the Codified Ordinances of Powell.

Second Reading Updates:

During the first reading on the proposed zoning code, two topics were brought forth from public comment. The first was a concern regarding permitted housing uses in the Downtown Residential (DT-R) District. While most of the DT-R District is single-family (One-Unit Dwelling) and contains many eligible historic properties, the proposed code allows for additional housing types including Duplexes (Two-Unit Dwellings) and Cottage Courts. These types are of a similar scale and massing to single-family homes that allow for diverse housing options within downtown. However, residents expressed concern that these additional types would conflict with the single-family character of the historic and new homes in the area.

The second topic was a concern for prohibiting cannabis uses in the proposed code. Having recently been approved at the state level, residents expressed a desire to permit cannabis related uses in certain zoning districts to align with state approvals. Ohio communities have flexibility in how these uses can be regulated from prohibiting them outright to permitting with specific regulations related to location, operations, and type of cannabis facility.

Based on public feedback, staff is proposing that City Council consider two amendments to the proposed zoning code. These amendments, if supported, would be incorporated into the zoning code upon adoption:

1. Amend § 1104.02 – Use Permissions Table to require Conditional Use review for Two-Unit Dwellings (Duplexes) and Cottage Court uses.

This amendment would require public review through the Conditional Use process for housing types prior to filing for building permit. It would allow an additional level of review to ensure the proposed development aligns with the single-family character of the area while still promoting additional housing options in downtown.

2. Amend § 1104.02 – Use Permissions Table and § 1117 – Definitions to remove references to Cannabis Dispensary, cannabis uses, and cannabis operations.

This amendment would remove cannabis uses from the zoning code that prohibit operations in the city. It would allow additional time to review and discuss potential regulations for permitting cannabis uses while supporting the adoption of the proposed zoning code. Staff would bring forth benchmark regulations for consideration and, depending on insight, would prepare a separate code amendment to address community direction.

Zoning Code Rewrite Process:

The rewrite process was initiated in January 2025 following a code assessment completed in fall 2024. Throughout the 18-month process, several public engagement efforts and work sessions were conducted to evaluate different components of the zoning code. The results of these

discussions identified regulations to carry forward and informed changes incorporated into the proposed code.

Information was available on the City's website with community updates and outreach at key milestones. The following is a summary of the engagement efforts:

- **February 12, 2025** – P&Z review of the zoning code assessment.
- **May 14, 2025** – P&Z work session on land uses and housing.
- **June 11, 2025** – P&Z work session on the review process.
- **June 20-21, 2025** – Visual preference survey available at Powell Fest.
- **July 7-31, 2025** – Visual preference survey available online.
- **July 16, 2025** – P&Z work session on site elements and amenities.
- **September 10, 2025** – P&Z work session on parking and signage.
- **November 12, 2025** – P&Z work session on enforcement and other topics.
- **February 11, 2026** – P&Z work session on rental registration.
- **March 11, 2026** – Joint City Council and P&Z review and work session on proposed zoning districts and major updates.
- **March 11-27, 2026** – Online survey available on proposed zoning districts and major updates.
- **May 6, 2026** – Development Committee discussion on proposed review process updates.

Code Considerations:

The repeal of the existing code and adoption of a new zoning code is a significant effort for a community. This code will guide development overall the next several decades to help achieve the community's vision for the built environment. There are a few key code considerations to be aware of when reviewing the proposed code:

- **Any use, building, structure, or lot which exists today is still permitted to continue, even if it does not comply with the new zoning code.** The adoption of new regulations means that some uses, buildings, structures, or lots may not meet one or more regulations because of the zoning code. These are not required to comply with the new code when adopted and the city will not issue violations for situations which are considered legally nonconforming. Specific provisions are included in Section 1107 - Nonconformities for these situations which allows them to continue provided that any future improvements, construction, or use strives to comply with the new zoning code.
- **Unforeseen or unintended outcomes will likely occur with the adoption of a new code.** Staff has reviewed and evaluated the proposed regulations to limit any potential impacts to the community. However, not every situation or scenario can be identified during this process to create a "perfect" code. Like the existing code, the new zoning

code may lead to outcomes which were not anticipated during the code writing process. These will need to be reviewed and evaluated on a case-by-case basis with the overall intent of the code requirement. The new zoning code provides flexibility to address these unique issues while protecting the overall community character. Staff will also review these outcomes for periodic amendments to clarify, adjust, add, or remove provisions based on the actual administration of the code.

Proposed Zoning Code:

The proposed zoning code is organized into four titles and 17 sections governing development regulations across the city. Each title contains code sections that pertain to specific aspects of the code or land development to make navigation easier. The following is a brief summary of each proposed title and code section.

Title One – Zoning Ordinance

Title one contains the majority of development regulations for the city. Zoning districts, site development standards, uses and use standards, landscaping, parking, signage, and other similar regulations are contained in this title.

1101 – Introductory Provisions

This section establishes the planning and zoning code as Part Eleven of the Codified Ordinances of Powell. It serves as an administrative portion of the code and includes specific provisions on the major components, applicability, and overall intent for development regulations. It also includes provisions and appropriate references to the Ohio Revised Code (ORC) for topics such as open meeting laws.

1102 – How to use the Code

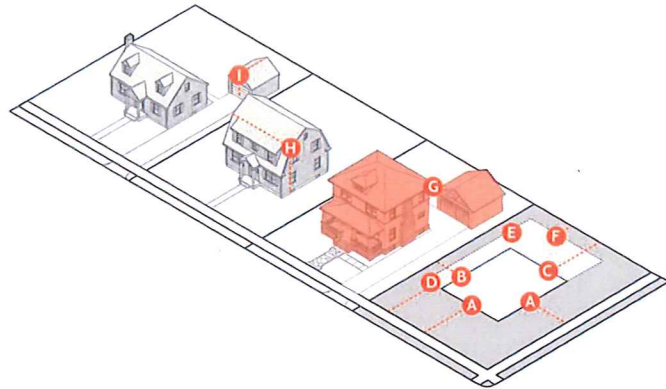
This section establishes provisions for how to interpret and understand regulations in the code. It defines the types and applicability of regulations to determine when compliance with a regulation is required versus optional. It also defines how certain regulations are measured or defined to understand the differences between types of development.

1103 – Zoning District Standards

This section establishes the specific zoning districts and development regulations (height, setback, lot coverage, etc.) for all properties in the city. These standards define the buildable area of a lot meaning the portion of the lot that can be developed with buildings, structures, or other facilities.

The code includes 10 zoning districts; three residential districts, two downtown districts, three non-residential districts, the historic overlay district for downtown, and a planned district to allow custom zoning for specific existing areas (i.e., Golf Village, The Retreat, etc.). Each zoning district contains a table with development standards for setbacks,

1103.03. ER – Estate Residential District.



maximum height, lot coverage, lot size, and accessory structure regulations. The table is supported by a graphic that visualizes how the regulations pertain to a development, see example on the right. Additional standards may be included, such as downtown, that provide additional guidance or regulation based on the location or intent of the district. The specific zoning designation for all property in the City is identified on the Official Zoning Map, included in the packet.

1104 – Use and Use Standards

This section establishes the types of permitted land uses and any supplemental regulations. All uses are organized in a table that identifies which district the use may be allowed. A use may be permitted by right (P), permitted by right as an accessory (PA), permitted after conditional use approval (C), permitted as an accessory after conditional use approval (CA), or prohibited (blank) in a district.

Following the table are a list of use standards that may apply for a specific land use or within a specific zoning district. The uses are organized by type (residential, commercial, industrial, etc.) and outline additional requirements that must be met for that use. This section also includes regulations for home businesses (home occupations) and temporary uses that are time limited.

1105 – General Development Standards

This section establishes site development regulations including parking, driveways and access, landscaping, fencing, screening, lighting, nuisance regulations, and other similar provisions. Each subsection includes requirements for different types of development and calculations for determining compliance with the zoning code. Many regulations are supported by graphics or tables to help understand the intent behind a requirement or variation permitted by the code. While some regulations have been carried forward from the existing code, most have been

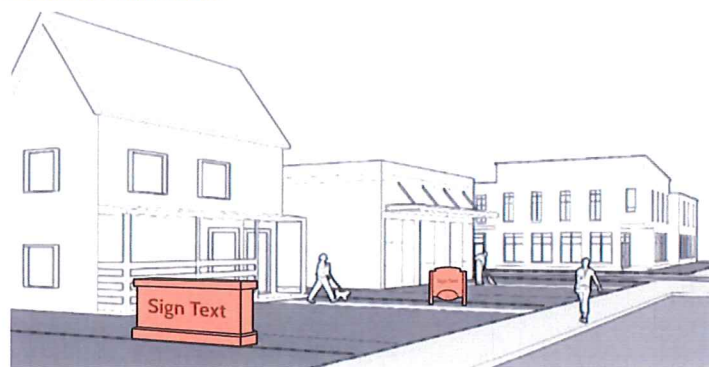
improved or modernized to support best practices and the overall intent for development in Powell.

This section also includes nuisance regulations to ensure that development does not negatively impact neighboring or adjacent properties. These provide additional building and site maintenance regulations that complement the property maintenance code adopted in Part Thirteen of the Powell Codified Ordinances.

1106 – Signs

This section establishes the types of signs and specific regulations pertaining to signage throughout the city. Signs are organized by type (wall, awning, blade, freestanding, etc.) into separate subsections to improve the user-friendliness of the code. Graphics are incorporated to help visualize requirements or understand the intent behind a regulation and how it applies to a proposed or existing sign. General provisions are included that apply to all signs along with specific provisions for prohibited, temporary, or exempt signs.

1106.09. Freestanding Signs.



The section also identifies the permit and approval requirements reference in Part Five – Administration and Procedures. Specifically, the code allows for a Comprehensive Sign Plan which can be reviewed to allow deviations to sign requirements or to ensure a multi-tenant building has consistent signage. This will allow flexibility for existing and future businesses to tailor signage to their operational needs while ensuring consistency throughout the city.

1107 – Nonconformities

This section establishes regulations pertaining to a nonconforming lot, structure, or use. The repeal and adoption of the proposed zoning code means that some existing development may not comply with the new regulations. In these instances, the developments are considered legally nonconforming and are permitted to continue as is and are not required to immediately comply with the new zoning code. Allowing for the continuation, maintenance, and potential expansion of these developments is an important element within the code. This section allows for legally nonconforming developments and outlines provisions for their continued operation so long as they comply, where possible, with the new zoning code. Review and approval procedures are also identified for unique situations where an existing development may not be able to comply with the new regulations. This allows for relief in these situations while protecting neighboring or adjacent property.

Title Three – Subdivision and Land Development

Title three contains the subdivision regulations and construction standards for the city. Lot splits, platting of property or rights-of-way, private construction standards, public improvement standards, and other similar regulations are contained in this title.

1108 – General Provisions

This section establishes the subdivision and land development portion of the code. It serves as an administrative portion of the code and includes specific provisions on the major components, applicability, and overall intent for subdivision regulations in the city.

1109 – Improvement Standards

This section establishes the minimum construction and/or improvements requirements for both public and private development. Street design, street or block layout, grading, natural areas, sidewalk or shared-use paths, stormwater, utilities, and other similar provisions are defined in this section. Specifically, minimum construction standards or design requirements are outlined for each improvement to ensure they meet local, state, and federal regulations. Appropriate construction drawings are included for reference along with Ohio Revised Code (ORC) provisions, where applicable. These requirements ensure that all construction aligns with modern practices and is coordinated with appropriate outside agencies such as Del-co Water or the Delaware Regional Sewer District.

1110 – Minor Subdivision Approval

This section establishes the review procedure and applicability of minor subdivisions. A minor subdivision is defined as the creation of no more than five new lots and no public right-of-way. This is an administrative process to allow a property owner to split off a portion of their lot so long as it meets the requirements of the zoning district pertaining to lot width, lot depth, and minimum lot size.

1111 – Major Subdivision Approval

This section establishes the review procedure and applicability of major subdivisions. A major subdivision is defined as the creation of more than five lots, creation of new public streets, or the dedication of public right-of-way. The relationship to other approvals and key steps for a major subdivision are defined early in the section as the subdivision process typically occurs alongside other zoning approvals. The section also includes detailed requirements for the construction, dedication, and turnover of public infrastructure (roads, parkland, utilities, etc.) to the city. Several subsections define the payment structure, timing, and acceptance requirements for public infrastructure to ensure construction meets the City's requirements before becoming the responsibility of Powell.

1112 – Enforcement, Waivers, and Appeals

This section establishes the enforcement provisions for the subdivision and land development portion of the code. It serves as an administrative section and includes specific provisions on

code violations for subdivisions and the appeals process with references to Title Five – Administration and Procedures.

Title Five – Administration and Procedures

Title five contains the review process and procedures for the city. Required applications, review criteria, reviewing authorities, deviation procedures, appeals processes, and other similar regulations are contained in this title.

1113 – Approving Authorities

This section establishes the official duties and responsibilities of each approving position or body. The Planning and Zoning Commission, Board of Zoning Appeals, Zoning Administrator, and City Engineer are identified with their responsibilities when it comes to administering the zoning code. This section also provides appropriate references to the City’s charter which formally creates the Planning and Zoning Commission and Board of Zoning Appeals. Most responsibilities for each authority have remained the same as with the existing code with the exception being that Conditional Use reviews will now go before the Planning and Zoning Commission. The Conditional Use process relates more to land uses which are subject to specific use standards in the new code and may be submitted alongside other zoning approvals. It is typical for communities to have the Planning and Zoning Commission review these requests as opposed to the Board of Zoning Appeals.

1114 – Permits and Approvals

This section establishes the procedures, applicability, and criteria for all required permits or zoning approvals. Each application or permit type is identified with a specific subsection that defines the intent behind the approval and what is expected of the applicant. This includes the applicability, application requirements, approval procedure, approval criteria, deviation relief, conditions, validity

period, and appeals process. The subsections have a similar format with appropriate cross sections to make the code more user friendly.

Many of the existing application types have been carried forward and refined within the new code. The Sketch Plan,

Preliminary Development Plan, and Development Plan comprise the majority of construction or improvements approvals. However, these have been clarified to reduce the number of separate approvals and allow for administrative (staff) level approvals where appropriate. The Certificate of Appropriateness application will only apply to historic contributing buildings as opposed to all downtown development. This will align the code with the recently complete historic property

Table 14.01-1: Permits and Approvals Summary

Permit or Approval	Zoning Administrator	Planning and Zoning Commission	City Council	Board of Zoning Appeals
Certificate of Appropriateness	R	D	A	
Comprehensive Sign Plan	R	D	A	
Conditional Use Permit	R	D	A	
Development Plan, Minor	D			A
Development Plan, Major	R	D	A	
Development Plan, Preliminary	R	R	D	
Fence Permit	D			A
General Zoning Permit	D			A
Landscape Plan	See § 1114.09.			
Lighting Plan	See § 1114.10.			
Parking Plan	See § 1114.11.			

survey and updated downtown design guidelines. Deviations have also been refined to include specific criteria for staff and boards or commissions to use when evaluating requests to defer from zoning regulations.

1115 – Enforcement and Penalties

This section establishes the code enforcement procedure for violations to the zoning code. Types of violations, compliance timing, penalties, and other similar provisions are included in this section. This consolidates most enforcement provisions into a single section with clear intent as to the process for issuing and addressing zoning code violations.

Title Seven – Glossary

Title seven contains the definition and graphic examples of terminology used in the zoning code. Terminology for uses, requirements, setbacks, lots, measurements, and other similar provisions are included in this title.

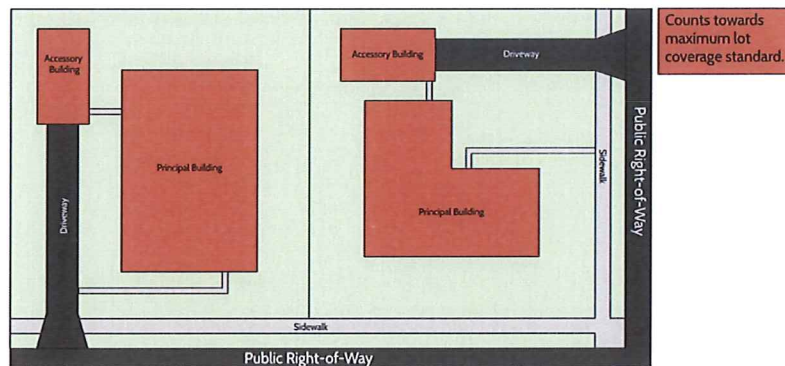
1116 – Introduction to Glossary

This section establishes the glossary of definitions and authority for determining the intent behind specific terms used in the zoning code.

1117 – Definitions

This section establishes definitions in alphabetical order for terms used throughout the zoning code. All definitions used in Part Eleven are included in the glossary. Where applicable, graphics are provided to clarify the intent behind definitions.

Figure 17.12-1: Lot Coverage



Downtown Design Guidelines Update:

A parallel effort has been underway to update the downtown design guidelines. The guidelines are a supporting document to help preserve the character of Downtown Powell through architectural, design, site, and other related considerations. The existing guidelines were established in 1988 with a graphics update occurring in 2016. Other recent efforts such as the Historic Property Survey have been conducted on the downtown district providing an appropriate opportunity to align the guidelines with the new zoning code.

The downtown design guidelines are adopted by City Council and enforced by the Planning and Zoning Commission through the zoning review process. Both the Planning and Zoning Commission and City staff are supported by an Architectural Advisor to provide insight on design considerations in the district. The zoning code rewrite builds upon the historic property

survey and design guidelines update to ensure appropriate design requirements are included with development reviews.

Specifically, the Certificate of Appropriateness application is refined to only apply to contributing historic structures as opposed to all downtown development. This clarifies procedures and strengthens preservation efforts to protect architectural character within a local historic district. The historic district is established as a Historic Overlay in the zoning code and is referenced on the official zoning map. The zoning code also requires compliance with the guidelines for infill and redevelopment opportunities in the Downtown – Mixed (DT-M) and Downtown – Residential (DT-R) zoning districts to allow growth that is in keeping with the scale, massing, and design of historic structures. These regulations along with the updated design guidelines will ensure the unique and historic elements of the district are preserved and enhanced with new development.

The design guidelines update will have a separate approval process from the zoning code. A draft has been prepared by the City's architectural advisor, SSOE, which has been included for reference in the packet. The intent is for the guidelines to be adopted prior to the new zoning code becoming effective which will ensure all new policies and regulations are in place at the same time. Additional review of the guidelines will occur in the coming months.

Legal Review:

The Law Director has reviewed and approved as to form.

Financial Review:

The Finance Director has reviewed and supports staff recommendation.

Recommendation:

Staff recommends the approval of Ordinance 2026-14.



ORDINANCE 2026-14

AN ORDINANCE FOR THE REPEAL OF THE CURRENT AND ADOPTION OF A NEW PART ELEVEN OF THE CODIFIED ORDINANCES OF POWELL, OHIO, OTHERWISE KNOWN AS THE PLANNING AND ZONING CODE.

WHEREAS, the 2016 Comprehensive Plan recommended the review and revision of the Planning and Zoning Code to support the vision for future development in the City; and,

WHEREAS, City Council has established a goal to improve the efficiency of City operations through modernizing and streamlining processes and regulations; and,

WHEREAS, Staff completed a zoning code assessment in 2024 that recommended conflicts, gaps or deficiencies, and improvements to Part Eleven of the Codified Ordinances; and,

WHEREAS, Staff completed a Historic Property Survey in 2025 to identify eligible properties for local historic designation to protect the character of downtown; and,

WHEREAS, Staff initiated a collaborative process in January 2025 to review and revise Part Eleven of the Codified Ordinances with insight from residents, business owners, property owners, and other community stakeholders; and,

WHEREAS, Staff initiated a parallel process to review and revise the Downtown Design Guidelines referenced in the Planning and Zoning Code to support historic preservation efforts and encourage appropriate design considerations within the district; and,

WHEREAS, the 18-month process resulted in a holistic rewrite of Part Eleven of the Codified Ordinances that aligns with community goals, improves processes, simplifies regulations, and supports future growth opportunities.

NOW THEREFORE BE IT ORDAINED BY THE CITY OF POWELL, COUNTY OF DELAWARE, AND STATE OF OHIO, AS FOLLOWS:

Section 1: That the current Part Eleven of the Codified Ordinances including all associated references such as the Pedestrian Scale Design Manual and appendices is hereby repealed.

Section 2: That the proposed Part Eleven of the Codified Ordinances is hereby adopted as set forth in the document attached hereto as Exhibit A and incorporated herein by reference.

Section 3: That the Official Zoning Map which establishes the zoning district for property in the City of Powell, Ohio is hereby adopted as set forth in the document attached hereto as Exhibit B and incorporated herein by reference.

Section 4: It is hereby found and determined that all formal actions of this Council concerning and relating to passage of this Ordinance were adopted in an open meeting of the Council and that all deliberations of this Council and any of its committees which resulted in such formal actions were in meetings so open to the public in compliance with all legal requirements of the City of Powell, Delaware County, Ohio.

City Council
Heather Karr, Mayor

Kurt Ramsey

Leif Carlson

David Lester

Tom Counts

Tyler Herrmann

Carlos Crawford

Section 5: That this Ordinance shall take effect on the earliest period allowed by law.

Heather E. Karr 8/4/26
Heather Karr Date
Mayor

Elaine McCloskey 8/4/2026
Elaine McCloskey Date
City Clerk

ADOPTED DATE: August 4, 2026

EFFECTIVE DATE: September 4, 2026

This legislation has been posted in accordance with

the City Charter on this date 8/5/2026.

Elaine McCloskey City Clerk

City Council

Heather Karr, Mayor

Kurt Ramsey

Leif Carlson

David Lester

Tom Counts

Tyler Herrmann

Carlos Crawford

Part Eleven

Planning and Zoning Code

The City of Powell, OH

Ord. 2026-14 | Effective Date: 9/4/2026

TITLE ONE – ZONING ORDINANCE

CHAPTER 1101. INTRODUCTORY PROVISIONS.

1101.01. Title.

- a. This Part Eleven of the Codified Ordinances of Powell, Ohio shall be known as the “Planning and Zoning Code” except as referred to herein, where it shall be known as "this Code."

1101.02. Purpose of the Planning and Zoning Code.

- a. This Code is enacted to ensure the orderly development of the City, promote the public health, safety, and welfare, and further the goals of the Comprehensive Plan.

1101.03. Effective Date.

- a. The effective date of this Code shall be at the earliest date allowed by law.

1101.04. Applicability.

- a. This Code is applicable to all territory within the corporate limits of the City of Powell.
 1. No building, structure, or land shall be used or occupied, and no building or structure or part thereof shall be erected, constructed, reconstructed, moved, or structurally altered except in conformity with all of the regulations of this Code specified for the district in which it is located.
 2. Unless authorized or approved through the appropriate process provided in this Code, no building or other structure shall be erected or altered:
 - A. To provide for greater height or bulk;
 - B. To accommodate or house a greater number of families;
 - C. To occupy a greater percentage of lot area; or
 - D. To have narrower or smaller rear yards, front yards, side yards, or other open spaces; than herein required, or in any other manner be contrary to the provisions of this Code.
 3. No yard or lot existing at the time of passage of this Code shall be reduced in dimension or area below the minimum requirements set forth herein.
 4. Yards or lots created after the effective date of this Code shall meet at least the minimum requirements set forth herein.

1101.05. Establishment of the Official Zoning Map.

- a. The Official Zoning Map of Powell, Ohio, noted thereon as to adoption and certification by the Council as an integral part of this Code, is hereby incorporated by reference as a part of the Zoning Ordinance.
 1. This map shall be known as the “Official Zoning Map.”
- b. The Official Zoning Map shall be maintained in an accurate manner and available to the public at the office of the Planning Department.
- c. Within 30 days of the effective date of any change of a zoning district classification or boundary, the Zoning Administrator shall amend the Official Zoning Map to reflect such change, and shall note the effective date of such change, together with appropriate reference to the ordinance.

1101.06. Required Code Contents.

- a. This Code and the Official Zoning Map shall be made available to the public.
- b. Each version of this Code shall be updated within 30 days of the effective date of any change to this Code.
- c. Each version of this Code shall contain, as an appendix, all of the amendments made to the text of this Code, as well as those made to the Zoning Map, following initial adoption of this Code.

1101.07. Open Meeting Compliance.

- a. It is found and determined that all formal actions concerning and relating to the adoption of this Code were held in open meetings, and that all deliberations that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

1101.08. Minimum Requirement.

- a. In their interpretation and application, the provisions of this Code shall be held to be the minimum requirements to promote the public health, safety, and welfare.

1101.09. Conflicting Ordinances.

- a. Whenever the requirements of this Code conflict with the requirements of any other lawfully adopted rules, regulations, or ordinances, the most restrictive, or that imposing the higher standards, shall govern.

1101.10. Severability.

- a. Should any section or provision of this Code be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Code as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.

1101.11. Repeal.

- a. This Code may be repealed only by complying with the requirements of Section 713 of the Ohio Revised Code and the Municipal Charter.

CHAPTER 1102. HOW TO USE THIS CODE.

1102.01. Rules of Interpretation.

a. *Interpreting This Code.*

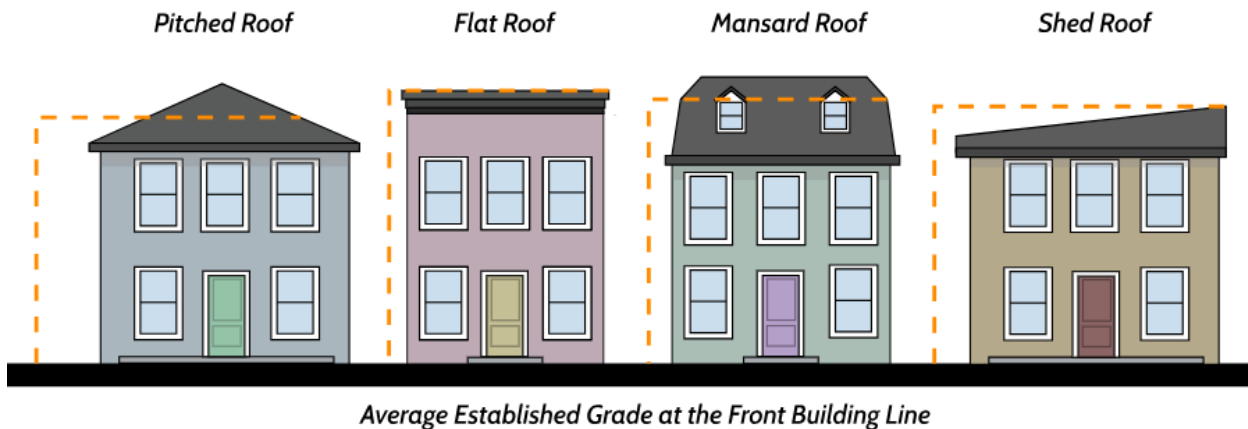
1. Any word defined in Title Seven Glossary that appears in this Code shall be defined as such.
 - A. Words not defined in Title Seven Glossary shall be interpreted in accordance with their usual dictionary meaning and customary usage.
2. All references to other regulations or manuals in this Code refer to the most current version and citation for such regulations or manuals, unless expressly indicated as otherwise.
3. If a referenced regulation or manual is repealed and not replaced by other regulations or manuals, the provision of this Code referencing such regulation or manual shall no longer be in effect.
4. Graphics, diagrams, and flowcharts are included in this Code to illustrate the intent and requirements of the text.
 - A. In circumstances where the text of this Code conflicts with any graphic, diagram, or flowchart, the text of this Code shall control.
5. Except as otherwise noted, any fraction greater than or equal to one half will be rounded up to the nearest whole number. Any fraction less than one half will be rounded down to the nearest whole number.
6. The interpretation of the words in this Code shall abide by the following provisions, except where the context clearly requires otherwise, or where the result would clearly be inconsistent with the purpose of this Code.
 - A. The word “person” includes a firm, association, organization, partnership, trust, limited liability company, corporation, or other legal entity, as well as an individual.
 - B. The present tense includes the future tense; the singular number includes the plural; and the plural number includes the singular in each case if the context so requires.
 - C. The words “shall”, “must”, and “will” are mandatory; the words “may”, “can”, and “might” are permissive.
 - D. The words “used” or “occupied” include the words “intended,” “designed,” “constructed,” “altered,” or “arranged” to be used or occupied.

- E. The word “lot” includes the words “plot,” “tract,” or “parcel.”
 - F. The terms “standards,” “regulations,” and “requirements” are used to mandate a specific course of action or built outcome.
 - G. Section headings are provided for ease of use and organization and shall not be interpreted as regulatory.
 - H. Where a regulation involves two or more items, conditions, provisions, or events which are connected by a conjunction—“and,” “or,” or “either...or”—the conjunction shall be interpreted as follows:
 - 1. “And” indicates that all the connected items, conditions, provisions, or events shall apply.
 - 2. “Or” indicates that the connected items, conditions, provisions, or events may apply singularly or in any combination.
 - 3. “Either...or” indicates that all the connected items, conditions, provisions, or events shall apply singularly but not in combination
 - I. The word "City" means the City of Powell, Ohio.
 - J. The word "County" means Delaware County, Ohio.
 - K. The word "State" means the State of Ohio.
 - L. The word "Commission" means the City of Powell Planning and Zoning Commission.
 - M. The words "Council" and "City Council" shall refer to the City of Powell City Council.
 - N. The word "Board" means the City of Powell Board of Zoning Appeals.
 - 7. Where uncertainty exists as to the meaning or intent of any provision of this Code, the Zoning Administrator shall have the power to interpret such provision.
- b. *Interpreting the Official Zoning Map.*
- 1. The following rules shall be used to determine the precise location of any zoning district boundary unless such boundary is specifically indicated on the Official Zoning Map.
 - A. Zoning district boundaries shown as following or approximately following the limits of any city, village, town, or county boundary shall be construed as following such limits.

- B. Zoning district boundaries shown as following or approximately following lot lines shall be construed as following such lot lines.
 - C. Zoning district boundaries shown as following or approximately following the center lines of a roadway or other right-of-way shall be construed as following such center line.
 - D. Zoning district boundaries shown as following or approximately following a railroad line shall be construed as following the middle of the main tracks of said railroad line.
 - E. Zoning district boundaries shown as following or approximately following a stream or other body of water shall be construed as following the center line of such body of water, unless otherwise indicated.
 - F. Zoning district boundaries shown as following or approximately following a metes and bounds description approved as a part of a rezoning or annexation of any territory shall be construed as following said metes and bounds description, which shall control over all of the foregoing.
- 2. Whenever any public right-of-way is vacated by official Council action, the zoning district adjoining each side of such right-of-way shall automatically be extended to the center of such vacation, and all areas within that vacation shall thenceforth be subject to all regulations appropriate to the respective extended zoning districts.
 - 3. All questions and disputes concerning the exact location of zoning district boundaries shall be resolved by the Zoning Administrator consistent with these guidelines for interpretation.

1102.02. Rules of Measurement.

- a. *Distances.* Unless otherwise specified, all distances will be measured horizontally in the most direct path between two points.
- b. *Height.*

Figure 02.02-1: Building Height Measurements

1. Height shall be measured as the vertical distance from the average established grade at the front building line to one of the following points, as applicable.
 - A. For structures without a roof, a flat roof, or a shed roof, the height shall be measured to the highest point of the structure.
 - B. For structures with mansard roofs, the height shall be measured to the deck line of the mansard roof.
 - C. For structures with gable, hip, or gambled roofs, the height shall be measured to the average height between the highest eave and ridge of the roof.
 2. The following features shall not count against any maximum structure height established in this Code.
 - A. Spires and steeples on structures used for a religious land use.
 - B. Elevator shafts and similar structural elements not intended as places of occupancy or storage.
 - C. Renewable energy generation equipment such as solar panels, provided that such equipment is mounted to the roof of the structure and does not project more than five feet past the maximum structure height.
- c. *Area.* Unless otherwise specified, all areas and ratios related thereto shall be measured as the horizontal area within a horizontal plane, irrespective of any topographical features.
- d. *Specific measurements.* For information on specific measurements included in this Code, see Title Seven Glossary.

CHAPTER 1103. ZONING DISTRICT STANDARDS.

1103.01. General Provisions.

- a. The City is geographically divided into the following zoning districts.

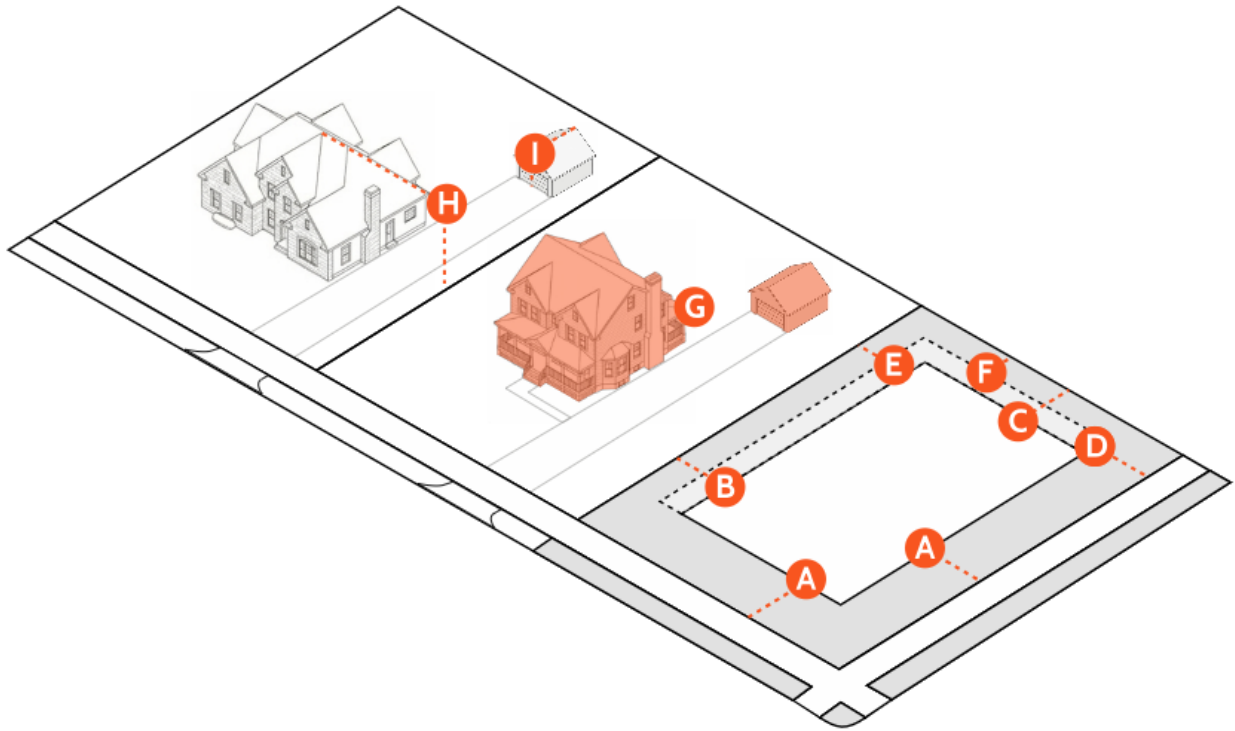
Symbol	Zoning District	Previous Zoning District ¹
LR	Large Lot Residential District	R Residence District
		PR Planned Residence District
ER	Estate Residential District	PR Planned Residence District
MR	Mixed Residential District	PR Planned Residence District
DT-R	Downtown Residential District	DR Downtown Residence District
DT-M	Downtown Mixed District	DB Downtown Business District
CO	Commercial District	PC Planned Commercial District
		PO Planned Office District
FI	Flex Industrial District	PI Planned Industrial District
CI	Civic and Institutional District	
HO	Historic Overlay District	DD Downtown District Overlay District
PD	Planned District	
¹ This table is provided for illustrative purposes only and shall not be representative of the zoning classification for any individual lot.		

- b. The Official Zoning Map shall define the specific zoning district for any individual lot.
- c. No lot may be created which does not conform with the standards listed for each zoning district.
- d. No building or structure shall be erected or modified unless such building, including the modified portion of such building, conforms with the standards listed for each zoning district.
- e. *Zoning of annexed property.* All newly annexed property upon action and acceptance by City Council shall be subject to the following zoning classifications:
1. All property annexed to the City containing one-half (1/2) an acre or more shall be zoned Large Lot Residential District (LR).
 2. All property annexed to the City containing less than one-half (1/2) an acre shall be zoned to the most appropriate residential zoning classification (LR, ER, or MR) based on the existing lot size and existing land uses.
 3. The property owner or their designee may file, prior to acceptance of the annexed property by City Council, a Zoning Amendment application subject to the provisions

of § 1114.16 for any zoning classification included in this Code. Such filing shall be in accordance with all applicable provisions of this Code.

- f. *Form standards.* The following standards are intended to promote high-quality design and aesthetics across the City and shall apply to all zoning districts, except the DT-R, DT-M, and HO districts. For the DT-R, DT-M, and HO districts, form standards shall comply with the Downtown Design Guidelines.
1. Side and rear elevations shall be of the same or similar materials as the front elevation.
 2. Permitted building materials include:
 - A. In the LR, ER, and MR districts: brick, stone (cultured or natural), fiber cement, wood, or other similar material as determined by the Zoning Administrator.
 - B. In the CO and CI districts: brick, stone (cultured or natural), fiber cement, wood, architectural pre-cast concrete, insulated glazing and framing systems, or other similar material as determined by the Zoning Administrator.
 - C. In the FI district: brick, stone (cultured or natural), fiber cement, wood, architectural pre-cast concrete, tilt-up concrete panels, insulated glazing and framing systems, or other similar material as determined by the Zoning Administrator.
 3. Vinyl and highly reflective materials, such as bright aluminum or metal, are not permitted building materials.
 4. *Roof standards.*
 - A. If a flat or shed roof is provided, the roof must be concealed on all front-facing facades by a cornice, parapet, or similar architectural treatments except for the roof of a porch, balcony, or building extensions.
 - B. If a pitched or mansard roof is provided, the roof shall have a minimum slope of one-to-three.

1103.02. LR – Large Lot Residential District.

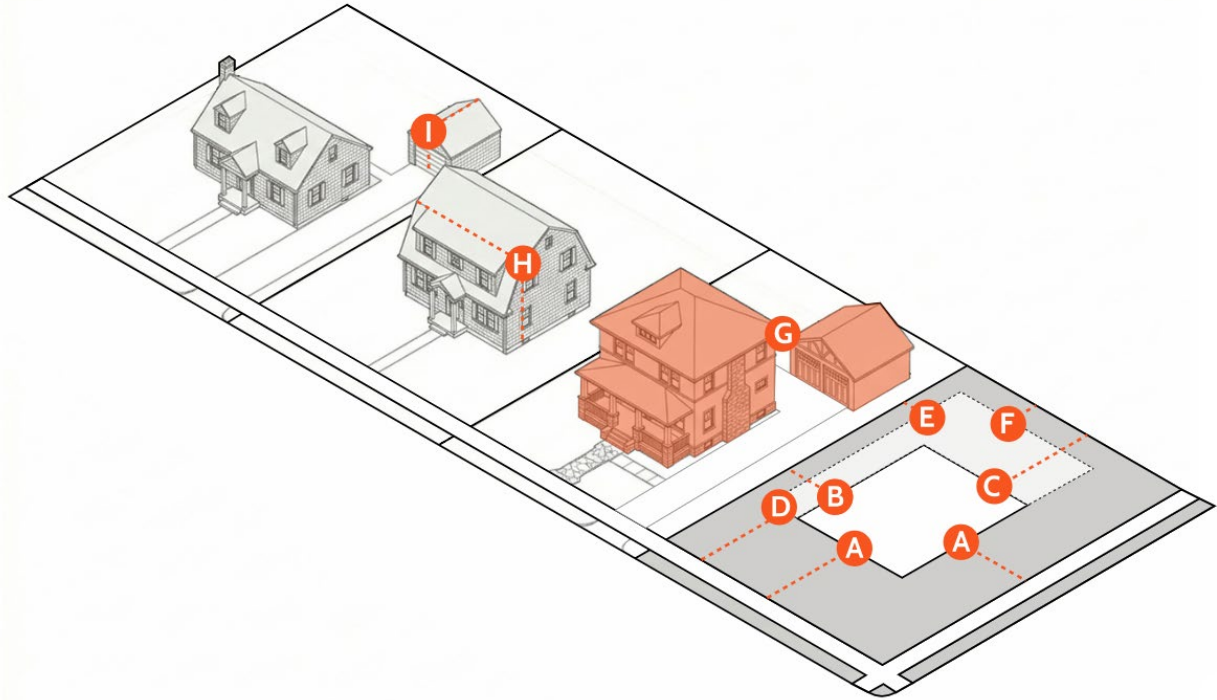


- a. *Purpose.* The Large Lot Residential (LR) District is established to protect and promote rural and suburban areas while providing appropriate housing options.
- b. *Dimensional standards.*

Table 03.02-1 LR District Dimensional Standards

Dimensional Standard			LR District Requirement
	Lot Size (min.)		10,000 sq. ft.
	Lot Depth (min.)		100 ft.
	Lot Width (min.)		80 ft.
A	Principal Structure Setback	Front Setback (min.)	35 ft.
B		Side Setback (min.)	20 ft.
C		Rear Setback (min.)	30 ft.
D	Accessory Structure Setback	Front Setback (min.)	Accessory structures prohibited in the front yard.
E		Side Setback (min.)	10 ft.
F		Rear Setback (min.)	20 ft.
G	Lot Coverage (max.)		25 %
H	Principal Structure Height (max.)		35 ft.
I	Accessory Structure Height (max.)		18 ft.

1103.03. ER – Estate Residential District.



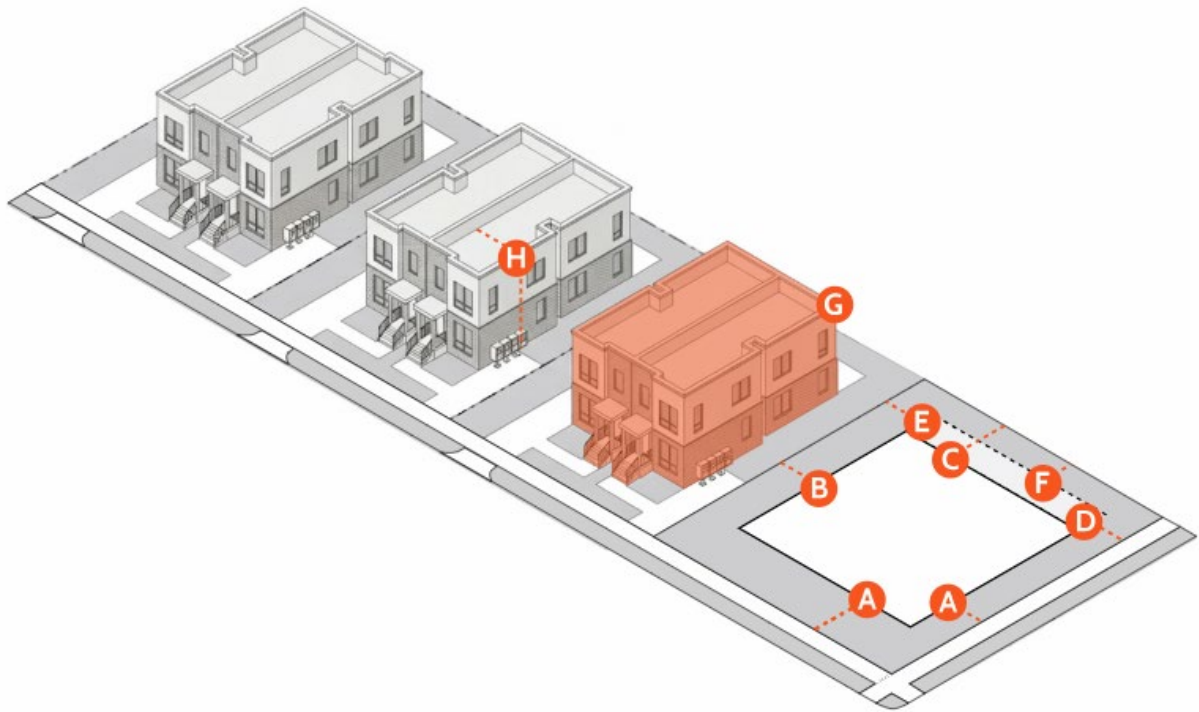
- a. *Purpose.* The Estate Residential (ER) District is established to provide a variety of housing options compatible with traditional single unit residential lots.
- b. *Dimensional standards.*

Table 03.03-1: ER District Dimensional Standards

Dimensional Standard			ER District Requirement
	Lot Size (min.)		7,200 sq. ft.
	Lot Depth (min.)		90 ft.
	Lot Width (min.)		60 ft.
A	Principal Structure Setback	Front Setback (min.)	20 ft.
B		Side Setback (min.)	5 ft. ¹
C		Rear Setback (min.)	30 ft.
D	Accessory Structure Setback	Front Setback (min.)	Accessory structures prohibited in the front yard.
E		Side Setback (min.)	5 ft.
F		Rear Setback (min.)	10 ft.
G	Lot Coverage (max.)		50 %
H	Principal Structure Height (max.)		35 ft.
I	Accessory Structure Height (max.)		18 ft.

¹ An attached building may have a side setback of 0 feet where a party wall attaches to another building.

1103.04. MR – Mixed Residential District.



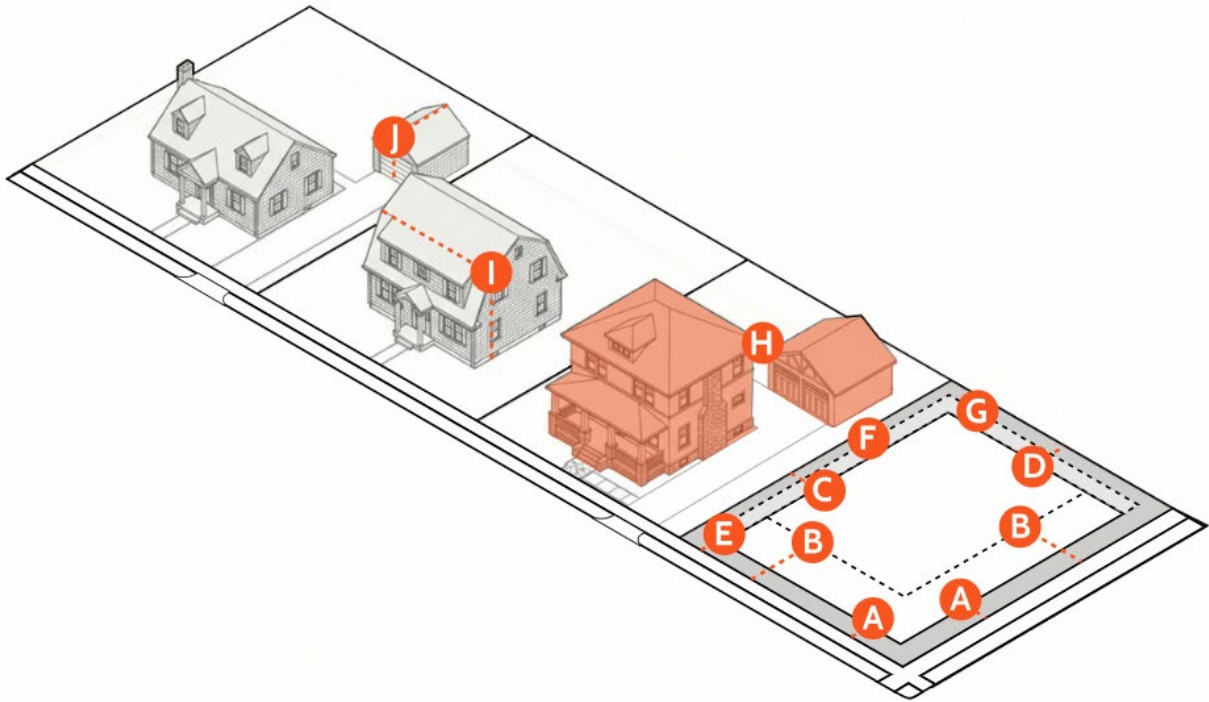
- a. *Purpose.* The Mixed Residential (MR) District is established to provide a variety of housing options at mixed densities.
- b. *Dimensional standards.*

Table 03.04-1: MR District Dimensional Standards

Dimensional Standard			MR District Requirement
	Lot Size (min.)		7,200 sq. ft.
	Lot Depth (min.)		90 ft.
	Lot Width (min.)		60 ft.
A	Principal Structure Setback	Front Setback (min.)	20 ft.
B		Side Setback (min.)	5 ft. ¹
C		Rear Setback (min.)	10 ft.
D	Accessory Structure Setback	Front Setback (min.)	Accessory structures prohibited in the front yard.
E		Side Setback (min.)	5 ft.
F		Rear Setback (min.)	10 ft.
G	Lot Coverage (max.)		50 %
H	Principal Structure Height (max.)		35 ft.
	Accessory Structure Height (max.)		18 ft.

¹ An attached building may have a side setback of 0 feet where a party wall attaches to another building.

1103.05. DT-R – Downtown Residential District.



- a. *Purpose.* The Downtown Residential (DT-R) District is created to preserve, protect, and promote residential uses within and in proximity to Powell's historic core.
- b. *Dimensional standards.*

Table 03.05-1: DT-R District Dimensional Standards

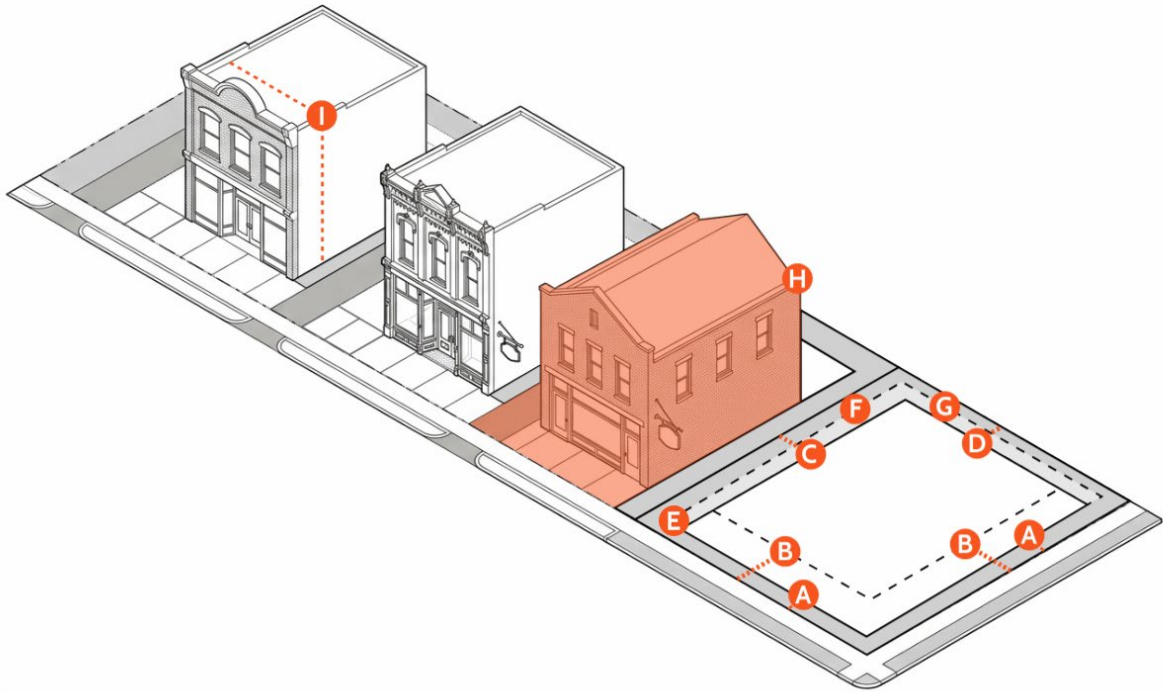
Dimensional Standard			DT-R District Requirement
	Lot Size (min.)		n/a
	Lot Depth (min.)		60 ft.
	Lot Width (min.)		30 ft.
A	Principal Structure Setback	Front Setback (min.)	5 ft.
B		Front Setback (max.)	20 ft.
C		Side Setback (min.)	5 ft. ^{1 2}
D		Rear Setback (min.)	10 ft.
E	Accessory Structure Setback	Front Setback (min.)	Accessory structures prohibited in the front yard.
F		Side Setback (min.)	3 ft.
G		Rear Setback (min.)	3 ft.
H	Lot Coverage (min.)		75 %
I	Principal Structure Height (max.)		35 ft.
J	Accessory Structure Height (max.)		25 ft.

Dimensional Standard	DT-R District Requirement
¹ No principal or accessory structure shall be less than 10 feet from any other principal or accessory structure, unless a party wall is provided.	
² An attached building may have a side setback of 0 feet where a party wall attaches to another building.	

c. *Form standards.*

1. *Design Guidelines.* All new construction, additions, alterations, site improvements, or other similar improvement shall comply with the City's Downtown Design Guidelines.
2. *Tree planting.*
 - A. Lots with a porch, stoop, or storefront frontage other than a one-unit, two-unit, or three-unit dwelling shall provide one tree per 30 feet of lot width. Existing trees within 10 feet of a public right-of-way shall count towards this requirement.
 1. If possible, the tree shall be planted within 10 feet of a public right-of-way, subject to the Zoning Administrator and City Engineer's approval.
 2. New tree plantings shall be evenly spaced apart, as measured on-center.
 3. No tree shall be planted unless of a species approved by the Zoning Administrator.
 - B. Lots with a yard or courtyard frontage and one-unit, two-unit, and three-unit dwellings shall plant one tree per 60 feet of lot width. Existing trees within 20 feet of the public right-of-way shall count towards this requirement.
 1. If possible, all trees shall be planted within 20 feet of the public right-of-way, subject to the Zoning Administrator and City Engineer's approval.
 2. New tree plantings shall be evenly spaced apart, as measured on-center.
 3. No tree shall be planted unless of a species approved by the Zoning Administrator.
3. *Building materials.* No more than 20 percent of the total façade area shall consist of secondary materials, as defined in the City's Downtown Design Guidelines.

1103.06. DT-M – Downtown Mixed District.



- a. *Purpose.* The Downtown Mixed (DT-M) District is created to preserve, protect, and promote a mixture of uses in a manner that is pleasant, safe, and convenient to the continued use and reuse of existing structures.
- b. *Dimensional standards.*

Table 03.06-1: DT-M District Dimensional Standards

Dimensional Standard			DT-M District Requirement
	Lot Size (min.)		n/a
	Lot Depth (min.)		60 ft.
	Lot Width (min.)		30 ft.
A	Principal Structure Setback	Front Setback (min.)	5 ft.
B		Front Setback (max.)	20 ft.
C		Side Setback (min.)	5 ft. ^{1 2}
D		Rear Setback (min.)	10 ft.
E	Accessory Structure Setback	Front Setback (min.)	Accessory structures prohibited in the front yard.
F		Side Setback (min.)	3 ft. for residential uses. 5 ft. for nonresidential uses.
G		Rear Setback (min.)	3 ft. for residential uses. 5 ft. for nonresidential uses.
H	Lot Coverage (max.)		75 %

	Dimensional Standard	DT-M District Requirement
I	Principal Structure Height (max.)	40 ft.
	Accessory Structure Height (max.)	25 ft.

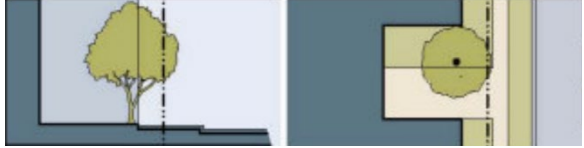
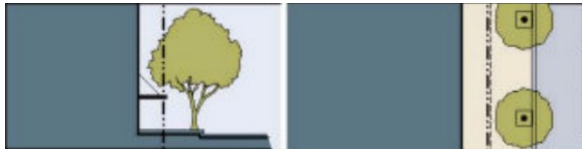
¹No principal or accessory structure shall be less than 10 feet from any other principal or accessory structure, unless a party wall is provided.

²An attached building may have a side setback of 0 feet where a party wall attaches to another building.

c. *Form standards.*

1. *Design Guidelines.* All new construction, additions, alterations, site improvements, or other similar improvement shall comply with the City's Downtown Design Guidelines.
2. *Frontage typologies.* The frontage typologies shown in Table 03.06-2 shall be acceptable in the DT-M District.
 - A. All zoning approvals for lots in the DT-M District shall declare the applicable frontage typology.

Table 03.06-2: DT-M Frontage Types

Frontage Typology		Definition	Example
1	Yard	A landscaped setback at a similar grade to the adjacent right-of-way and consisting of open lawn, plantings beds, or some combination of the two.	
2	Courtyard	An unroofed area in the front of a building surrounded by walls on at least three sides and providing access to the public right-of-way.	
3	Porch ¹	A roofed structure open on at least three sides and projecting from the front façade of a building to cover the entrance to the same building.	
5	Stoop ¹	A raised platform or set of stairs providing direct access from an entrance to a public sidewalk or paved pedestrian path.	
6	Storefront ¹	A ground floor treatment designed for active commercial uses and a high degree of pedestrian activity between the public sidewalk and commercial spaces.	

Frontage Typology	Definition	Example
¹ If provided in conjunction with a nonresidential use, the front setback may be reduced to 0 ft.		

3. *Tree planting.*

- A. Lots with a porch, stoop, or storefront frontage other than a one-unit, two-unit, or three-unit dwelling shall provide one tree per 30 feet of lot width. Existing trees within 10 feet of a public right-of-way shall count towards this requirement.
 1. If possible, the tree shall be planted within 10 feet of a public right-of-way, subject to the Zoning Administrator and City Engineer's approval.
 2. New tree plantings shall be evenly spaced apart, as measured on-center.
 3. No tree shall be planted unless of a species approved by the Zoning Administrator.
- B. Lots with a yard or courtyard frontage and one-unit, two-unit, and three-unit dwellings shall plant one tree per 60 feet of lot width. Existing trees within 20 feet of the public right-of-way shall count towards this requirement.
 1. If possible, all trees shall be planted within 20 feet of the public right-of-way, subject to the Zoning Administrator and City Engineer's approval.
 2. New tree plantings shall be evenly spaced apart, as measured on-center.
 3. No tree shall be planted unless of a species approved by the Zoning Administrator.

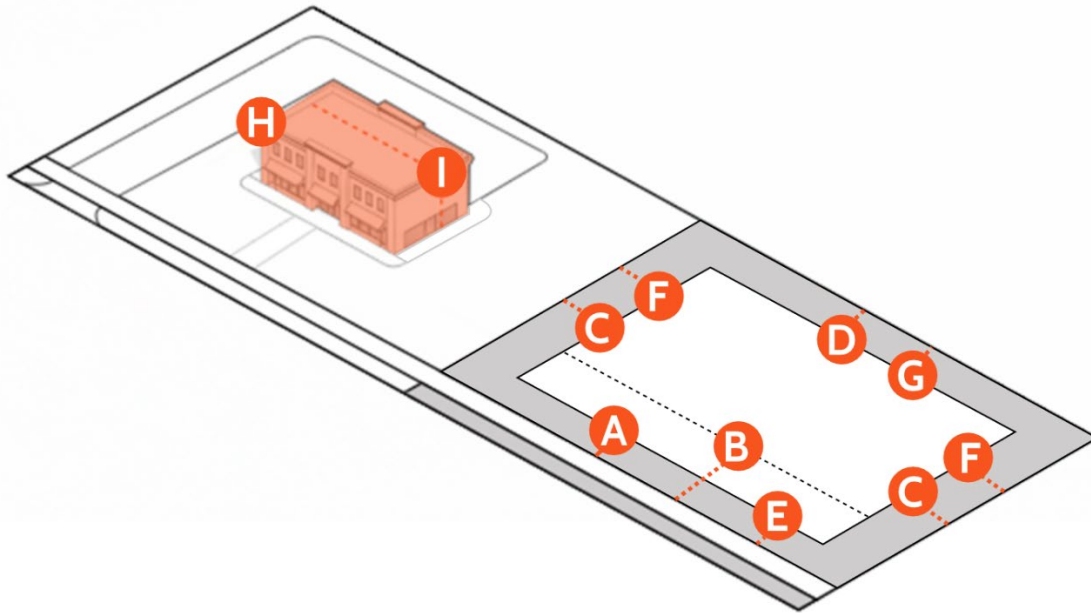
4. *Ceiling height.* The minimum ceiling height shall be as shown in Table 03.06-3.

Table 03.06-3: DT-M District Minimum Ceiling Height

	Use	Floor Level	Minimum Ceiling Height
1	Nonresidential	Ground Floor	12 ft.
2		Upper Floor	9 ft.
3	Residential	Ground Floor	9 ft.
4		Upper Floor	9 ft.

5. *Building materials.* No more than 20 percent of the total façade area shall consist of secondary materials, as defined in the City's Downtown Design Guidelines.

1103.07. CO – Commercial District.

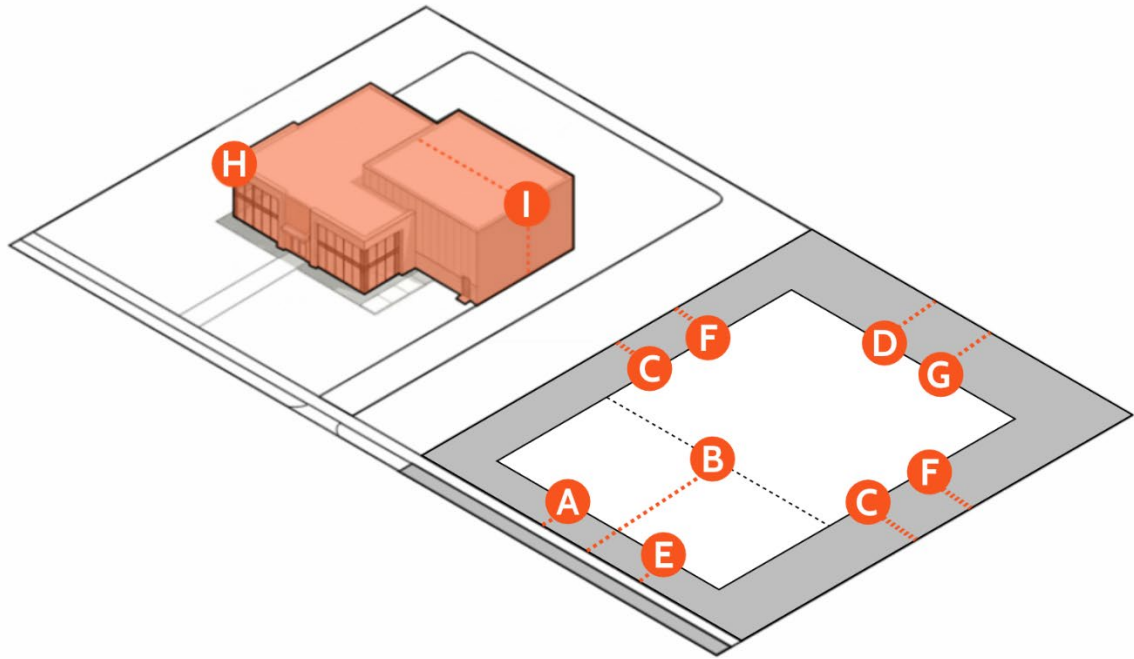


- a. *Purpose.* The Commercial (CO) District is intended to provide areas for the development of commercial, employment, and institutional uses that serve and provide employment opportunities for the general public.
- b. *Dimensional standards.*

Table 03.07-1: CO District Dimensional Standards

	Dimensional Standard		CO District Requirement
	Lot Size (min.)		n/a
	Lot Depth (min.)		n/a
	Lot Width (min.)		n/a
A	Principal Structure Setback	Front Setback (min.)	20 ft.
B		Front Setback (max.)	50 ft. ¹
C		Side Setback (min.)	30 ft.
D		Rear Setback (min.)	30 ft.
E	Accessory Structure Setback	Front Setback (min.)	Accessory structures prohibited in the front yard.
F		Side Setback (min.)	30 ft.
G		Rear Setback (min.)	30 ft.
H	Lot Coverage (max.)		50%
I	Principal Structure Height (max.)		40 ft.
	Accessory Structure Height (max.)		25 ft.
¹ All buildings in the CO District that abut Powell Road west of Sawmill Road or Sawmill Parkway shall be setback at least 100 feet from the front lot line.			

1103.08. FI – Flex Industrial District.

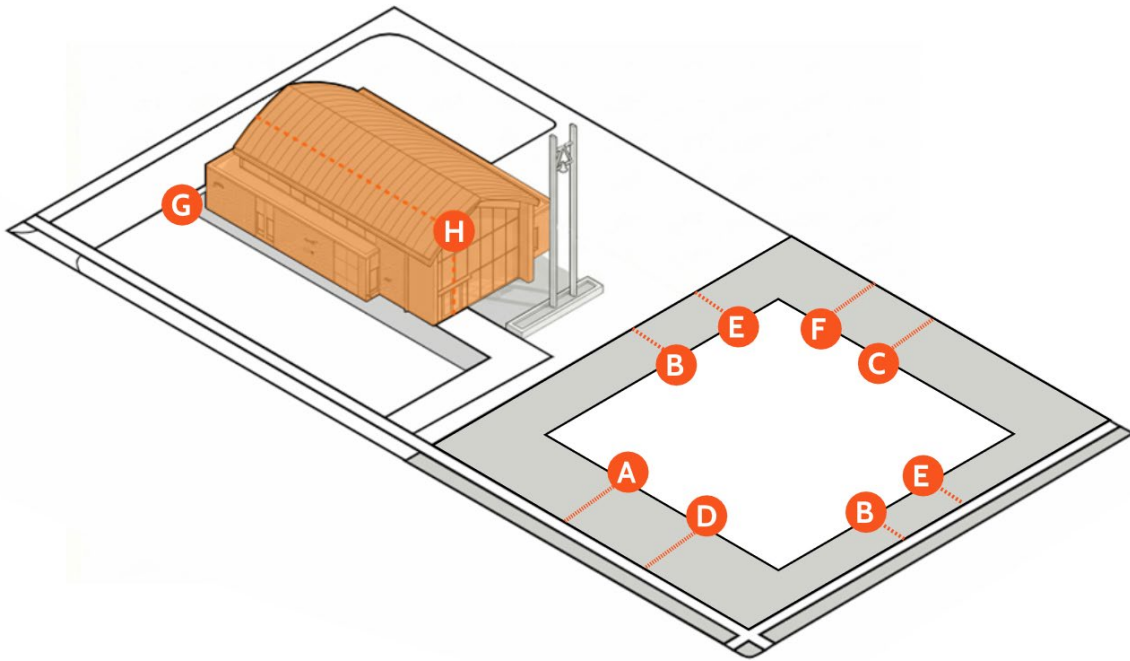


- a. *Purpose.* The Flex Industrial (FI) District is established to promote industrial developments that provide employment opportunities away from residential areas.
- b. *Dimensional standards.*

Table 03.08-1: FI District Dimensional Standards

Dimensional Standard		FI District Requirement
	Lot Size (min.)	n/a
	Lot Depth (min.)	n/a
	Lot Width (min.)	n/a
A	Principal Structure Setback	Front Setback (min.)
B		Front Setback (max.)
C		Side Setback (min.)
D		Rear Setback (min.)
E	Accessory Structure Setback ¹	Front Setback (min.)
F		Side Setback (min.)
G		Rear Setback (min.)
H	Lot Coverage (max.)	
I	Principal Structure Height (max.)	
	Accessory Structure Height (max.)	

1103.09. CI – Civic and Institutional District.



- a. *Purpose.* The Civic and Institutional (CI) District is created to promote governmental, educational, religious, and other public land uses.
- b. *Dimensional standards.*

Table 03.09-1: CI District Dimensional Standards

Dimensional Standard			CI District Requirement
	Lot Size (min.)		n/a
	Lot Depth (min.)		n/a
	Lot Width (min.)		n/a
A	Principal Structure Setback	Front Setback (min.)	30 ft.
B		Side Setback (min.)	20 ft.
C		Rear Setback (min.)	30 ft.
D	Accessory Structure Setback ¹	Front Setback (min.)	Accessory structures prohibited in the front yard.
E		Side Setback (min.)	20 ft.
F		Rear Setback (min.)	30 ft.
G	Lot Coverage (max.)		50%
H	Principal Structure Height (max.)		45 ft.
	Accessory Structure Height (max.)		25 ft.

1103.10. HO – Historic Overlay District.

- a. *Purpose.* The Historic Overlay (HO) District is established to preserve the value of buildings with architectural or historical significance, assure architectural suitability, prevent depreciation of property values by impacts to the environment, and protect the economic and social welfare of the City.
- b. *Boundary.* The Historic Overlay (HO) District boundary shall be as designated on the Official Zoning Map.
- c. *Approving authority.*
 - 1. The Planning and Zoning Commission shall act as the approving authority for all developments in the HO District.
 - 2. The Planning and Zoning Commission and Zoning Administrator may be supported by a registered architect to serve as an Architectural Advisor.
- d. *Rehabilitation standards.*
 - 1. Any alteration, addition, or other improvement to contributing structures in the HO District shall comply with this Code and the Downtown Design Guidelines.
 - 2. The removal of historic materials or alteration of features and spaces that characterize a property shall comply with the Downtown Design Guidelines.
 - 3. Distinctive historic features shall be repaired rather than replaced.
 - A. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials.
 - B. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.
 - 4. Infill development, redevelopment, or related new construction that is adjacent to contributing structures in the HO District shall comply with this Code and the Downtown Design Guidelines.
- e. *Certificate of Appropriateness required.*
 - 1. A Certificate of Appropriateness must be obtained pursuant to § 1114.02. of this Code prior to any restoration, addition, renovation, demolition, or other change to contributing historic structures in the HO District.
 - 2. The City shall establish Downtown Design Guidelines, including a list or identification of all contributing structures, to guide the preservation of historic buildings.

3. The Planning and Zoning Commission shall review and act on all Certificate of Appropriateness applications based upon the standards and guidelines approved by Council, referred to as the Downtown Design Guidelines.

1103.11. PD – Planned Districts.

- a. *Purpose.* Planned Districts are established to allow development which shall be regulated by the requirements and procedures as designated for planned districts in this chapter.
- b. *Location.* The location and extent of all Planned Districts shall be as designated on the Official Zoning Map.
- c. *Required plans.*
 1. Development in a Planned District shall be controlled by a separate Development Text that establishes the zoning regulations for the included area.
 - A. A Development Text shall regulate use, dimensional, access, lighting, signage, landscaping, parking, lighting, public use space, and similar standards for the entire Planned District in a manner consistent with the Comprehensive Plan.
 - B. Where the Development Text does not provide guidance regarding a standard, additional requirements may be established by the Planning and Zoning Commission or City Council to protect and promote the public health, safety, and welfare.
 - C. City Council shall be authorized to modify the requirements of a Development Text as needed to promote the public health, safety, and welfare.
 2. A Preliminary Development Plan, as defined in § 1114.06, and a Development Plan, as defined in § 1114.05, shall be submitted prior to the undertaking of development, beginning of construction or earth moving, or initiation of new land uses within a Planned District.
- d. *Development text requirements.* The following standards shall apply to an entire Planned District and be included in the Development Text.
 1. *Uses.* Uses in Planned District shall be as approved by City Council from the specific lists of permitted uses and conditional permitted uses presented in the Development Text.
 2. *Development Standards.* Zoning standards for setbacks, height, lot size, lot coverage, and other similar provisions shall be included in the Development Text.

3. *Architectural Details.* Design details for building materials, architectural character, residential design, lighting fixtures, and other similar provisions shall be included in the Development Text.
4. *Landscaping & Screening.* Zoning standards for landscaping, parking lot landscaping, building foundation landscaping, street trees, screening, buffering, and other similar provisions shall be included in the Development Text.
5. *Open spaces.*
 - A. At least 20 percent of the land in any approved Planned District shall be designated as common open space or permanently natural scenic preserves.
 - B. The common open space or scenic preserve must be arranged and restricted by easement, covenant, deed, or dedication to assure that such open spaces shall be permanently preserved and maintained.
 - C. Such open spaces shall not include publicly dedicated roadways, land in the rights-of-way of private roadways, off-street parking areas, or loading areas.
 - D. All-natural drainage courses, flood plain areas, ravine-bottom areas, and lands with slopes in excess of six percent shall be retained, with their vegetation in its natural state, in natural scenic open space preserves.
 - E. Public utility and similar easements and rights-of-way are not acceptable for common open space dedication in a Planned District unless such land and rights-of-way are to be used for a shared-use path or other public purposes.
 - F. Alternative systems of providing common open space must be specifically approved by the approving authority.
 - G. If a publicly dedicated park is intended to fulfil the minimum common open space requirement, the size, shape, and amount of park space shall be determined by the approving authority as part of the Development Plan approval process.
 - H. The placement of all required common open spaces shall be approved by the approving authority.
 1. Where an existing park or other common open space is adjacent to a Planned District, required open spaces shall be located immediately adjacent to the existing park or other common open space.
 - I. Required common open space areas reserved in a Development Plan shall be held in one of the following manners. The appropriate form of common space ownership shall be determined by the approving authority during the

Development Plan review process. Such determination shall be included in the Development Plan.

1. Corporate ownership by owners of the project area and maintained for the use of each owner who buys property within the development.
 2. Homeowners' association ownership and maintained as common open space for parks, recreation, and related uses.
 3. Public ownership and maintained as a public park.
- J. City Council may authorize a fee-in-lieu of dedication payment as determined by the Fee Schedule, as amended from time to time, and/or require parkland dedication.
6. *Site access.* The circulation system and parking facilities provided in a Planned District shall be designed to fully accommodate vehicular, pedestrian, bicycle, and, where applicable, equestrian movement with safety and efficiency.
- A. Planned District shall be designed to minimize circulation conflict points between vehicular, pedestrian, bicycle, and equestrian traffic.
 - B. Where possible, roadway design shall preserve natural features, create of a variety of vistas and views, and retain or create a natural rural, green, and open-space-focused environment.
 - C. The Development Plan shall show points of ingress and egress to the Planned District, all public and private drives, parking areas, shared use paths, and equestrian paths, if applicable.
7. *Utilities.*
- A. Underground utilities, including telephone, cable television, and electrical systems are required within the limits of all Planned District developments.
 1. Appurtenances to these systems which can be effectively screened may be exempted from this requirement if the approving authority finds that such exemption will not violate the intent or character of the proposed Planned District development.
 - B. Fiber, fiber conduit and/or another such other utility may be required at the discretion of the City Engineer for the purposes of public service.
- e. *Development phasing.*
1. A Planned District may be developed in multiple phases or completed in a single phase, according to an approved Development Plan and development timetable.

2. All sections of the Planned District not planned for development in a submitted phase shall be clearly designated as to future intended sub-district use, area, and net density.
- f. *Additional requirements.* In reviewing a Development Text, the approving authority may require additional standards with regard to the type and extent of the following.
1. Public improvements.
 2. Signage.
 3. Site lighting.
 4. Accessory structures.
 5. Other pertinent development characteristics.

CHAPTER 1104. USES AND USE STANDARDS.

1104.01. General Provisions.

a. *Use permissions.*

1. In all zoning districts, no land, structure, or part thereof shall be used or intended to be used except in accordance with Table 04.02-1.
 - A. Table 04.02-1 shall be interpreted according to Table 04.01-1 and as provided below.
 1. A “P” symbol shall indicate that a use is allowed as a principal use by right in the underlying district.
 2. A “C” symbol shall indicate that a use is allowed as a principal use by Conditional Use Permit approval in the underlying district.
 3. A “PA” symbol shall indicate that a use is allowed as an accessory use by right in the underlying district.
 4. A “CA” symbol shall indicate that a use is allowed as an accessory use by Conditional Use Permit approval in the underlying district.
 5. A blank symbol shall indicate that a use is prohibited in the underlying district.
2. In the LR and ER Districts, no more than one principal use shall be permitted per lot. In all other zoning districts, more than one principal use shall be permitted on the same lot, provided that such uses meet all applicable standards established by this Code.

Table 04.01-1: Use Permissions Table Legend

Symbol	Interpretation	Approving Authority	Use Standard Applicability
P	Allowed as a principal use by right.	Zoning Administrator.	See § 1104.02.
C	Allowed as a principal use by Conditional Use Permit approval.	Planning and Zoning Commission.	See § 1104.02. The Planning and Zoning Commission may attach additional use standards in approving the Conditional Use Permit.
PA	Allowed as an accessory use by right.	Zoning Administrator.	See § 1104.02.

Symbol	Interpretation	Approving Authority	Use Standard Applicability
CA	Allowed as an accessory use by Conditional Use Permit approval.	Planning and Zoning Commission.	See § 1104.02. The Planning and Zoning Commission may attach additional use standards in approving the Conditional Use Permit.
[blank]	Prohibited	Not applicable.	Not applicable.

- b. *Uses not listed.* No land, structure, or part thereof may be used for any purpose not listed in § 1104.02, unless such use is determined by the Zoning Administrator to be substantially similar in definition and impact to a use permitted by right or by Conditional Use Permit in the underlying zoning district.
1. Any person may request that the Zoning Administrator determine whether a use not listed by § 1104.02. is substantially similar in definition and impact to a use permitted by right or by Conditional Use Permit in the underlying zoning district.
 - A. If the Zoning Administrator determines a use to be substantially similar to a use permitted by right or by Conditional Use Permit in the underlying zoning district, the proposed use shall be permitted as such provided that the use complies with all other requirements of this Code.
 1. Such determination shall be for the purpose of enabling the applicant to apply for zoning approvals required by this Code and shall not be considered approval of such use.
 - B. If the Zoning Administrator determines a use to not be substantially similar to a use permitted by right or by Conditional Use Permit in the underlying zoning district, the proposed use shall be prohibited in the underlying zoning district.
 1. The applicant may appeal the determination of the Zoning Administrator to the Board of Zoning Appeals.
- c. *Use standards.* Certain uses shall be subject to additional standards as established by this Code. Unless otherwise noted, such standards shall apply regardless of whether the use is permitted by right, by Conditional Use Permit approval, or as an accessory use.
- d. *Temporary uses.* Temporary uses shall be permitted in all zoning districts provided that such uses comply with § 1104.09. of this Code.

1104.02. Use Permissions Table.

Table 04.02-1: Use Permissions Table

Category	Use	Use Standard	Large Lot Residential	Estate Residential	Mixed Residential ¹	Downtown Residential ¹	Downtown Mixed ¹	Commercial ¹	Flex Industrial ¹	Civic and Institutional ¹
Residential	One-Unit Dwelling		P	P	P	P				
	Two-Unit Dwelling	§ 1104.03.a.			P	C	P			
	Three-Unit Dwelling	§ 1104.03.a.			P		P			
	Four-Unit Dwelling				P		P			
	Multi-Unit Dwelling				P			P		
	Congregate Living Facility	§ 1104.03.b.			C			C		P
	Cottage Court	§ 1104.03.c.			P	C	P			
	Life Care Facility			C	C		C	C		P
	Group Residential Facility	§ 1104.03.d.		C	C					P
	Live-Work Dwelling					C	P	P		
	Manufactured Home	§ 1104.03.e.	C							
	Manufactured Home Park	§ 1104.03.e.	C							
	Mobile Home	§ 1104.03.e.	C							
	Nursing Home	§ 1104.03.f.			C			C		P
	Townhouse	§ 1104.03.g.			P		P			
	Vertical Mixed Use	§ 1104.03.h.					P	P	P	P
Commercial	Bed and Breakfast	§ 1104.04.a.			C		C	C		
	Brewery	§ 1104.04.b.					P	P	P	
	Financial Institution						P	P		
	Hotel	§ 1104.04.c.					P	P		
	Commercial Amusement, Indoor						P	P	C	
	Commercial Amusement, Outdoor	§ 1104.04.d.						C	C	C
	Kennel	§ 1104.04.e.						C	C	

Category	Use	Use Standard	Large Lot Residential	Estate Residential	Mixed Residential ¹	Downtown Residential ¹	Downtown Mixed ¹	Commercial ¹	Flex Industrial ¹	Civic and Institutional ¹
	Personal Services						P	P	P	
	Professional Office						P	P	P	P
	Restaurant					C	P	P		PA
	Retail Store	§ 1104.04.f.				C	P	P		
	Sexually Oriented Business	§ 1104.04.g.							C	
	Veterinarian Facility	§ 1104.04.h.						P	P	
Public and Institutional	Active Park/Recreational Facility		C	C	C	C	C	C	C	P
	Assembly Hall						C	C		P
	Cemetery									C
	Child Care Center	§ 1104.05.a.					CA	P		P
	Club						P	P		P
	Community Center		C	C	C	C	P	P	C	P
	Community Garden	§ 1104.05.b.	P	P	P	P	P			P
	Government Use		C	C	C	C	P	P	P	P
	Higher Education							C		P
	Hospital							C		P
	Medical Office						P	P	C	P
	Museum, Gallery, or Library						P	P		P

Category	Use	Use Standard	Large Lot Residential	Estate Residential	Mixed Residential ¹	Downtown Residential ¹	Downtown Mixed ¹	Commercial ¹	Flex Industrial ¹	Civic and Institutional ¹
	Passive Park/Recreational Facility		P	P	P	P	P	P	P	P
	School		C	C	C		CA			P
Industrial	Artisanal Manufacturing	§ 1104.06.a.					PA	P	P	
	Catering Facility						P	P	P	PA
	Industrial, Heavy	§ 1104.06.b.							C	
	Industrial, Light	§ 1104.06.c.							P	
	Laboratory, Commercial								P	
	Public service facility								P	C
	Research and development								P	
	Self-Storage Facility								P	
	Supply Yard	§ 1104.06.d.							P	
	Telecommunication Facilities	§ 1104.06.e.							C	
	Warehousing								P	
	Wholesale and Distribution								P	
Automotive	Automotive Sales and Rental	§ 1104.07.a.						P	C	
	Automotive Repair	§ 1104.07.b.							C	
	Automotive Service	§ 1104.07.c.						C	P	
	Automotive Wash	§ 1104.07.d.						C	P	
	Vehicle service station	§ 1104.07.e.						C	PA	PA

Category	Use	Use Standard	Large Lot Residential	Estate Residential	Mixed Residential ¹	Downtown Residential ¹	Downtown Mixed ¹	Commercial ¹	Flex Industrial ¹	Civic and Institutional ¹
	Vehicle Storage								P	
Agricultural	Agricultural Operation		C							C
	Plant Nursery		C					P	P	P
Accessory	Accessory Dwelling Unit	§ 1104.08.a.	PA	PA	PA	PA	PA			
	Alternative Energy System	§ 1104.08.b.	PA	PA	PA	PA	PA	PA	PA	PA
	Drive-Through Facilities	§ 1104.08.c.					CA	PA		CA
	Garage, Private		PA	PA	PA	PA	PA	PA	PA	PA
	Garage, Public				PA		PA	PA	PA	PA
	Home Occupation	§ 1104.08.d.	PA	PA	PA	PA	PA	PA		
	Horse Boarding	§ 1104.08.e.	CA							
	Outdoor Dining	§ 1104.08.f.					PA	PA		
	Outdoor Display	§ 1104.08.g.					CA	PA	PA	
	Outdoor Storage	§ 1104.08.h.						PA	PA	PA
	Recreational Structure	§ 1104.08.i.	PA	PA	PA	PA	PA	PA		PA
	Roadside Sales Stand	§ 1104.08.j.	CA					CA		PA
	Swimming Pool	§ 1104.08.k.	PA	PA	PA	PA	PA	PA		PA
	Walk-Up Window	§ 1104.08.l.					PA	PA		PA
¹ Lots in the MR, DT-R, DT-M, CO, FI, and CI Zones may have multiple principal uses on the same lot.										

1104.03. Residential Use Standards.

a. Two-unit and three-unit dwellings.

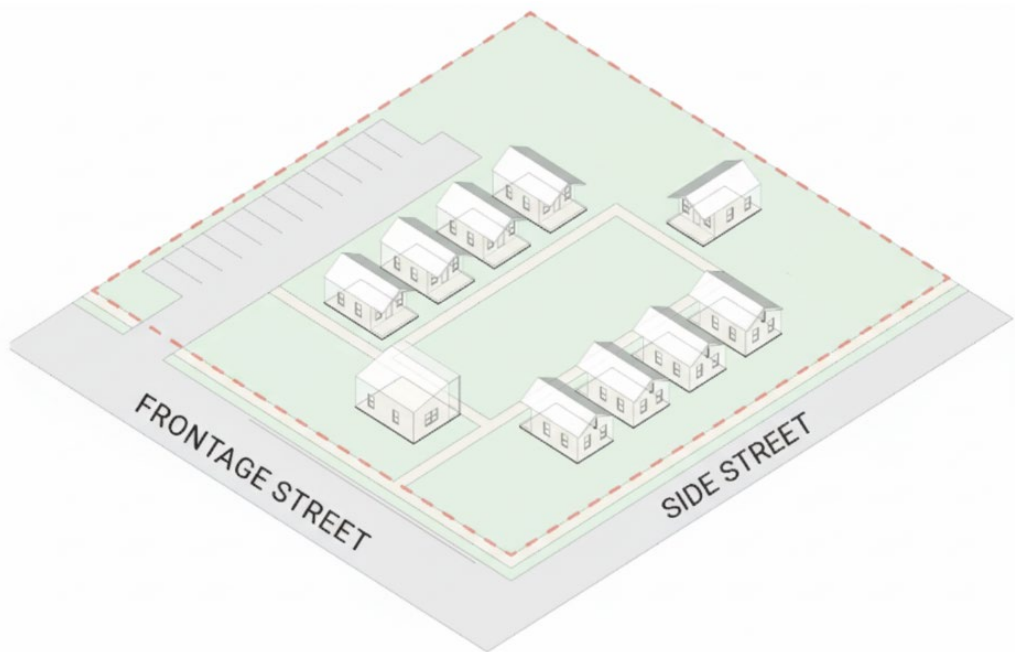
1. In the DT-M District, no two-unit or three-unit dwellings shall be established on a lot which fronts Liberty Street or Olentangy Street.

b. Congregate living facility.

1. See standards for nursing homes in § 1104.03.f. of this Code.

c. *Cottage court.*

Figure 04.03-1: Cottage Court Example



1. If the dwelling units within a cottage court are located on separate lots, the following standards shall apply.
 - A. The minimum lot size for each lot shall be 1,200 square feet.
 - B. No more than one building shall be located on each lot.
 - C. All applicable dimensional standards shall be administered as though the entire cottage court is located on one lot.
 1. Any maximum setback requirements shall only apply to the lots fronting a public street.
2. No more than two dwelling units may be located within the same building.
 - A. All buildings within a cottage court shall be set back at least 10 feet from any other building within a cottage court.
3. All buildings within a cottage court shall have at least one façade fronting on a common open space.
 - A. All facades facing the common open space shall include at least one entrance.
 - B. An internal pedestrian path shall connect all entrances fronting on the common open space to each other.

1. The internal pedestrian path shall be paved and be at least four feet wide.
 2. If a sidewalk or share use path abuts the lot, such internal pedestrian way must connect to such facility.
 - C. No vehicular area shall be provided between the common open space and any façade fronting on such common open space.
 - D. The common open space shall not be parked or driven upon.
4. No more than one curb cut per eight dwelling units shall be provided, regardless of whether or not such dwelling units are located on the same lot.
5. If an off-street parking area is provided, the following standards shall apply.
 - A. No part of the off-street parking area shall be located in the front yard.
 - B. An internal pedestrian path shall connect all dwelling units to the off-street parking area.
 1. The internal pedestrian path shall be paved and be at least four feet wide.
 - C. The off-street parking area shall provide the applicable off-street parking area landscape buffer established in § 1105.03. of this Code.
- d. *Group residential facility.*
 1. See standards for nursing homes in § 1104.03.f. of this Code.
- e. *Manufactured home, manufactured home park, or mobile home.*
 1. All manufactured homes shall be installed upon and properly attached to a foundation that provides adequate support as determined by the Chief Building Official.
 2. Prior to occupation, all hitches, axles, wheels, and conveyance mechanisms shall be removed from the manufactured home.
 3. An entrance to the manufactured home shall be provided on the front-facing façade.
 - A. If the manufactured home contains more than one front-facing façade, only one such façade must provide an entrance.
 4. The manufactured home shall comply with all standards applicable to one-unit dwellings in the underlying zoning district.
- f. *Nursing home.*

1. All nursing homes must meet the certification, licensing, and approval requirements of the appropriate state agency.
 2. The exterior appearance shall be compatible with other residential dwellings.
 - A. Any improvement required by this Code or other licensing requirements shall not be deemed incompatible.
 3. An off-street parking area shall be provided to comply with the minimum number of parking spaces required by § 1105.05. of this Code.
 - A. An internal pedestrian path shall connect all dwelling units to the off-street parking area.
 1. The internal pedestrian path shall be paved and be at least four feet wide.
 4. The location of a nursing home shall be governed by the following rules.
 - A. No nursing home shall be located within 600 feet of another nursing home, unless such nursing homes are located on adjoining lots held in common ownership.
 1. An exception to this provision may be granted if the location is uniquely proximate to medical, commercial, and employment opportunities, as determined through the Conditional Use Permit approval process.
 5. In seeking Conditional Use Permit approval, the applicant shall provide documentation indicating the following information.
 - A. The manner in which the nursing home will maintain contact with neighborhood residents, including a structured procedure for filing and resolving any grievances.
 - B. The demand for the nursing home, including information clarifying the intended clientele.
 - C. The means by which residents can access medical, commercial, and employment opportunities, including any transportation services offered by the nursing home if walking to such opportunities is not reasonable for the clientele being served.
 - D. The location and type of similar facilities operated by the applicant.
- g. *Townhouse.*
1. If a townhouse is located on its own lot, the following standards shall apply.

- A. The minimum lot size for an individual townhouse shall be 990 square feet, and the minimum lot width shall be 18 feet.
 - 1. In the ER and MR Districts, a row of townhouses shall collectively meet the applicable minimum lot size requirement.
 - B. Other than the minimum lot size established above, all applicable dimensional standards shall be administered as though the entire row of townhouses is one building located on one lot.
 - 1. Any maximum front setback requirement shall only apply to a lot fronting a public street.
 - 2. If multiple townhouses are located on the same lot, the following standards shall apply.
 - A. All dimensional standards established for the underlying zoning district shall be met as though the townhouse row constitutes one building.
 - B. No dwelling unit shall be less than 18 feet wide.
 - 3. All townhouses shall have access to a public or private roadway.
 - 4. No more than one dwelling unit shall be located within a townhouse.
 - 5. No townhouse may provide a garage door on the front façade.
- h. *Vertical mixed-use.*
- 1. All vertical mixed-use buildings shall only consist of uses otherwise permitted in the underlying zoning district.
 - A. Component uses requiring Conditional Use Permit approval shall still require Conditional Use Permit approval.
 - B. All use standards applying to component uses shall still apply, except for any use standards altering the dimensional standards from the minimum requirements of the underlying zoning district.
 - C. The minimum off-street parking space requirements shall be established in accordance with § 1105.05.c. of this Code.
 - 2. The ground floor shall be at least 12 feet tall as measured from the floor to the ceiling.
 - 3. Dwelling units shall be prohibited on the ground floor with the exception of common spaces such as lobby areas and recreation areas provided for residents of upper floor dwelling units.

1104.04. Commercial Use Standards.**a. *Bed and breakfast.***

1. A bed and breakfast must meet all applicable standards established in the Ohio Building Code.
2. The owner or operator of the bed and breakfast shall live full-time on the lot.
 - A. Such owner or operator shall be the record owner of no less than 60 percent interest of the property in question.
 - B. Not more than one nonresident shall be employed.
3. No more than four guest rooms may be provided.
4. No cooking facilities shall be permitted in individual guest rooms.
5. A minimum of one full bathroom, including shower, toilet, and sink, shall be required for every two guest rooms.
6. Guest rooms shall be rented on a daily basis. The hourly renting of guest rooms is prohibited.
 - A. A guest shall not reside in a bed and breakfast for more than 7 consecutive days or 45 days in a calendar year.
 - B. A guest register listing the name, address, and phone number of all paying guests shall be maintained and shall be made available for inspection by City Officials.
7. Off-street parking spaces shall be provided per § 1105.05.
 - A. Such off-street parking spaces may be provided in a driveway or off-street parking area.
8. A bed and breakfast may provide services, such as the provision of food, which may be otherwise prohibited in the underlying zoning district provided that such services are only made available to guests.
 - A. The rental of a bed and breakfast for special gatherings such as wedding receptions and parties shall require Conditional Use Permit approval unless attendance at such event is limited to paying guests.
9. A bed and breakfast must comply with all regulations and approvals established by Liberty Township Fire Department and the Delaware Public Health District.

b. *Brewery.*

1. A brewery may produce and sell alcoholic beverages for consumption.

- A. If the alcoholic beverages sale area complies with the definition of retail store as established in this Code, the brewery must comply with all standards established by this Chapter for a retail store use.
 - B. If the alcoholic beverages sale area complies with the definition of a restaurant as established in this Code, the brewery must comply with all standards established by this Chapter for a restaurant use.
- c. *Hotel.*
 - 1. Guest rooms shall be rented on a daily basis. The hourly renting of guest rooms is prohibited.
 - 2. A guest shall not reside in a hotel for more than 30 consecutive days.
 - 3. Guest rooms shall not be independently accessed from the outside.
 - 4. A guest register listing the name, address, and phone number of all paying guests shall be maintained and shall be made available for inspection by City Officials.
 - 5. Services including daily housekeeping and upkeep of furnishings must be provided.
 - 6. Meeting rooms, fitness facilities, recreational facilities, and dining services shall be permitted as accessory uses within the principal building.
- d. *Outdoor commercial amusement.*
 - 1. A fence shall be provided along all lot lines abutting a lot containing a dwelling unit. Such fence shall be at least six feet tall and have a minimum opacity of 80 percent.
- e. *Kennel.*
 - 1. No outdoor runs shall be permitted within the front yard or within 200 feet of a dwelling unit.
 - A. If provided, outdoor runs shall be enclosed by a fence at least six feet in height and adequate to prevent the escape of animals held in care.
- f. *Retail store.*
 - 1. If included as an accessory use, a retail store shall not occupy more than 15 percent of the gross floor area of the principal building.
- g. *Sexually-oriented business.*
 - 1. Obscenity shall be prohibited.
 - A. No use standard applying to sexually-oriented businesses shall be construed so as to condone or permit obscenity or pandering, as defined by Title 29 of the Ohio Revised Code as amended.

- B. No use standard applying to sexually-oriented businesses shall be construed to condone or permit offenses against morals as defined in Chapter 533 of the Codified Ordinances of Powell, Ohio as amended.
 - C. No use standard applying to sexually-oriented businesses shall be construed to permit the possession, distribution, and transportation of obscene materials.
 - D. No use standard applying to sexually-oriented businesses shall be construed to authorize the exposing to minors of motion pictures, exhibitions, shows, representations, and presentations of specified sexual activity or persons displaying or exhibiting specified anatomical areas.
 - E. No person shall violate the laws of the United States of America, State of Ohio, or City of Powell as they relate to obscenity.
2. In seeking Conditional Use Permit approval, the applicant shall demonstrate the following information.
- A. Identification information in accordance with the following standards.
 - 1. If the applicant is an individual, the Conditional Use Permit application shall state the full name and all aliases used by the applicant.
 - 2. If the applicant is a partnership, the Conditional Use Permit application shall state the full name of the partnership and the names and addresses of all partners, whether general or limited, accompanied by a copy of the written partnership agreement.
 - 3. If the applicant is a corporation, the exact corporate name, a copy of the Articles of Incorporation, a certificate that the corporation is in good standing in the State of Ohio, the names and addresses of all officers and directors, and the names and addresses of all shareholders who own more than a five percent interest in said corporation.
 - B. A statement as to whether the applicant, partners, officers, directors or shareholders have within the five-year period immediately preceding the date of the application been convicted of a felony or misdemeanor and, if so, the particular criminal act involved and the place of conviction.
 - C. The names and addresses of all employees.
3. No sexually-oriented business shall be permitted within 1,500 feet of another sexually-oriented business.

4. No sexually-oriented business shall be permitted within 1,000 feet of the LR, ER, MR, DT-R, or DT-M Districts or any of the following uses.
 - A. All residential uses.
 - B. Assembly hall.
 - C. School.
 - D. Child care center.
 - E. Passive park / recreational facility.
 - F. Community center.
 - G. Government use.
 5. No sexually-oriented business shall be permitted within 1,000 feet of a residential district outside of the City's jurisdiction.
- h. *Veterinarian facility.*
1. In the DT-M District, a veterinarian facility must comply with the following standards.
 - A. The facility shall be limited to small domestic animals.
 - B. No animals shall be boarded on the premises.
 - C. No outside runs or exercise areas may be provided.
 2. No outdoor runs shall be permitted within the front yard or within 200 feet of a dwelling unit.
 - A. If provided, outdoor runs shall be enclosed by a fence at least six feet in height and adequate to prevent the escape of animals held in care.

1104.05. Public and Institutional Use Standards

- a. *Child care center.*
1. An off-street stacking lane shall be provided in accordance with § 1105.07.
 2. Fences must be provided to control the access of children to adjoining hazardous conditions such as roads, streets, lakes, creeks, ponds, and adjacent property.
 - A. Such fences shall be in accordance with § 1105.04.
 3. If adjacent to a residential use, the principal structure must be at least 10 feet from all lot lines abutting a residential use.
- b. *Community garden.*

1. Seed, fertilizer, and feed must be stored in sealed, rodent-proof containers.
2. No equipment, process, or other practice may create excessive dust, odors, or vibrations detectable from an adjacent lot.

1104.06. Industrial Use Standards.

a. *Artisanal manufacturing.*

1. No process or equipment may be used that creates excessive heat, glare, dust, smoke, fumes, odors, or vibrations detectable from an adjacent lot.
2. Outdoor storage is prohibited.
3. Artisanal manufacturing uses are permitted to sell products produced on-site directly to consumers, provided that the vending or retail area does not comprise greater than 25 percent of the principal building's gross floor area.

b. *Heavy industrial.*

1. A heavy industrial use must be set back at least 100 feet from any lot containing a residential use.
2. No heavy industrial use shall emit excessive fumes, odors, vibrations, dust, or other effects that may pose a threat to the safety or health of land users on adjacent lots, or that may damage the integrity of structures on adjacent lots.
3. Biohazardous waste and biomedical waste shall be appropriately isolated from the general solid waste stream, appropriately stored, and hauled off site by a company licensed to handle biohazardous waste.
4. All activities related to the operation of a heavy industrial use excluding parking and loading shall be conducted within a fully enclosed structure.
5. No vehicle access shall be provided from a local street containing residential uses on the same block.

c. *Light industrial.*

1. No light industrial use shall emit excessive fumes, odors, vibrations, dust, or other effects that may pose a threat to the safety or health of land users on adjacent lots, or that may damage the integrity of structures on adjacent lots.
2. Biohazardous waste and biomedical waste shall be appropriately isolated from the general solid waste stream, appropriately stored, and hauled off site by a company licensed to handle biohazardous waste.

3. Light industrial uses are permitted to sell products produced on-site directly to consumers, provided that the vending or retail area does not represent greater than 25 percent of the principal building's gross floor area.
- d. *Supply yard.*
 1. Supply yards shall be screened from all public rights-of-way and adjacent lots by a fence at least six feet tall with a minimum opacity of 80 percent.
- e. *Telecommunications facility.*
 1. See the Codified Ordinances of Powell, Ohio Chapter 941.

1104.07. Automotive Use Standards.

- a. *Automotive sales and rental.*
 1. Vehicles stored on the lot shall be parked in an off-street parking area meeting the requirements of § 1105.05. of this Code.
 2. An accessory automotive service use shall be permitted provided that all applicable use standards are met.
- b. *Automotive repair.*
 1. All operations must be performed within a fully enclosed buildings, provided that bay doors may be open during the hours of operation.
 2. Vehicles stored on the lot shall be parked in an off-street parking area meeting the requirements of § 1105.05. or in a vehicle storage area meeting the following standards:
 - A. The vehicle storage area shall be located in side or rear yard.
 - B. The vehicle storage area shall be surrounded by a fence at least six feet tall and having a maximum opacity of 80 percent.
 3. No automotive service use shall operate prior to 6:00 a.m. or after 10:00 p.m.
- c. *Automotive service.*
 1. All operations must be performed within a fully enclosed buildings, provided that bay doors may be open during the hours of operation.
 2. Vehicles stored on the lot shall be parked in an off-street parking area meeting the requirements of § 1105.05. or in a vehicle storage area meeting the following standards:
 - A. The vehicle storage area shall be located in side or rear yard.

- B. The vehicle storage area shall be surrounded by a fence at least six feet tall and having a maximum opacity of 80 percent.
- 3. No automotive service use shall operate prior to 6:00 a.m. or after 10:00 p.m.
- d. *Automotive wash.*
 - 1. No automotive wash shall be permitted within 200 feet of a dwelling unit measured from the property lines.
- e. *Vehicle service station.*
 - 1. The maximum lot size shall be two acres.
 - 2. No fuel pump dispensing gasoline, diesel, kerosene, natural gas, propane or other hydrocarbon shall be located within 100 feet of any lot occupied by a residential dwelling.
 - 3. No permanent storage of inoperable vehicles shall be permitted on the site.
 - 4. A maximum of 16 fuel pumps shall be permitted.
 - 5. Where provided, a canopy providing cover to service area shall be no taller than 25 feet.
 - 6. In the CO District, automotive convenience centers shall locate all service areas, including fuel pumps, in the rear yard area of the site, unless such service areas are effectively screened from view from surrounding public streets and adjacent properties.

1104.08. Accessory Use Standards.

- a. *Accessory dwelling unit.*
 - 1. Accessory dwelling units shall only be provided on lots larger than the minimum lot size in the underlying zoning district and containing a one-unit, two-unit, or three-unit dwelling.
 - A. In the DT-M District, accessory dwelling units shall only be permitted on lots at least 7,200 square feet in size.
 - 2. No more than one accessory dwelling unit shall be permitted on a lot.
 - 3. An accessory dwelling unit may be within, attached to, or detached from the principal building on the lot.
 - A. If detached from the principal building, the accessory dwelling unit must be set back at least 10 feet from the principal building and comply with all

applicable accessory structure setback standards in the underlying zoning district.

4. The maximum floor area of the accessory dwelling unit shall be determined by the size of the lot in accordance with Table 04.08-1. In no case shall the floor area of the accessory dwelling unit exceed 40 percent of floor area of the principal building.

Table 04.08-1: ADU Maximum Floor Area

Lot Area	Maximum Floor Area
Less than 10,000 sq. ft.	800 sq. ft.
Less than 20,000 sq. ft.	1,000 sq. ft.
20,000 sq. ft. or greater.	1,200 sq. ft.

5. An accessory dwelling unit shall not exceed the accessory structure height standards in the underlying zoning district.
 6. An accessory dwelling unit shall be architecturally compatible with the principal building. Architecturally compatible is defined as having similar:
 - A. Shape and style of exterior doors and windows;
 - B. Building materials and paint color; and,
 - C. Roof style and pitch.
- b. *Alternative energy system.*
1. No alternative energy system shall be ground mounted in the LR, ER, MR, DT-R, or DT-M Districts.
 2. No alternative energy system shall be located in the front yard or within 15 feet of a side or rear lot line, unless mounted to the roof of the principal building on a lot.
 3. If an alternative energy system is not affixed to the roof of the principal building, the maximum height shall be the same as the maximum height for accessory structures in the underlying zoning district.
 4. On lots abutting the LR, ER, MR, or DT-R Districts, ground-mounted alternative energy systems shall be screened from view from adjacent lots in accordance with § 1105.03. and § 1105.04 of this Code.
 5. If an alternative energy system is affixed to the roof of the principal building, the maximum height shall be five feet above the roof of such building, provided that such height is no higher than the maximum principal building height allowed in the underlying zoning district.
 - A. No alternative energy system affixed to the roof of the principal building shall extend horizontally beyond the edge of the roof to which it is affixed.

c. *Drive-through facility.*

1. Drive-through facilities must be an accessory to a use permitted in the underlying zoning district.
2. All stacking lanes shall comply with § 1105.05. of this Code.
3. The entrance and exit to all drive-through facilities shall be at least 50 feet from the intersection of any public roadways and at least 25 feet from any curb cut.
 - A. Entrances and exits shall be clearly identified through signs or pavements markings to establish the direction of traffic.
4. A planting island at least five feet wide shall be provided between the drive-through facility and any adjacent off-street parking area or roadway.
 - A. The planting island shall be landscaped with the following planting materials.
 1. Shrubs at least three feet tall at the time of planting and running the entire length of the drive-through facility.
 2. Shade trees at least five feet tall at the time of planting and no more than 15 feet apart from center to center.
 - B. The planting island shall be allowed to extend into any required minimum setback provided that no planting material obstructs a clear sight triangle.
5. A paved pedestrian path shall connect any sidewalk abutting the lot to an entrance to the principal use.
 - A. The pedestrian path must be at least four feet wide.
 - B. If a pedestrian path intersects a drive-through facility, the pedestrian path shall be delineated by textured, colored, or raised paving.
 - C. Where a pedestrian path intersects a planting island, no planting materials shall be required.
6. When located within 100 feet of a residential use, the drive-through shall only operate between the hours of 7:00 a.m. and 10:00 p.m.
7. For each stacking lane in a drive-through facility, an additional freestanding sign shall be permitted according to § 1106.09.f. of this Code.

d. *Home occupation.*

1. Activities, materials, and equipment associated with the home occupation shall be totally stored and maintained within a building or structure.

- A. The external appearance of the building or structure in which the use is conducted shall not be altered.
 - B. No internal or external alterations, construction, or reconstruction of the structure, building, or lot shall be permitted for the purpose of accommodating the home occupation
2. The display of products shall not be visible from the street.
3. The maximum floor area for a home occupation shall be 20 percent of the gross floor area of the dwelling unit.
 - A. If located in an accessory structure, the maximum floor area for a home occupation shall be 20 percent of the combined floor area of the dwelling unit and accessory structure.
4. No equipment, process, materials, chemicals, or storage shall create offensive noise, vibration, smoke, dust, odor, heat, glare, x-rays, radiation, electrical disturbances, electrical interference, fluctuation in voltage, or other nuisance detectable to normal senses off the lot or by off-site customary residential equipment.
5. No equipment, process or storage associated with the occupation shall create any fire or explosion hazard or involve the storage or use of hazardous materials in any concentration greater than that which would normally be found in a dwelling unit containing no home occupation.
6. No additional parking demand, beyond that created by the residence itself, shall be created.
7. Not more than one person who is not a resident of the premises may participate in the home occupation as an employee or as a volunteer.
8. Waste materials, solid or liquid, shall not be created on the premises at a level greater than normal to a residential use, unless provisions for the disposition of said wastes are approved during the Home Occupation Permit approval process and do not create a burden on adjoining property.
9. Home occupation services may be rendered on the premises or elsewhere.
10. No activity shall be conducted or permitted which creates a nuisance to neighboring properties or otherwise be illegal.
11. A Home Occupation Permit shall be required to be approved by the Zoning Administrator prior to establishment of a home occupation.

- A. A fee for review and approval of a Home Occupation may be established by Council within the Official Fee Schedule as amended from time to time.
 - B. Any Home Occupation established without a Home Occupation Permit shall be brought into compliance within seven days of written notification by the Zoning Administrator to the property owner of the noncompliance.
- 12. A Home Occupation Permit issued for a home occupation shall cease to be valid upon the following occurrences.
 - A. The premises for which the Home Occupation Permit was issued is no longer occupied by the holder of said permit.
 - B. The home occupation operates in a manner not approved by the Zoning Administrator.
- e. *Horse boarding.*
 - 1. Horse boarding shall only be permitted as an accessory use to a permitted agricultural use.
- f. *Outdoor dining.*
 - 1. No outdoor dining area shall extend into a public right of way unless permitted by the City.
 - 2. If provided, outdoor speakers shall comply with the following standards.
 - A. No outdoor speakers shall be permitted within 500 feet of a dwelling unit unless the applicant receives Conditional Use Permit approval.
 - B. All speakers shall be oriented downwards and towards the outdoor dining area's seating area and away from any adjacent rights-of-way, sidewalks, or lot lines.
 - 3. Outdoor dining use shall not operate prior to 7:00 a.m. or after closing of the primary use's operational hours.
- g. *Outdoor display.*
 - 1. Outdoor display in a public right of way shall be prohibited unless approval is granted by the Zoning Administrator and City Engineer.
 - 2. The outdoor display of commercial equipment, materials, or products for sale or rent must provide a front setback equal to the minimum front setback required for principal buildings in the underlying zoning district.
- h. *Outdoor storage.*

1. Outdoor storage on a public sidewalk shall be prohibited unless approval is granted by the Zoning Administrator and City Engineer.
 2. Except in the FI District, outdoor storage shall not be located in the front yard.
 - A. If located in the front yard, a fence with a minimum opacity of 80 percent shall enclose the entire outdoor storage area.
- i. *Recreational structure.*
1. Recreational structures are prohibited from being located in any public right of way or easement designated for the purpose of public access.
 2. Recreational structures shall not be located in the front yard, except basketball hoops complying with the following standards.
 - A. The base of the pole to which the basketball hoop is attached must be within five feet of a driveway, set back at least two feet from the side lot line, and set back at least five feet from the front lot line.
 - B. No sports court shall be allowed in the front yard.
 3. Sports courts shall not be within 15 feet of a side or rear lot line.
 4. All sports courts shall require General Zoning Permit approval provided that a sports court exceeding 5,000 square feet in size shall require Conditional Use Permit approval.
 5. No recreational structure shall impede proper drainage of any property.
 6. All recreational structures shall be maintained in good repair and shall be structurally sound. Any grounds that surround any recreational structure shall be maintained in a neat, clean and well cared for condition at all times.
- j. *Roadside sales stand.*
1. Roadside sales shall abide by the use standards established for outdoor display in § 1104.08.g., except roadside sales shall be permitted in the public right of way if approved by the Zoning Administrator and City Engineer.
 2. In the LR District, roadside sales shall only sell products produced on the same lot.
 3. In the CO and CI District, roadside sales stands may operate within a motor vehicle, provided that the following standards are met.
 - A. A roadside sales stand offering food or drinks for sale shall provide a trash can within five feet of any entrance or service window.

- B. If parked within a public right of way, the roadside sales stand must allow customers to access the entrance or service window from a sidewalk, shared use path, or other pedestrian facility.
- k. *Swimming pool.*
- 1. A swimming pool operated as a principal or accessory use with a charge for admission, membership fee, or intended for commercial use must comply with the following standards.
 - A. In the LR, ER, MR, and DT-R Districts, the swimming pool must be located on a lot owned by an association of property owners, private club, or similar association.
 - B. The swimming pools shall be used or intended to be used for the enjoyment by members of the association of property owners, private club, or similar association and their guests.
 - C. If located in an enclosed structure, the structure shall comply with the requirements of the underlying zoning district.
 - D. If not located in an enclosed structure, the following standards shall apply:
 - 1. The swimming pool shall be excavated into the ground and entirely surrounded by decking constructed of permanent materials such as pavers, stone, or concrete. No swimming pool shall rise more than six inches above the adjacent grade, whether paved or unpaved, at any point.
 - 2. The swimming pool and any associated structures shall meet the accessory structure requirements of the underlying zoning district.
 - 3. The swimming pool and any accessory structures shall be surrounded by a wall or fence at least six feet tall and sufficient to prevent uncontrolled access by children from adjacent properties. The area surrounding the enclosure, except for the parking spaces, shall be suitably landscaped with grass, hardy shrubs, and trees and maintained in good condition.
 - 2. Swimming pools exclusively used by residents and their guests of an on-site dwelling, subdivision community, or members of a club without paying an additional charge for admission shall comply with the following standards.
 - A. No such swimming pool shall be allowed in the DT-M or DT-R Districts.
 - B. The swimming pool must be an accessory use.

- C. The swimming pool shall be used or intended to be used solely for the enjoyment of the occupants of the lot on which it is located and their guests.
- D. If located in an enclosed structure, the structure shall comply with the requirements of the underlying zoning district.
- E. If not located in an enclosed structure, the following standards shall apply:
 - 1. The swimming pool shall be excavated into the ground and entirely surrounded by decking constructed of permanent materials such as pavers, stone, or concrete. No swimming pool shall rise more than six inches above the adjacent grade, whether paved or unpaved, at any point.
 - 2. The swimming pool and any associated structures shall meet the accessory structure requirements of the underlying zoning district.
 - 3. The swimming pool shall be surrounded by a wall or fence at least four feet in height and sufficient to prevent uncontrolled access from adjacent properties.
 - 4. If the entire lot is surrounded by a wall or fence, the swimming pool shall be exempt from this requirement.
 - 5. Portable swimming pools with a diameter of less than 12 feet or an area of less than 100 square feet shall be exempt from these provisions.
 - 6. Farm ponds shall be exempt from these provisions.
- I. *Walk-up window.*
 - 1. A paved pedestrian area shall extend five feet in all directions from the walk-up window.
 - 2. If the paved pedestrian area does not connect to a sidewalk, shared use path, or other public pedestrian facility, a paved pedestrian path shall be provided connecting such areas.
 - A. The paved pedestrian path shall be at least four feet wide.
 - 3. A publicly or privately-owned trash can shall be provided within five feet of the walk-up window.
 - 4. One additional wall sign shall be permitted according to § 1106.12.g. of this Code.

1104.09. Temporary Use Standards.

- a. *Applicability.*
 1. The following regulations are necessary to govern certain uses which are of a non-permanent or temporary nature.
- b. *Temporary Use Permit required.*
 1. No temporary use shall be established unless the applicant receives Temporary Use Permit approval at least seven days prior to the operation of the temporary use.
 - A. A Temporary Use Permit may be received by filing an application with the Zoning Administrator.
 1. A Temporary Use Permit application shall contain a graphic description of the property to be used, a description of the proposed temporary use, and a site plan, with sufficient information to determine the applicable yard, setback, parking, and sanitary facility requirements for the proposed temporary use.
 - B. Written authorization from the Liberty Township Fire Department certifying that such temporary use will not constitute a fire hazard shall be obtained prior to and submitted with application for a Temporary Use Permit, as applicable.
 - C. Fees for Temporary Use Permit review shall be established by the City Council.
- c. *Permitted temporary uses.* The following temporary uses shall be permitted in every zoning district, subject to the specified regulations provided below.
 1. *Real estate sales offices.*
 - A. Living accommodations are prohibited.
 - B. Approval of a Temporary Use Permit shall be valid for 12-months from the date of issuance.
 1. Six-month extensions may be granted by the Zoning Administrator upon request.
 - C. Such offices shall be removed upon the completion of the sales of the lots therein, or upon the expiration of the Temporary Use Permit, whichever occurs first.
 2. *Temporary sales and services.*
 - A. Shall only be permitted in the CO, DT-M, FI, and CI Districts.

- B. May be located in an off-street parking area provided that the temporary sales and service use encroaches upon no more than 25 percent of the required off-street parking spaces.
 - C. The operator must obtain all applicable licenses required by the City, county, or state.
 - D. If the operator of the temporary sales and services use is not the property owner or authorized agent, the Temporary Use Permit application shall be accompanied by written permission of the property owners.
 - E. The Temporary Use Permit shall be prominently displayed at the site throughout the duration of the temporary sales and services use.
3. *Mobile businesses.*
- A. If conducted in the DT-M, CO, FI, or CI District by a business with a Certificate of Occupancy for a permanent location, no Temporary Use Permit shall be required.
 - 1. A mobile business operated by a business without a Certificate of Occupancy for a permanent location shall require Temporary Use Permit approval.
 - B. If conducted on a public parking space or in a public right of way, a mobile business must receive approval from the City Engineer.
 - 1. The Zoning Administrator shall specify the approved location for the mobile business and the approved length of time.
 - 2. Such approval shall be for no more than two consecutive days and for no more than eight days in any calendar month.
 - 3. A fee may be required by the City for use of its property as set by Council.
4. *Garage sales.*
- A. A garage sale shall comply with the temporary sign standards established in § 1106.13. of this Code.
5. *Seasonal sales.*
- A. For the purposes of this section, seasonal sales include any activity involving the sale of seasonal related products, such as the sale of pumpkins, Christmas trees, agricultural related products, and other seasonal goods or merchandise.

1. The on-site outdoor display of merchandise for sale by local businesses with a Certificate of Occupancy for a permanent location shall be governed by the outdoor display standards established in § 1104.08.g. of this Code.
- B. If conducted by those other than a not-for-profit religious, public institutional, or local civic organization, seasonal uses shall only be permitted in the DT-M, CO, FI, and CI Districts.
- C. If conducted by a not-for-profit religious, public institutional, or local civic organization, seasonal uses are permitted on any property owned or leased by said organization in any zoning district.
- D. If seasonal sales are to be conducted in an off-street parking area, no more than 25 percent of the total off-street parking spaces provided in the off-street parking area shall be obstructed.
- E. If seasonal sales are to be conducted in an area other than an off-street parking area, no more than 50 percent of the total lot area shall be occupied by the seasonal sales use.
- F. No portion of a seasonal sales use shall operate on any public right of way without approval from the Zoning Administrator and City Engineer.
- G. A seasonal sales use shall not create adverse effects on traffic movement and parking within the site location and the surrounding community.
- H. No permanent buildings or structures shall be erected.
- I. A lighting plan shall be submitted to and approved by the Zoning Administrator, unless the site already contains adequate lighting.
- J. A Temporary Use Permit must be approved by the Zoning Administrator prior to establishment of any seasonal sales area.
 1. Any seasonal sales area established without a Temporary Use Permit shall be brought into compliance within two days of written notification by the Zoning Administrator.
 2. The Temporary Use Permit granted for a seasonal sales use shall be valid for a period not to exceed than 60 days.
 3. No more than three Temporary Use Permits shall be granted to the same lot in a calendar year.

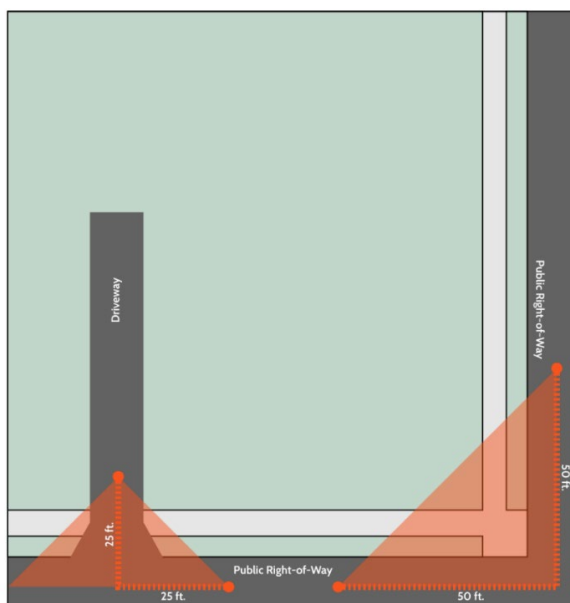
4. No lot shall receive more than two Temporary Use Permits in consecutive order.
- K. Within seven days of Temporary Use Permit's expiration, all structures shall be removed, and the lot shall be brought to a clean and sanitary condition to the satisfaction of the Zoning Administrator.

CHAPTER 1105. GENERAL DEVELOPMENT STANDARDS.

1105.01. Standards Applying to All Districts.

- a. *Setback projections.*
 1. Structures such as porches, canopies, balconies, platforms, carports, covered patios, bay windows, and similar architectural projections shall be considered parts of the building to which they are attached and shall not project into the required minimum front, side, or rear yard.
 2. Chimneys and egress windows for basements may project into a side yard setback, provided that no such structure is within five feet of the side lot line.
- b. *Height projections.*
 1. Church spires, belfries, cupolas, domes, antennas, water tanks, elevator shafts, ventilators, chimneys, flag poles, cooling towers, conveyors, stage towers, water towers, or other appurtenances usually required to be placed above the roof level may be project beyond the maximum building height requirement for the underlying zoning district provided that such areas are not intended for human occupancy.
 2. Barn silos, grain elevators, church spires, and domes may be erected to any safe and lawful height.
- c. *Clear sight triangles.*

Figure 05.01-1: Clear Sight Triangle



1. A clear sight triangle shall be established according to the following standards.
 - A. On a corner lot at the intersection of two public rights-of-way, the clear sight triangle shall be the area bounded by the centerlines of the adjacent rights-of-way and a line joining points along said centerlines 50 feet from the point of intersection.
 - B. On a corner lot at the intersection of two alleys, at the intersection of an alley and a street, or at the intersection of a driveway and a street, the clear sight triangle shall be the area bounded by the centerline of the adjacent right-of-way, alley, or driveway and a line joining points along said centerlines 25 feet from the point of intersection.
2. In a clear sight triangle, nothing shall be installed, erected, placed, planted, or allowed to grow in such manner as to impede vision between a height of two and one-half feet and 10 feet above the center line grades of the intersecting rights-of-way.
 - A. Existing trees shall be permitted within a clear sight triangle provided that such a tree does not otherwise constitute a traffic visibility hazard.

1105.02. Site Access.

- a. *Pedestrian access.* For lots in the MR, DT-M, CO, and CI Districts, one pedestrian access pathway must connect each front-facing entrance to a sidewalk, multi-use trail, or other publicly accessible pedestrian-facility along the front lot line. Where no such pedestrian facility exists, the lot shall be exempted from this requirement.
 1. The pathway must connect to the publicly accessible pedestrian-facility.
 2. The pathway must meet the following design standards.
 - A. The pathway shall be at least four feet wide.
 - B. The pathway must be stable, firm, and slip resistant in accordance with ADA floor surface standards.
 - C. The pathway must be physically separated from and uninterrupted by motor vehicle use areas except where required to cross a drive-aisle. Drive aisle crossings must be the shortest practical distance.
 3. Where a retaining wall, open drainage, or similar obstacle interrupts a required accessway, the connection must be designed to facilitate passage through or over the obstacle. If the connection is not ADA compliant, a separate, compliant accessway must be provided unless the Zoning Administrator and City Engineer determines that a separate compliant pathway is not feasible.

4. Multiple street-facing entrances may be served by a shared pedestrian access if the pathway provides uninterrupted access to all such entrances.
 5. If the pathway crosses a parking facility with more than 150 parking spaces, the pedestrian path shall run parallel to the drive aisle and be located within the planting island per § 1105.03. b.3. of this Code.
- b. *Vehicular access.*
1. *Maximum number of curb cuts.*
 - A. All curb cuts provided access to a lot from a public right-of-way must be approved by the City Engineer.
 - B. A lot shall not have more than one curb cut per frontage unless the lot is twice as wide as the minimum lot width required in the underlying zoning district.
 1. If a lot provides more than one curb cut along the same lot line, the curb cuts must be separated by at least 50 feet or as approved by the City Engineer.
 2. *Shared vehicular access.* Where a shared vehicular accessway is provided, an agreement between lot owners must be approved by the Zoning Administrator and City Engineer.
 3. *Maximum width.* The maximum curb cut width shall be determined by the zoning district as established in Table 05.02-1, unless otherwise approved by the City Engineer.
 - A. Curb cuts serving private roadways rather than private vehicular access shall not be restrained by the maximum curb cut width standards.

Table 05.02-1: Maximum Curb Cut Width

Zoning District	Maximum Curb Cut Width
LR, ER, and MR	30 ft.
DT-R and DT-M	25 ft.
CO, FI, and CI	60 ft.

1105.03. Landscaping, Buffering, and Screening.

- a. *Applicability.* All lots shall comply with the landscaping, buffering, and screening standards established in this section provided that the destruction of existing plants and trees shall not be required to meet these provisions.

b. *Planting material standards.*

1. The quality of all new planting materials installed on a lot shall be in accordance with best management practices, provided that the transplanting of trees and shrubs may be done according to accepted horticultural and forestry practices.
2. At the time of planting, all landscaped materials shall conform to Table 05.03-1 as well as the standards below.

Table 05.03-1: Planting Material Standards

Planting Material	Planting Standard at the Time of Planting
Large or medium tree	1.5 inch diameter. ¹
Evergreen Tree	6 inch diameter. ¹
Small tree	1 inch diameter. ¹
Shrub	18 inches tall.
Footnotes.	
¹ As measured 24 inches above the ground level.	

- A. All planting materials shall be vigorous, healthy, and free from disease, insect, sun, and wind damage.
 3. All planting materials required by this Code shall be maintained in a healthy condition. If any planting material required by this Code dies, the lot owner shall replace the planting material within 12 months. Otherwise, the lot owner shall be deemed in violation of this Code.
 4. All new trees and shrubs shall be selected from an Ohio Native Plants list as published by ODNR.
- c. *Screening standards.*
1. Where required by this Code, screening may consist of one of the following or a combination thereof.
 - A. A solid masonry wall.
 - B. A fence.
 - C. A dense vegetative planting.
 - D. A landscaped mounding or earthen berm.
 1. Each earthen berm shall be no more than six feet tall, provided that multiple earthen berms may be provided to meet a screening requirement.

2. Each earthen berm shall have a maximum side slope no greater than three horizontal feet to one vertical foot.
 2. Unless specified elsewhere in this Code, screening and dense vegetative planting used to create a visual buffer shall be a minimum of four feet in height and sufficient to provide a visual screen of the applicable building, structure, or use at the time of erection or planting.
 3. Where provided as screening, fences and walls shall comply with § 1105.04. of this Code.
 4. All screening shall be trimmed, maintained in good condition, and free of advertising or other signs, except for directional signs and other signs for the efficient flow of vehicles permitted by other elements of this Code.
- d. *Existing trees and woodlands.*
1. All possible efforts shall be made to preserve natural vegetation areas. The laying out of streets, lots, utilities, structures, and parking facilities shall avoid the unnecessary destruction of heavily wooded areas or outstanding tree specimens.
 - A. It is further required that whenever possible heavily wooded areas shall be designated as parkland or as natural environmental preserves.
 2. All trees having a trunk diameter of six inches or greater as measured 24 inches from the ground level shall be preserved in their current location and condition unless such trees are exempted as follows.
 - A. Trees within public rights-of-way or utility easements.
 - B. Trees within the driveway serving a one-unit, two-unit, or three-unit dwelling.
 - C. Trees that, as determined by a certified arborist, are damaged, diseased, which interfere with utility lines, or are an inappropriate or undesirable species for that specific location.
 3. Wherever possible, exempted trees shall be relocated and replanted on the subject site as an alternative to destruction. Destruction of trees exempted under the terms above shall only be undertaken following the submission of documented evidence that relocation and replanting is impossible due to the size, characteristics, or location of the exempted tree at issue.
- e. *Replacement of destroyed trees.*

1. *Tree preservation plan.* Prior to any construction activities beginning for a site containing protected trees, a tree preservation plan with tree survey shall be submitted to the City for review and approval, subject to the provisions of Title Five Administration and Procedures. The tree preservation plan may be included in other plans or drawings required by this Code and shall include the following.
 - A. Tree survey showing all existing trees on the subject property with a six-inch diameter breast height or greater. The tree survey shall include the location, species, condition, and outline of the critical root zone or 15 feet, whichever is greater.
 - B. The location of all protective fencing and measures.
 - C. Location of all utility lines, existing and proposed.
 - D. Site grading including all clearing and excavation areas.
 - E. The location of all driveways, walkways, parking areas, building footprints, and other hardscape areas that may impact existing trees.
 - F. Short and long-term maintenance plans.
 - G. Replacement plan which includes the proposed location and plant list containing the quantity, species, installation size, and total replacement number of trees for the project.
2. *Replacement trees.* The total number of replacement trees shall be calculated by determining the numbers of protected trees removed and the number of trees needed to counteract the effect of the tree removal, as determined by a certified arborist. The property owner shall replace the removed trees in kind on the site for the replacement. All replacement trees shall be native species and shall be installed with a minimum diameter of two and one-half inches. Replacement trees shall be planted within one year from the removal date of the protected tree and all replacement tree plantings shall comply with the provisions of this Code. Any relief to tree replacement is subject to approval of a Deviation in accordance with § 1114.17.
 - A. Tree replacements shall not be required for single-family residential property.
3. *Heavily wooded area.* A heavily wooded area is defined as an existing portion of a property at least one-acre in size that has dense tree plantings which prevent accurate or feasible tree surveying. These areas shall not require a tree survey but shall be identified on the tree preservation and replacement plan. Efforts shall be made to minimize impact to heavily wooded areas and provide replacement

through new plantings on-site, subject to approval of a Deviation in accordance with § 1114.17.

f. *New tree plantings.*

1. *Applicability.* Except in the DT-M District, new developments seeking a zoning approval or Building Permit shall provide new tree plantings in accordance with the following standards.
 - A. In the DT-M District, new developments shall provide tree plantings in accordance with § 1103.06.c.2. of this Code.
2. *General requirements.*
 - A. Trees provided to satisfy a transitional bufferyard or parking facility landscaping requirement shall not be counted towards the planting of new trees.
 - B. No new tree plantings shall be required if the aggregate trunk size of existing trees to remain on the site after development meets or exceeds the requirement set forth above.
 1. No tree shall be counted towards the aggregate trunk size of the existing trees on a site unless the tree complies with the planting standards established in § 1105.03.b. of this Code.
 - C. Any number of existing trees and new tree plantings, in combination, may be used to meet the requirements of this Zoning Ordinance.
 - D. Additional trees may be required by the approving authority during their review of a Development Plan application in the event that existing trees used to meet this requirement do not adequately shield or landscape the building.
3. *Minimum new tree planting requirements.*
 - A. *Residential uses.* All residential uses shall provide one half inch of trunk diameter per 150 square feet or fraction thereof of building footprint.
 - B. *Nonresidential uses.*
 1. Professional offices and institutional and public uses shall provide two inches of trunk diameter per 2,000 square feet or fraction thereof of building footprint.
 2. Commercial and industrial uses with a building footprint of 50,000 square feet or less shall provide 24 inches of trunk diameter plus two

inches of trunk diameter per 2,000 square feet or fraction thereof of building footprint.

3. Commercial and industrial uses with a building footprint greater than 50,000 square feet shall provide 54 inches of trunk diameter plus two inches of trunk diameter per 4,000 square feet or fraction thereof of building footprint.

g. *Transitional buffers.*

1. *General requirements.*

- A. Where required by this section, a transitional buffer shall be provided along the perimeter of a lot, running parallel to and extending along the entire shared lot line, unless otherwise indicated. A transitional buffer may be located within a required setback area.
- B. Any fractional result shall be rounded up to the next whole number.
- C. No driveway, parking facility, loading facility, or stacking facility shall be located within a transitional buffer.
- D. If two transitional buffers are required in the same location, only the more intense buffer shall be required.
- E. No transitional buffer shall be required within a clear sight triangle.
- F. No transitional buffer shall be required as the result of development activity on an adjacent lot.
- G. Existing landscape materials, including landscape materials provided in association with a parking facility landscaping feature, may be counted towards any transitional buffer planting standard.
- H. No transitional buffer shall be required if a public street or natural feature separate the subject lot from the adjacent lot.

2. *Transitional buffer types.*

- A. A Type 1 Transitional Buffer shall be at least five feet deep and contain a continuous row of shrubs planted at most three feet on-center. A Type 1 Transitional Buffer may be replaced by screening at least three feet in height.
- B. A Type 2 Transitional Buffer shall be at least five feet deep and include shrubs. At least one shrub shall be planted per every five feet of buffer length. A fence may be used in place of shrub plantings provided that the

fence runs along the entire length of the buffer and must be at least six feet tall.

- C. A Type 3 Transitional Buffer shall be at least 15 feet deep. At least one evergreen tree shall be planted per every 12.5 feet on-center of buffer length and a continuous row of shrubs planted at most three feet on-center. A fence may be used in place of shrub plantings provided that the fence runs along the entire length of the buffer and must be at least six feet tall.

3. *Transitional buffer requirements table.*

- A. Transitional buffers shall be required on a lot wherever the subject district abuts an adjacent district in accordance with Table 05.03-2.

Table 05.03-2: Transitional Buffer

Adjacent Lot → Subject Lot ↓	Multi-Unit Dwelling, Vertical Mixed Use, Congregate Living, or Nursing Home	All Other Residential Uses	Commercial Uses	Public and Institutional Uses	Industrial Uses	Automotive Uses	Agricultural Uses
Multi-Unit Dwelling, Vertical Mixed Use, Congregate Living or Nursing Home	n/a	Type 2	Type 2	n/a	n/a	n/a	Type 3
All Other Residential Uses	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Commercial Uses	Type 2 ¹	Type 3 ¹	n/a	n/a	n/a	n/a	Type 3
Public and Institutional Uses	Type 1	Type 1	n/a	n/a	n/a	n/a	Type 2
Industrial Uses	Type 3	Type 3	Type 2	Type 2	n/a	n/a	Type 3
Automotive Uses	Type 3	Type 3	n/a	Type 1	n/a	n/a	Type 3
Agricultural Uses	n/a	n/a	n/a	n/a	n/a	n/a	n/a
1 No transitional buffer shall be required where a commercial use in the DT-M District abuts a residential use in the DT-R or DT-M District.							

4. *Additional buffer in the DT-M District.*

- A. In addition to the transitional buffer requirements, landscaping features shall be provided to minimize potential negative impact of the DT-M District uses on abutting residential uses.
- B. In addition to the transitional buffer requirements, a buffer at least 50 feet wide shall be provided in the DT-M District along the west boundary line of the Bartholomew Run residential subdivision.

1. This buffer zone will be dedicated at the time of the construction of a building within this district or the change of use from a one-unit dwelling to a different permitted use.
 2. This buffer zone shall meet the standards of a Type 3 transitional buffer.
 3. This buffer zone shall be a part of a 75-foot "No Structure Zone" where structures other than one-unit dwellings shall be prohibited.
 - i. The "No Structure Zone" shall be reduced to 60 feet for a one-unit dwelling converted to a commercial use.
 4. Any new one-unit, two-unit, or three-unit dwellings proposed on a parcel affected by the buffer zone shall be exempt from the requirements of the buffer zone provided no more than such dwelling is proposed on that parcel, and no lot split is required.
 - i. All structures shall meet the setback requirements of the principal structure.
- h. *Parking facility landscaping.*
1. *Applicability.*
 - A. All parking facilities constructed or enlarged after the effective date of this Code shall comply with the landscaping requirements contained in this section, except as provided below.
 1. Parking facilities serving one-unit, two-unit, or three-unit dwellings shall be exempt from these landscaping standards.
 2. These standards shall not be applicable if a change in use requires additional parking spaces per Table 05.05-2, but the addition of such parking spaces does not increase the parking facility's paved area.
 - B. The intentional destruction of any existing parking facility landscaping shall require the entire parking facility to comply with the landscaping requirements contained in this section.
 2. *General requirements.*
 - A. All parking facility landscaping areas, including the planting to be included within such areas, shall be displayed on the Landscape Plan.
 - B. Trees planted to meet the parking facility landscape requirements shall not count towards the minimum new tree plantings required for a development.

- C. No landscaping materials shall be installed which interfere with the clear sight triangle established in § 1105.01.c. of this Code.
 - D. All parking facility landscaping features, including planting bays, planting medians, and planting strips, shall be protected with curbing, wheel stops, or other barriers at least four inches tall and suitable to protect plant materials.
 - E. Except where a paved pedestrian path is provided, any parking facility landscaping shall be filled with mulch, sodded grass, or flower beds. Planting medians shall not be filled with unplanted dirt, gravel, rocks or paved surfaces.
3. *Interior landscaping.*
- A. *General planting island standards.* All interior landscaping features shall be located within a planting island meeting the standards established below.
 - 1. The ground cover of a planting island shall be filled with mulch, sodded grass, or flower beds. Planting islands shall not be filled with unplanted dirt, gravel, or paved surfaces.
 - i. Decorative rocks may be permitted if approved by the approving authority in association with the Landscape Plan.
 - 2. Shrubs and other planting materials shall be used to complement the tree landscaping.
 - 3. A pedestrian path may be required within a planting island per § 1105.02.a.1.E. of this Code.
 - B. *Minimum planting islands required.*
 - 1. In all parking facilities with more than 10 parking spaces, one planting island shall be provided at the end of each row of parking spaces between the row of parking space and any adjacent drive-aisle and comply with the following standards. Additionally, no more than 10 continuous side-by-side parking spaces shall be provided without the interjection of at least one planting island.
 - i. All such planting islands shall meet the same dimensional standards required for the adjacent row of parking spaces established in Table 05.05.-1.
 - ii. The planting island shall be oriented approximately parallel to the row of parking spaces to which they are adjacent.

- iii. All such planting islands shall be planted with at least one large or medium tree.
 - iv. Double rows of parking spaces shall provide planting bays opposite one another to form one continuous double island.
 - 2. In all parking facilities with more than 150 parking spaces, one planting island shall be provided between abutting rows of parking spaces per five sets of abutting rows of parking spaces.
 - i. Such a planting island must be at least four feet wide. Where a planting median includes a pedestrian path, the median shall be at least 10 feet wide.
 - ii. The planting island shall be oriented approximately perpendicular to the adjacent rows of parking spaces.
 - iii. The planting island shall be planted with at least one large or medium tree per 40 feet. Trees planted in a planting island which abuts another planting island shall count towards this requirement if the planting islands connects so as to create a continuous pervious surface.
- 4. *Exterior landscaping.*
 - A. When a parking facility with more than 10 spaces is adjacent to the public right-of-way, a landscaping strip at least 10 feet wide shall be provided.
 - 1. The landscaping strip must be located along the portion of the parking facility's perimeter that is adjacent to the public right-of-way. The landscaping strip may be located within a required setback area.
 - 2. The landscaping strip shall be planted with at least one large or medium tree and eight shrubs per 40 linear feet.
 - 3. Shrubs and other planting materials may be used to complement the tree landscaping.
 - B. When a parking facility with more than 10 spaces is adjacent to a lot in the LR, ER, MR, or DT-R District, a landscaping strip at least five feet wide shall be provided.
 - 1. The landscaping strip must be located along the portion of the parking facility's perimeter that is adjacent to the LR, ER, MR, or DT-R District. The landscaping strip may be located within a required setback area.

2. The landscaping strip shall be planted with evergreen shrubs at least four feet tall at the time of planting and planted at an on-center interval equal to 75 percent of the shrub species' mature spread. The landscaping strip shall also be planted with at least one large or medium tree per 40 linear feet.
 - i. Alternatively, shrubs less than four feet tall may be combined with an earthen berm, per § 1105.03.c.1.D. of this Code, if the sum of their heights equals four feet at the time of planting.
- C. When a parking facility with more than 10 spaces is adjacent to a lot in a district other than the LR, ER, MR, or DT-R Districts, a landscaping strip at least five feet wide shall be provided.
 1. The landscaping strip must be located along the portion of the parking facility's perimeter that is adjacent to the other lot. The landscaping strip may be located within a required setback area.
 2. The landscaping strip shall be planted with one shade or small tree per 40 linear feet.
- i. *Building foundation landscaping.*
 1. A landscaping strip abutting at least 70 percent of all facades visible from a public right-of-way shall be provided in accordance with the following standards.
 - A. Lots containing residential uses in the LR, ER, MR, and DT-R District shall be exempt from this standard.
 - B. Buildings in the DT-M District which are set back less than 10 feet from the front lot line shall be exempt from this standard.
 - C. Breaks in the landscaping strip shall be permitted to allow for pedestrian or vehicular ingress and egress to the principal building.
 - D. The landscaping strip shall be at least three feet wide at all points.
 - E. The landscaping strip shall consist of at least one shrub per eight feet of building perimeter and at least one perennial or annual plants or flower per four feet of building perimeter. Any fractional result shall be rounded up to the next whole number.
- j. *Hazard trees.*
 1. The Zoning Administrator may identify trees that are dead, diseased, or otherwise threatening to fall within public lands, public rights-of-way, or easements as hazard

trees. The Zoning Administrator may obtain a report on the condition of the tree from a certified arborist.

2. Upon determining a tree to be a hazard tree, the Zoning Administrator shall notify the owner of the lot and require the owner to remove the hazard tree.
 - A. The lot owner shall have the right to hire a certified arborist to determine if the tree constitutes a hazard. A copy of the report from the certified arborist shall be given to the Zoning Administrator if the owner wishes for the tree to remain.
3. If an owner does not remove a hazard tree by the compliance date listed in the notice, the City may enter the property and cause the removal of the hazard tree at the expense of the lot owner.

1105.04. Fences and Walls.

- a. *Applicability.* The construction, enlargement, or replacement of a fence or wall shall comply with the following standards.
- b. *Permitted fences.*
 1. Open, ornamental fences, and shrubbery fences or hedges shall be permitted provided that no such fence or wall is more than two and a half feet in the front yard or six feet in the rear or side yard.
 2. Privacy fences of any material shall be permitted provided such fence is in the side or rear yard.
 3. Fences or walls of wood or masonry construction less than six feet in height as measured from the floor grade of a patio or deck may be erected around the perimeter of said patio or deck as long as no portion of said patio or deck, fence or wall, is within a required setback, natural open space preserve, or easement.
 4. Fences and walls allowed or required by § 1105.03. of this Code, provided that such fences and walls are located in a transitional bufferyard.
- c. *Prohibited fences and walls.*
 1. Prohibited fences or walls include barbed wire fences, chain link fences, lattice fences, stockade type fences consisting of a row of large pointed or flat stakes, slats or poles placed upright against each other, and boundary line (including property and easement boundary lines) electrified fences.
- d. *Location standards.*

1. All fences or walls shall be erected in a manner consistent with the maintenance of good surface drainage.
 2. Any construction of fences will be made to ensure the proper drainage on the subject property and adjacent or servient properties. In no event shall any person interdict or interfere with any existing tile or surface drain channels or areas which have either shown or have been designated as surface drainage channels unless it is fully determined beyond doubt that such tile or channel can be removed or relocated without interfering with the drainage of adjacent properties or parcels.
 3. No fence will be constructed or installed within any easement for public utilities or drainage easement without the approval of the public utility and with concurrence of the City Engineer and Zoning Administrator.
 4. Fences shall not be located within a public right-of-way.
 5. On a corner lot, no fence or wall shall be erected, placed, planted, allowed to grow, or maintained within the clear sight triangle per § 1105.01.c.
- e. *Maximum fence and wall height.*
1. In the front yard, no fence or wall shall be more than two- and one-half feet tall, except as provided within a transitional bufferyard per § 1105.03.g. of this Code.
 2. In the side or rear yard, no fence or wall shall be more than six feet tall, except as provided within a transitional bufferyard per § 1105.03.g. of this Code.
- f. *Materials.* Permitted fence materials include wood, ornamental aluminum, vinyl, composite, and other similar materials as determined by the Zoning Administrator.
- g. *Supporting rails.* The supporting rails for wall and fences shall be installed so as not to be visible from any other property which adjoins or faces the fences or walls being installed.
1. This requirement shall not apply to fences or walls which are designed so that supporting rails are identical in appearance on both sides of the fence or wall.
- h. *Maintenance.*
1. All permitted fences and walls shall be maintained in good condition, shall be structurally sound, and shall be attractively finished at all times.
 2. Any grounds between such structures or fences and property lines shall be maintained in a neat, clean, and well cared for condition at all times.
 3. The Zoning Administrator may issue citations for fences or walls which are in disrepair.

- i. *Fence Permit required.* No fence or wall shall be erected or constructed until a Fence Permit, which shall display compliance with this Code, has been issued by the Zoning Administrator in accordance with § 1114.07. of this Code.
- j. *Penalty.*
 - 1. Any person, firm, corporation, partnership, or entity which constructs, erects, or places a fence or wall in violation of this Code or causes or permits a fence or wall to be erected shall be in violation of this Code shall be in violation of this Code in accordance with Title Five Administration and Procedures.
 - 2. Any person, firm, corporation, partnership, or entity which fails to repair a fence after being notified that a repair is required shall be in violation of this Code shall be in violation of this Code in accordance with Title Five Administration and Procedures.

1105.05. Parking.

- a. *Location requirements.*
 - 1. Parking facilities must be set back at least three feet from all lot lines and at least 15 feet from all public rights-of-way.
 - A. No parking facility shall be located in the front yard, except for a surface parking lot operating as the principal use on a lot.
 - B. Parking facilities may be located in the side or rear yard as long as they are set back three feet from all lot lines and at least 15 feet from all public rights-of-way.
 - 2. No parking facility with more than five parking spaces shall be located less than 15 feet from property line if abutting the LR, ER, or MR District.
 - 3. All parking facilities shall be located on the same lot as the uses being served, except the following:
 - A. Principal parking facilities intended for public use either through ownership by the City or established agreement between the property owner and City.
 - B. Garage parking facilities intended for public use either through ownership by the City or established agreement between the property owner and City.
 - 4. No vehicles may be parked on lawn areas for more than 24 hours.
 - A. Upon written application, a Temporary Use Permit may be issued by the Zoning Administrator for parking on grass during special events.
- b. *Design standards.*

1. *Parking spaces and drive aisles.* All parking facilities, including parking spaces, drive aisles, and maneuvering areas, shall meet the following standards and specifications.

Table 05.05-1: Parking Facility Dimensional Standards

Degree Pattern	Minimum Parking Space Width	Minimum Parking Space Length	Minimum Drive Aisle Width
90°(Perpendicular)	9 ft.	19 ft.	22 ft.
60°(Angled)	10 ft.	19 ft.	20 ft.
45°(Angled)	10 ft.	20 ft.	20 ft.
0° (Parallel)	10 ft.	23 ft.	14 ft.

2. *Driveways.*
 - A. There shall be adequate provision for easy and safe ingress and egress to all parking spaces. Where a parking facility does not provide direct access to a public street or alley, at least one driveway shall be provided, with a dedicated access easement if necessary.
 - B. All driveways shall meet the following standards, regardless of the use served.
 1. All driveways, including approaches and aprons, shall be in accordance with the most current edition of the Ohio Department of Transportation Construction and Material Specifications (ODTS). Alternative specifications may be approved by the City Engineer.
 2. All driveways shall provide an appropriate grade, up or down, from the public road pavement as determined by the City Engineer.
 3. At the point where the driveway intersects the public road, the same shall have such radii and drain pipe as specified or required by the governmental agency which controls the public roadway.
 4. If the driveway leaves the public road on an upgrade, design and construction shall include a vertical curve or saddle to prevent the flow of surface drainage from said driveway onto the traveled portion of the public road.
 5. If any driveway crosses a drainage swale, stream, or ditch, the same shall be bridged by pipe or such structure as required to permit the unobstructed passage of all surface water generated by a five-year storm.

- i. Any pipe shall be of sufficient length to extend not less than three feet beyond the toe of the slope of the fill over said pipe unless a properly designed headwall is installed to protect the end of such pipe.
 - ii. Any bridge or structure spanning a stream or ditch shall be designed by a professional engineer with HS 15 loading.
 - iii. No bridge shall be less than 12 feet in width. If the driveway serves a commercial or industrial use, the bridge shall not be less than 18 feet in width.
6. If a fill is placed over any drainage structure or placed to alter the grade of any driveway, the vertical slopes on said fill shall be no steeper than a two-to-one slope.
 - i. All fill areas shall be scalped of vegetation and excavated to load bearing soil before fill material is placed over it.
 - ii. Such fill shall be free of all humus and organic material and shall be compacted to a density of 95 percent proctor.
 - iii. The fill shall be of sufficient width to include a compacted berm beside the graveled or paved area of reasonable width to facilitate safe passage of vehicles.
 - iv. Guard rails or barriers shall be installed when deemed necessary by the City Engineer to create safe conditions.
7. If necessary, drainage ditches shall be constructed parallel to a driveway.
 - i. All drainage ditches shall be graded to a good and sufficient outlet.
 - ii. Siltation control shall be placed in any ditch, and such siltation shall not flow to roadside ditches along public roads.
8. All curves in a driveway shall have a radius of 50 feet and be sufficient to permit unhindered passage of public safety vehicles, including fire vehicles and all other vehicles reasonably expected to utilize the same.
9. All trees, overhanging branches, or other obstructions to the free passage of public safety vehicles shall be removed.

- C. The following standards shall be applicable to driveways serving one-unit, two-unit, and three-unit dwellings as well as individual townhouse dwelling units.
 - 1. Driveways serving one-unit, two-unit, three-unit, and individual townhouse dwellings shall be at least 10 feet wide at all points but no wider than 20 feet at the lot line.
 - i. If the driveway serves multiple one-unit, two-unit, or three-unit dwellings, the driveway shall be at least 16 feet wide at all points. Such driveways shall still be less than 20 feet wide at the lot line.
 - 2. All driveways shall be constructed over an aggregate base of reasonable depth.
 - 3. All driveways shall meet the applicable requirements of the Fire Code or as approved by the Liberty Township Fire Department.
 - 4. Parking shall be permitted in the driveway provided that no vehicle may project into the public right-of-way when parked.
- D. The following standards shall be applicable to driveways serving all uses other than one-unit, two-unit, and three-unit dwellings.
 - 1. Driveways shall be at least 20 feet wide.
 - 2. The driveway base and surface shall be designed by a professional engineer to sufficient depth for anticipated use and access by public safety vehicles as approved by the City Engineer.
 - 3. The finished surface of the driveway shall be hard surfaced and may be of any Ohio Department of Transportation approved materials, such as concrete, asphalt or impervious pavers/pavement.
 - 4. All driveways shall meet the applicable requirements of the Fire Code or as approved by the Liberty Township Fire Department.
- 3. *Paving.* All required parking spaces, together with their associated parking facility and driveway, shall be hard-surfaced with an all-weather surfaced pavement having an asphalt or concrete binder.
 - A. Parking associated with temporary or occasional uses on lots containing a school, assembly hall, or active parks / recreation facilities may be exempt from this requirement as approved by the City Engineer. Where paving is not required, proper dust control measures shall be undertaken and maintained.

4. *Screening.* Any parking facility with more than five parking spaces abutting the LR, ER, MR, or DT-R District must provide a transitional buffer in accordance with § 1105.03.g. of this Code.
5. *Landscaping.* Parking facility landscaping shall be provided in accordance with § 1105.03. of this Code.
6. *Drainage.* All parking facilities and driveways shall be graded and drained so as to dispose of surface water which might accumulate within the parking facility or drive aisle. Such areas shall be designed to prevent the excess drainage of surface water onto adjacent properties, pedestrian paths, or the public right-of-way. Adequate arrangements shall be made to ensure acceptable diversion to an adequate storm water drainageway or system.
7. *Wheel blocks.* Where the extension of a vehicle beyond the front line of a parking space would interfere with driveway, drive aisle, pedestrian path, or other parking space, wheel blocks or similar devices shall be used to preclude such extension.
8. *Visibility.*
 - A. Driveways shall be located in such a way that any vehicle entering or leaving the parking facility shall be clearly visible for a reasonable distance by any pedestrian or motorist approaching the driveway from a public or private street or alley.
 - B. No driveway shall be located so that intersects the public right-of-way within 100 feet of the intersection of any two or more public roads.
 1. An exception to this provision shall be granted if a lot contains two driveways with one driveway more than 100 feet and the other driveway more than 40 feet from said intersection.
 - C. All driveways shall be located and the adjoining land graded so that vehicular traffic entering a public road has an unobstructed sight distance of at least 300 feet.
9. *Marking.* All parking facilities with 12 or more parking spaces shall separate each parking space from another with painted lines. Such lines shall be centered on the lines designating the side boundaries of each parking space. These lines shall run continuously from the frontmost to the rearmost limit of each space, facilitating movement into and out of the parking stalls by both vehicles and their occupants.
10. *Lighting.*

- A. All parking facilities shall be adequately lit, except in association with one-unit, two-unit, three-unit, or townhouse dwellings.
 - B. Lights used to illuminate a parking facility shall be so arranged as to direct the light away from adjacent lots.
- 11. *Maintenance.* The owner of a parking facility shall maintain the parking facility and driveways in good condition without holes and free of dust, trash, and other debris.
- c. *Minimum number of parking spaces.*
 - 1. The number of parking spaces provided for a use shall not be less than the number set forth in Table 05.05-2: Minimum Number of Parking Spaces. The number, location, and design of all parking spaces shall be included in the Parking Plan.
 - A. Lots having multiple uses shall provide the sum of the minimum number of required parking spaces for each use, unless a shared parking arrangement is provided in accordance with § 1105.05.d. of this Code.
 - B. If an alteration, enlargement, or change in use or intensity requires an increase in the minimum number of parking spaces equal to less than 10 percent of number of existing parking space, no new parking spaces shall be required.
 - C. In reviewing the Parking Plan, the approving authority may authorize a reduction of the minimum number of parking spaces required by this section where a shared parking arrangement is provided as established in § 1105.05.d.1. of this Code.
 - 2. For uses not explicitly stated in Table 05.05-2: Minimum Number of Parking Spaces, the Zoning Administrator shall determine the minimum number of parking spaces by considering the following criteria.
 - A. The number of parking spaces required for the use listed in Table 05.05-2 that is most similar to the proposed use in terms of anticipated parking demand.
 - B. The floor area of the proposed use.
 - C. Any evidence submitted regarding the parking demand for the same use on similar existing sites based on the operation of the intended use.
 - 3. On-street parking spaces and public parking lots shall not be counted towards the minimum number of parking spaces for any use, except in compliance with the following standards.

- A. The on-street parking space or public parking lot is on the same block face or within 500 feet of the applicable use, measured from the property lines.
 - B. A pedestrian path or public sidewalk must connect the on-street parking space or public parking lot to the applicable use.
4. For uses for which the minimum number of parking spaces is based on a measurement such as dwelling units, floor area, or the like, the following standards shall be applicable.
- A. The minimum number of parking spaces shall be determined from drawings or business plans provided by the applicant and may be further confirmed by measurement.
 - B. When calculations of the minimum number of parking spaces result in a fraction, the fraction shall be rounded to the next highest whole number.
 - C. Where floor area is used to calculate the minimum of required parking spaces, the floor area shall be the sum of the gross floor area for occupiable areas except or excluding any stairs, washrooms, elevator shafts, of similar non-usable areas.

Table 05.05-2: Minimum Number of Parking Spaces

Category	Use	Minimum Number of Parking Spaces
Residential	One-Unit Dwelling	1 space per dwelling unit.
	Two-Unit Dwelling	1 space per dwelling unit.
	Three-Unit Dwelling	1 space per dwelling unit.
	Four-Unit Dwelling	1 space per dwelling unit.
	Multi-Unit Dwelling	1 space per dwelling unit.
	Cottage Court	1 space per dwelling unit.
	Live-Work Dwelling	1 space per dwelling unit.
	Manufactured Home	1 space per dwelling unit.
	Mobile Home	1 space per dwelling unit.
	Nursing Home	2 space per 3 dwelling units.
	Townhouse	1 space per dwelling unit.
	Vertical Mixed-Use Building	As approved on the Parking Plan.
Commercial	Bed and Breakfast	1 space per sleeping room.
	Financial Institution	1 space per 250 sq. ft.
	Hotel	2 spaces plus 1 space per sleeping room.

Category	Use	Minimum Number of Parking Spaces
	Commercial Amusement, Indoor	1 space per 200 sq. ft.
	Commercial Amusement, Outdoor	1 space per 400 sq. ft.
	Kennel	1 space per 400 sq. ft.
	Personal Services	1 space per 250 sq. ft.
	Professional Office	1 space per 250 sq. ft.
	Restaurant	1 space per 250 sq. ft.
	Retail Store	1 space per 250 sq. ft.
	Sexually Oriented Business	1 space per 200 sq. ft.
	Veterinarian Facility	1 space per 400 sq. ft.
Public and Institutional	Active Park/Recreational Facilities	1 space per 300 sq. ft.
	Assembly Hall	1 space per 300 sq. ft.
	Cemetery	n/a
	Child Care Center	1 space per 400 sq. ft.
	Club	1 space per 300 sq. ft.
	Community Center	1 space per 500 sq. ft.
	Community Garden	n/a
	Government Use	n/a
	Hospital	As approved on the Parking Plan.
	Medical Office	1 space per 250 sq. ft.
	Museums and Galleries	1 space per 500 sq. ft. up to 2,000 square feet of gross floor area plus 1 space per 250 square feet of floor area in excess of 2,000 sq. ft.
	Passive Park/Recreational Facilities	n/a
	School (Kindergarten or Elementary)	1 space per 1,000 sq. ft.
	School (Middle, High, or College)	2.5 spaces per 1,000 sq. ft.
Industrial	Artisanal Manufacturing	1 space per 2,000 sq. ft.
	Business Services	1 space per 2,000 sq. ft.
	Catering Facility	1 space per 2,000 sq. ft.
	Industrial, Heavy	1 space per 2,000 sq. ft.
	Industrial, Light	1 space per 2,000 sq. ft.
	Self-Storage Facility	1 space per 2,000 sq. ft.
	Supply Yard	1 space per 2,000 sq. ft.

Category	Use	Minimum Number of Parking Spaces
	Telecommunication Facilities	n/a
	Warehousing	1 space per 2,000 sq. ft.
	Wholesale and Distribution	1 space per 2,000 sq. ft.
Automotive	Automotive Convenience Center	2 spaces per service bay. 1 space per 2 gasoline pumps.
	Automotive Sales and Rental	1 space per 400 sq. ft.
	Automotive Service	2 spaces per service bay. 1 space per 2 gasoline pumps.
	Automotive Wash	2 spaces per service lane.
	Vehicle Storage	n/a
Agricultural	Agricultural Operations	n/a
	Plant Nursery	n/a
Accessory	Accessory Dwelling Unit	1 space per dwelling unit.
	Alternative Energy System	n/a
	Drive-Through Facilities	2 spaces per stacking lane.
	Home Occupation	n/a
	Horse Boarding	n/a
	Outdoor Dining	n/a
	Outdoor Display	n/a
	Outdoor Storage	n/a
	Recreational Structure	n/a
	Roadside Sales Stand	n/a
	Swimming Pool	n/a
	Walk-Up Window	n/a
Temporary	Temporary Uses	As determined by the Zoning Administrator.

d. *Shared parking facilities.*

1. Two or more uses may share a parking facility provided the following standards are met.
 - A. The shared parking facility must be located within 500 feet of an entrance to each use served.
 - B. A paved pedestrian path at least four feet in width shall connect the parking facility to each use served.
2. If a shared parking facility is proposed, a shared parking agreement must be included in the Parking Plan submitted to and reviewed by the Zoning Administrator.

- A. The shared parking agreement must specify the location and number of shared parking spaces, a guarantee for the continued provision of such parking spaces, and a provision to terminate such agreement if the operating schedules of the uses change so as to require more spaces.
 - 3. In reviewing a Parking Plan application, the approving authority may approve a reduction in the minimum number of parking spaces for uses sharing a parking facility through a Development Plan in accordance with § 1114.05.
- e. *District-specific parking standards.*
 - 1. In the DT-M District, all parking facilities must comply with the following standards.
 - A. Parking must be provided in the side or rear yards.
 - B. Whenever possible, parking areas or garages shall enter from rear alleys or drive aisles leading from the principal street and shall lead to parking areas or garages that are placed to the rear of the principal structure.
 - C. Useable on-street or publicly dedicated parking spaces may be counted towards the minimum parking requirement.
 - 1. On-street parking spaces may be counted towards the minimum parking requirement if the parking spaces are on a street abutting the relevant property and within 500 feet of an entrance to the relevant property.
 - 2. Publicly dedicated parking lots and garages may be counted towards the minimum parking requirement if the parking lot or garage is within 500 feet of the relevant property, measured from the property lines.
 - D. Where off-street parking abuts an alley, parking spaces shall not require vehicles to back out into the alley.
 - E. No off-street loading spaces shall be required for any use in the DT-M District.
 - 2. In the CO District, all parking facilities must comply with the following standards.
 - A. The parking facility must be located in the side or rear yard.
 - B. All parking facilities must be interior to building groups, or behind earth mounding, landscaping, screen walls, or dense shrubbery from sight from adjacent sites and from nearby public roads, and designed and located for minimum impact on adjacent residential areas.
- f. *ADA accessible parking spaces.* Parking facilities serving buildings and facilities required to be accessible to persons with disabilities shall provide a minimum number of parking

spaces designed and designated for use by persons with disabilities as required by the Ohio Building Code.

g. *Bicycle parking.*

1. The number of bicycle parking spaces provided for a use shall not be less than the number set forth in Table 05.05-3: Minimum Number of Bicycle Parking Spaces.
 - A. When calculations of the minimum number of bicycle parking spaces result in a fraction, the fraction shall be rounded to the next highest whole number.
 - B. The approving authority may reduce the minimum number of bicycle parking spaces required by this Code through the approval of a Parking Plan.

Table 05.05-3: Minimum Number of Bicycle Parking Spaces

Minimum Number of Parking Spaces per Table 05.05-2	Minimum Number of Bicycle Parking Spaces
Less than 20 spaces.	NA
20 to 300 spaces.	1 bicycle space per 50 parking spaces.
301 spaces to 950 spaces.	15 bicycle spaces; and 1 bicycle space per 50 spaces above 300.
More than 951 spaces.	30 bicycle spaces

2. All required bicycle parking facilities shall be located in accordance with the following requirements.
 - A. If only one use is served by a bicycle parking facility, the bicycle parking facility shall be within 50 feet of an entrance to the use being served.
 - B. If multiple uses are served by the same bicycle parking facility, the bicycle parking facility shall be within 250 feet of all entrances to the uses being served.
 - C. Existing and publicly-owned bicycle parking facilities may count towards the minimum bicycle parking requirements if the applicable bicycle parking facility is located on the same block face as or within 500 feet of the use being served.
 3. All required bicycle parking facilities shall be hard surfaced.
 4. No bicycle parking facility shall obstruct a pedestrian path.
- h. *Parking and storage of vehicles other than cars, trucks, and bicycles.*
1. *Disabled vehicles.*

- A. The outdoor parking of a disabled vehicle for a period of more than one week shall be prohibited.
 - B. A disabled vehicle may be stored in an enclosed garage or other accessory structure, provided that no business shall be conducted in connection with such garage or structure while a disabled vehicle is parked or stored therein.
- 2. *Inoperable, unlicensed, and unused vehicles.* The outdoor parking of an inoperable, unlicensed, or unused vehicle for a period of more than one week shall be prohibited.
 - A. If an inoperable, unlicensed, or unused vehicle is stored for more than a week, such storage shall be enclosed within a building so as not to be visible from any adjoining property or public street.
- 3. *Trailers, boats, campers, recreational vehicles, and heavy equipment.*
 - A. No for-sale vehicle, trailer, boat, or similar shall be parked on the lawn area of any lot.
 - B. Lots containing residential uses may store a maximum of one vehicle for sale at any given time on a sealed surface such as asphalt or concrete.
 - C. Trailers, boats, campers, recreational vehicles, and heavy equipment shall be parked or stored in an enclosed structure.
 - 1. Such vehicles may be parked or stored outdoors for a maximum of 48 hours, as determined by the Zoning Administrator, provided that such vehicles are parked or stored on a sealed surface such as concrete or asphalt.
 - 2. No such vehicles shall be parked or stored outdoors in the front yard of a lot.
 - D. Trailers may be parked on a sealed surface such as asphalt or concrete in relation to on-going construction work on the site based on the issuance of a Building Permit. The trailer shall be removed within 48 hours of the building permit's completion, expiration, or closure.
 - E. A motor home, recreational vehicle, or camper of any type may be occupied by a guest or a resident owner of any lot containing a residential use for up to one period of 14 days in any one calendar year.
- 4. *Mobile homes, temporary office structure, and Portable Storage Units.*

- A. Mobile homes shall not be placed or occupied in any zoning district, except as permitted by Chapter 1104 Uses and Use Standards.
 - B. Temporary structures such as mobile office structures and temporary buildings of a non-residential character may be used in relation to on-going construction work on the site, adjacent public projects, or during a period while the permanent structure is being constructed, subject to:
 - 1. The user of said structure shall obtain a Temporary Use Permit for such temporary use, which permit shall be valid for six months and may be renewed based on the following;
 - i. Renewal of the permit shall be at the discretion of the Zoning Administrator on finding of reasonable progress toward completion of the permanent structure or project.
 - 2. The fees for such permit and renewals thereof shall be established by the Council.
 - 3. Said temporary structure shall be removed no later than 30 days after expiration of said Temporary Use Permit.
 - 4. No such unit shall be occupied as a dwelling unit.
 - C. Portable Storage Units (PSUs) shall be permitted in any zoning district only for the purpose of loading or unloading in association with moving in or out of a building.
 - 1. PSUs shall be parked upon the receiving property for a period no more than 72 hours without receiving a Temporary Use Permit. In no case shall a PSU remain on a property for more than seven days.
 - 2. PSUs shall be placed outside of the public right-of-way or private streets and shall be located on a sealed surface such as asphalt or concrete.
 - 3. In the event that a PSU needs to be placed within the public right-of-way or on a private street, the applicant must receive a Temporary Use Permit prior to the placement of the PSU, with conditions taken into consideration regarding public health, safety, and welfare.
 - i. Under no circumstances shall a PSU be located within the right-of-way of a cul-de-sac bulb.
5. *Commercial vehicles.*

- A. Other than the vehicles exempted by this Code, no commercial vehicle shall be parked in the LR, ER, or MR District except for the purpose of delivery to or the receiving of goods or other articles, as well as in connection with construction, repair, or other services being performed during the actual parking time.
- B. The following commercial vehicles may be parked in a residential district. Such vehicles shall be parked in a garage or on a sealed surface such as concrete, asphalt, or other material as approved by the Zoning Administrator.
 - 1. Vehicles associated with a legally established home occupation pursuant to § 1104.03.ee. of this Code.
 - 2. Vehicles with a GVWR (Gross Vehicle Weight Rating) less than 10,000 pounds.
 - 3. Any vehicle required to respond on an emergency basis for the public health, safety, and welfare.
- i. *Parking Plan.* A Parking Plan shall be required according to § 1114.11. of this Code.

1105.06. Loading.

- a. *Minimum number of loading spaces.* All buildings with a gross floor area greater than 10,000 square feet occupied by a use requiring the pickup or delivery of merchandise or supplies shall provide a loading facility containing at least one loading space.
- b. *Design standards.* All loading spaces shall comply with the following dimensional standards.
 - 1. Each loading space shall be at least 12 feet wide, 65 feet long, and have a vertical clearance of at least 14 feet.
 - 2. Loading facilities shall be prohibited in the following locations.
 - A. Any front yard.
 - B. Within 15 of any public right-of-way or alley.
 - C. Within 50 feet of the ER, LR, or MR District.
 - D. Within 70 feet of an existing dwelling unit.
 - 3. Loading facilities may be located in a required side or rear yard, provided that no more than 30 percent of such a required yard is so occupied.

4. The loading facility shall be screened on all sides, except at the entry point to the facility and where the loading facility abuts the building or use being served. Loading facility screening shall comply with the following standards.
 - A. The screen must be at least seven feet and no more than 12 feet tall, except that a dense vegetative planting may exceed 12 feet in height.
 - B. The screen shall be at least 75 percent opaque. Where a dense vegetative planting is provided, the screen shall be 75 percent opaque during minimum foliage.
 - C. No screen shall be less than three feet from any lot line.
 - D. Additional screening shall be provided to ensure that there is no direct vision into a loading facility from a public right-of-way, dwelling units, or other zoning district.
5. All loading facilities shall have access from a public street or alley in such a manner that any vehicle leaving the premises shall be traveling in a forward motion.
6. Adequate maneuvering room shall be provided and designed to permit entry to such loading areas without interfering with traffic on adjacent streets or highways.
7. All required loading facilities, together with any associated driveways, shall have an all-weather surface with an asphaltic or Portland cement binder pavement in order to provide a durable and dust free surface.
8. All loading facilities, together with any associated driveways, shall be designed to prevent the excess drainage of surface water on to adjacent properties, pedestrian paths, or public rights-of-way. Arrangements shall be made to ensure acceptable diversion to an adequate storm water channel or drainage system.
9. Any lights used to illuminate a loading facility shall be so arranged as to direct the light away from adjoining lots.
- c. *Parking Plan required.* A Parking Plan shall be required according to § 1114.11. of this Code.

1105.07. Stacking.

- a. *Minimum number of stacking spaces.* Uses with an accessory drive-through facilities shall provide at least as many stacking spaces as set forth in Table 05.07-1.
 1. The minimum number of stacking spaces required by Table 05.07-1 may be reduced by the approving authority in accordance with an approved Parking Plan.

Table 05.07-1: Minimum Number of Stacking Spaces

Use	Minimum Number of Stacking Spaces Required
Automotive Wash	3 spaces per car wash bay.
Financial Institution	10 spaces for the first drive-through lane.
Restaurant	10 spaces for the first drive-through lane.
All Other Uses	2 spaces.

b. *Stacking space design.*

1. Stacking spaces must be at least 10 feet wide, 18 feet long, and must not block traffic.
2. Stacking lanes and spaces must be independent from other drive aisles and parking spaces on the lot.

1105.08. Lighting.

a. *Applicability.*

1. These standards shall apply to outdoor lighting fixtures established after the effective date of this Code, unless exempted below.
2. The following lighting fixtures shall be exempt from these standards.
 - A. Motion activated light fixtures aimed no more than 4,000 lumens, with an “on” period not exceeding five minutes, and located on lots containing residential uses.
 - B. Lighting fixtures associated with parking facilities established prior to the effective date of this Code.
 - C. Lighting fixtures required by the Federal Communications Commission, Federal Aviation Administration, Federal and State Occupational Safety and Health Administration, or other federal, state, county, or municipal agency.
 - D. Holiday lighting fixtures.
 - E. All lighting fixtures with an initial light output no greater than 1,500 lumens and located on lots containing one-unit or two-unit dwellings.

b. *Lighting fixtures and mounting.*

1. Full cut-off lighting fixtures mounted horizontal to the ground shall be used for all outdoor lighting unless otherwise specified in this Code.

2. Except when used to illuminate a sign, no lighting fixture shall be enclosed in a clear or translucent white, off-white, or yellow casing and mounted to a canopy or the roof of a building.
 3. Outdoor lighting used to illuminate signs or architectural or landscaping features must consist of full cut-off or directionally shielding lighting fixtures so that light is directed to an area substantially confined to the object intended to be illuminated.
 4. All outdoor lighting fixtures must be aimed, located, and maintained so as not to produce disability glare.
 5. High intensity beams in the form of outdoor search lights, lasers, and strobe lights are prohibited.
 6. No lighting fixture shall be taller than the maximum accessory structure height established in the underlying zoning district, except for lighting fixtures used to illuminate parking facilities and outdoor sports fields and courts.
- c. *Maximum levels.* Where a lot abuts any lot in the LR, ER, MR, or DT-R District, the maximum light level at any point on any lot line shall be two tenths of a foot candle. Where a lot abuts any lot in the CO, FI, or CI District, the maximum light level at any point on the lot line shall be 10 foot candles.
- d. *Bulb standards.*
1. All outdoor lighting fixtures shall be energy efficient and produce at least 80 lumens per watt of energy consumed.
 2. Except when used to illuminate a sign, outdoor lighting shall not exceed a maximum Correlated Color Temperature (CCT) of 3,000 K unless otherwise approved by the Zoning Administrator. Lighting fixtures used to illuminate sports fields or courts shall have a maximum CCT of 5,700 K.
- e. *Light dimming.*
1. On all lots not containing a residential use, all outdoor lighting fixtures shall be dimmed by at least 50 percent of the full operational level within one hour after the close of business. This provision shall not require any outdoor lighting illuminating a sign or parking facility to be reduced to less than two tenths of a footcandle.
 2. Light dimming may be achieved by extinguishing lighting fixtures, dimming lighting fixtures, or some combination thereof.
- f. *Prohibited lights.* Any lights that flash, move, revolve, rotate, scintillate, blink, flicker, vary in intensity or color, or use intermittent electrical pulsations shall be prohibited unless otherwise approved by the Zoning Administrator.

- g. *Enforcement.* The Zoning Administrator shall require an applicant to provide evidence on the Development Plan or similar zoning approval demonstrating compliance with the standards of this Code. At the applicant's expense, the Zoning Administrator shall also require reports or certified test results related to any existing or proposed operations of the use in question. Such reports or tests must be prepared by a qualified laboratory or other competent agency.

1105.09. Refuse Collection.

- a. *Minimum number of refuse collection facilities.* All commercial uses, industrial uses, and multi-unit dwellings must provide at least one refuse collection facilities for the collection of trash, garbage, and other refuse.
 - 1. Shared refuse collection facilities may be approved by the approving authority in accordance with an approved Parking Plan.
- b. *Screening.* Refuse collection facilities shall be adequately screened from view from all adjacent parcels and public rights-of-way in accordance with the following standards.
 - 1. The screen shall be no less than six feet and no more than ten feet tall, except a dense vegetative screening may exceed ten feet in height.
 - 2. The screen shall be at least 75 percent opaque. Where a dense vegetative planting is provided, the screen shall be 75 percent opaque during minimum foliage.
- c. *Access.* The refuse collection facility and any associated driveways shall be designed for regular and adequate vehicular access to such refuse collection facility for collection purposes.
- d. *Performance standards.*
 - 1. The storage of hazardous or toxic materials or wastes shall be prohibited unless approval is granted by the Ohio Environmental Protection Agency.
 - 2. Materials or wastes which might cause fumes, constitute a fire hazard, or attract rodents or insects shall be stored in closed containers constructed of impervious materials.

1105.10. Performance Standards.

- a. *Generally.* No land or building shall be occupied or used in any manner which creates or contributes to the existence of conditions which are dangerous, injurious, harmful, noxious, or objectionable, or which may otherwise adversely affect surrounding areas or adjoining premises, except that any use permitted by this Code in a specific district may be undertaken or maintained if acceptable measures and safeguards to reduce any

dangerous or objectionable conditions to acceptable limits, as established in this section, are properly exercised. Specifically, the occupation or use of any land or building shall be in violation of this Code and considered a public nuisance if one or more of the following conditions are not met.

b. *Fire and explosion hazards.*

1. All activities, including storage, involving flammable or explosive materials shall include the provision of adequate safety devices against the hazard of fire and explosion.
2. All standards enforced by the Occupational Safety and Health Administration shall be adhered to.
3. Burning of waste materials in open fire is prohibited, as enforced by the Ohio Environmental Protection Agency.
4. The use or storage of flammable or explosive materials shall be adequately protected by fire-fighting and fire-protection equipment or be such safety devices as are normally required for such activities.
5. Activities involving the use and storage of flammable and explosive materials shall be removed from adjacent facilities or activities to a distance compatible with the potential danger involved.

c. *Air pollution and radioactivity.* No excessive emission of air pollution or radioactivity shall be permitted which violate the Clean Air Act Amendments of 1977 or later amendments as enforced by the Ohio Environmental Protection Agency.

d. *Liquid or solid wastes.*

1. No excessive discharge at any point into any public sewer, private sewage disposal system, or stream, or into the ground, of any materials of such nature or temperature as can contaminate any water supply or interfere with bacterial processes in sewage treatment, shall be permitted.
2. The standards of the Ohio Environmental Protection Agency shall apply and be met.

e. *Hazardous wastes.* Hazardous waste conditions shall not be created or continued that are in violation of the regulations of the Ohio Environmental Protection Agency.

f. *Vibrations and noise.*

1. No uses shall be located, and no equipment shall be installed in such a way as to produce excessive vibrations as determined by the Zoning Administrator, without instruments, at or beyond the property line of the subject premises.

2. Noise standards of the Environmental Protection Agency shall be adhered to.
 3. No objectionable noises, as determined to be such by the Zoning Administrator, shall be created due to volume, frequency, or beat.
- g. *Odors.*
1. No use shall be operated so as to produce the continuous, frequent, or repetitive emission of odors or odor-causing substances in such concentrations as to be readily perceptible at any point at or beyond the lot line of the property on which the use is located.
 2. Applicable standards of the Environmental Protection Agency shall be adhered to.
- h. *Glare, heat, exterior light, and light pollution.*
1. Any operation producing intense light or heat, such as high temperature processing, combustion, welding, or other shall be performed within an enclosed building and not be visible beyond any lot line bounding the property whereon the use is conducted.
 2. No condition of direct or reflected glare shall be created or continued that is visible from any street or from any adjacent property.
 3. Exterior lighting fixtures shall be so shaded, shielded, or directed that the light intensity or brightness shall not be objectionable to occupants or owners of surrounding areas.
 4. No more lighting than is necessary will be installed in order to reduce light pollution.
- i. *Dust, silt, and erosion.* No condition shall be created or continued in which dust, silt, or other objectionable substances are transferred by wind or water onto any adjacent lot or property in objectionable quantities as determined to be such by the Zoning Administrator.
- j. *Water pollution and contamination.* No condition of water pollution or contamination shall be created or continued in violation of the regulations of the Ohio Environmental Protection Agency.
- k. *Residential premises.*
1. The exterior of residential premises shall be kept free of all nuisances and prohibited improvements. Such exteriors shall reflect a level of maintenance in keeping with the standard of residential lots in the City and shall not constitute a blighting factor for adjoining property owners nor an element leading to the

progressive deterioration and downgrading of the immediate neighborhood with the accompanying diminution of property values.

2. This standard shall require the maintenance of all residential premises, including but not limited to lawns, hedges, and bushes from becoming overgrown and unsightly, where the same constitutes a blighting factor depreciating adjoining property and impairing the good residential character of the immediate neighborhood as determined by the Zoning Administrator.

CHAPTER 1106. SIGNS.

1106.01. Purpose.

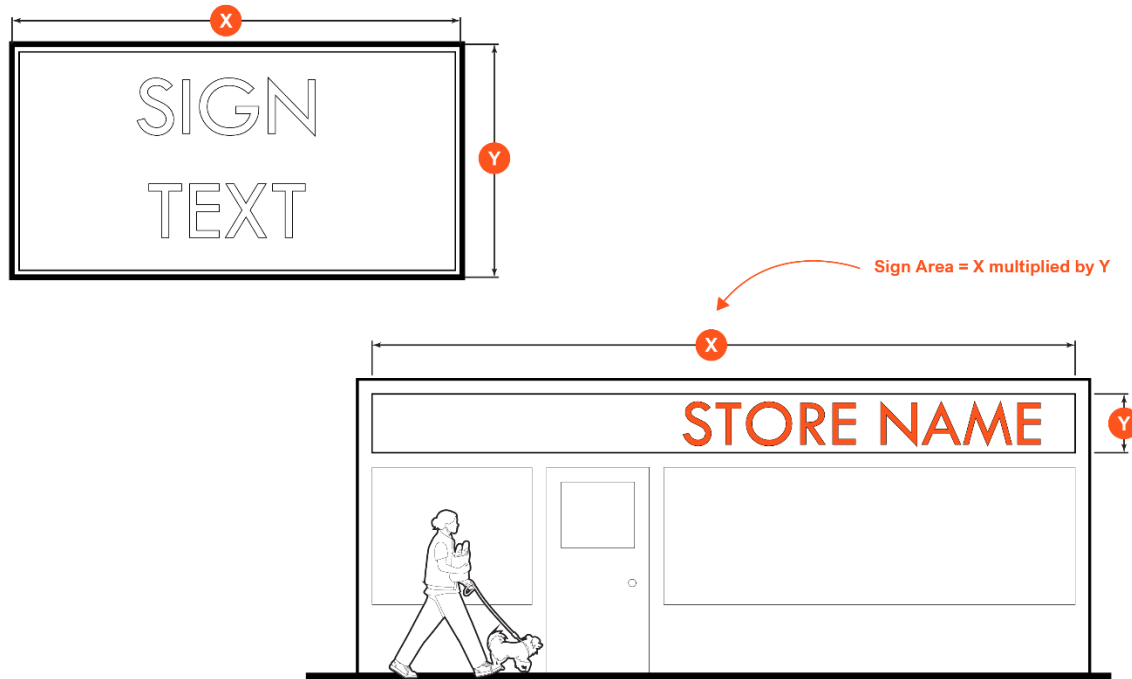
- a. The purpose of this chapter is to provide standards for signs to safeguard life, health, property, safety, and public welfare, while encouraging creativity, variety and compatibility, and enhancement of the City's image. The provisions of this chapter are intended to promote the following.
 1. Encourage creative and well-designed signs that contribute in a positive way to the City's visual environment, express local character, and help develop a distinctive image for the City;
 2. Encourage signs that are responsive to the aesthetics and character of their particular location, adjacent buildings and uses, and the surrounding neighborhood. Signs should be compatible and integrated with the building's architectural design and with other signs on the property;
 3. Prevent signs from becoming a distraction or obstruction to the safe flow of pedestrian and vehicular traffic;
 4. Encourage a healthy economic and business environment in the community;
 5. Limit the height, size and location of signs to those that are appropriate in scale to the community;
 6. Provide adequate way finding signage for motorists and pedestrians, and
 7. Reduce visual clutter.

1106.02. Applicability.

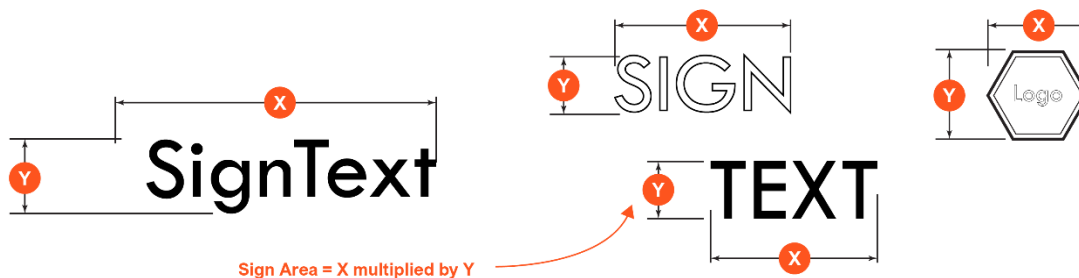
- a. *Generally.* Unless otherwise provided in this Code, no sign shall be placed, erected, installed, painted, modified, or altered except in conformance the standards set forth in this Chapter. All signs shall require City approval in accordance with Title Five Administration and Procedures.
- b. *Continuance of existing signs.* Except as otherwise specifically provided, nothing in this Chapter shall require removal or discontinuance of an existing sign. No existing signs shall be enlarged or extended without a City approval.
 1. Nonconforming signs shall not be enlarged or extended except in conformance with the nonconformity standards established in this Code.

1106.03. Sign Measurements.

- a. *Sign area for signs with a background.*

Figure 06.03-1: Sign Area Measurements – With Background

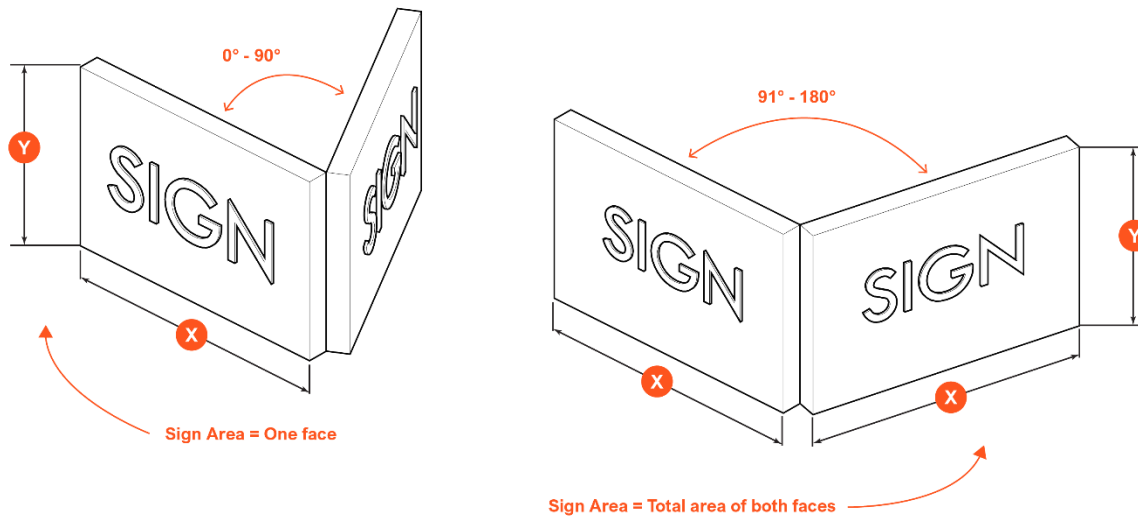
1. For signs mounted or painted on a panel or surface distinctively painted, textured, lighted, or constructed as the background for the sign copy, the sign area shall be the area contained within the outside dimensions of the background panel or surface.
 2. Supporting framework or bracing that is clearly incidental to the display itself shall not be computed as sign area.
- b. *Sign area for signs with no background.*

Figure 06.03-2: Sign Area Measurement - No Background

1. For signs mounted as individual letters or graphics on an area not distinctively painted, textured, lighted, or constructed to provide a background for the sign copy, the sign area shall be the sum of the areas enclosed by the smallest rectangle that will enclose all words and graphics.

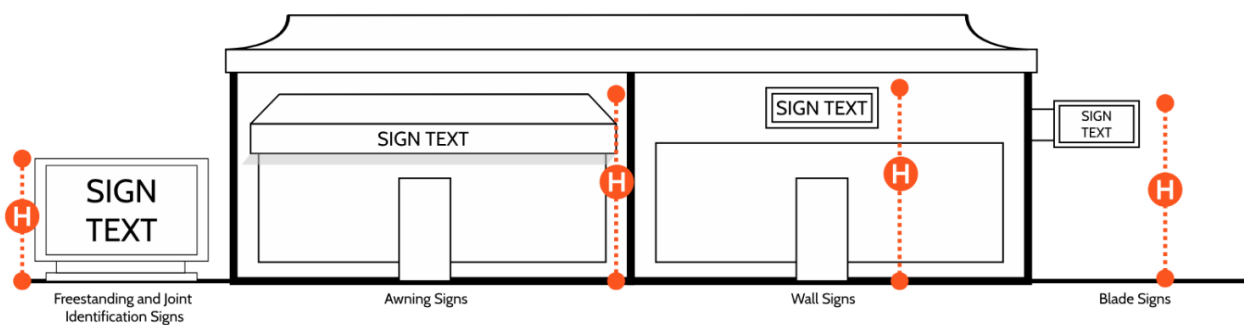
2. Supporting framework or bracing that is clearly incidental to the display itself shall not be computed as sign area.
- c. *Sign area for signs with more than one sign face.*

Figure 06.03-3: Sign Area Measurement - One Sign Face



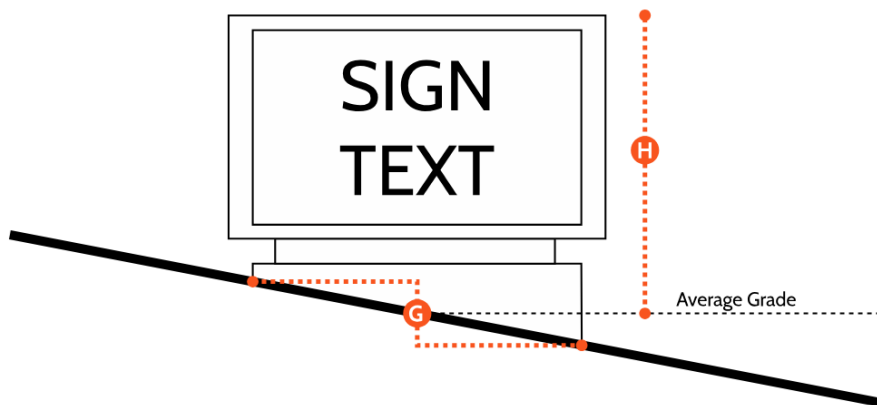
1. If the interior angle between two sign faces attached to the same structure is 90 degrees or less, the sign area shall be the area of only one face.
 2. If the angle between two sign faces attached to the same structure is more than 90 degrees, sign area shall be the sum of the areas of the two faces.
 3. If at any point the distance between two sign faces exceeds two feet, regardless of the interior angle between the two faces, the sign area shall be the sum of the areas of the two faces.
- d. *Sign face height.* The height of a sign face shall be the vertical distance between the lowest part and the highest part of the sign face.
 - e. *Sign height.*

Figure 06.03-4: Sign Height Measurement



1. The height of a sign shall be the vertical distance from the base of the sign at a computed grade to the top of the highest attached component of the sign face, sign structure, or any other appurtenance.
 - A. The computed grade shall be the average elevation closest to the proposed sign location.

Figure 06.03-5: Computed Grade Measurement



1106.04. Exempt Signs.

- a. *Generally.* The signs included in this section shall be allowed in any district without City approval and shall not be required to comply with the dimensional standards established in this Chapter. Additionally, such signs shall not be included in the determination of the total allowable number of signs or total allowable sign area for a site.
 1. All signs included in this section shall comply with the standards provided in this section. If any sign does not comply with the standards listed in this section, such sign shall not be considered an exempt sign.
- b. *Indoor signs.* Any sign located entirely inside a building and not visible from the public right-of-way or from private property other than the property on which such sign is located shall be entirely exempt from regulation under this chapter.
- c. *Exempt permanent signs.*
 1. Signs conforming to the Ohio Manual of Uniform Traffic Control Devices.
 2. Signs installed by employees or officials of a city, county, state, or federal agency in the course of their governmental duties.
 3. Signs required by a city, state, or federal statute or agency.
 4. Signs required by an order of a court of competent jurisdiction.

5. Signs necessary for the public safety or health.
 6. Signs installed by public utilities to demarcate their easements or rights-of-way.
 7. Signs installed by a transit company.
 8. Signs less than one square foot in area.
 9. On-site traffic and other directional signs indicating points of entry or exit to off-street parking, identifying specific parking areas, and providing directions to buildings and other services, that meet the requirements below:
 - A. Such signs shall not be larger than two square feet in area.
 - B. Such signs shall not be taller than four feet in height.
 - C. Such signs shall not obstruct the view of motorists for the purposes of ingress and egress.
- d. *Exempt temporary signs.*
1. Official and legal notices required by a court or governmental agency.
 2. Temporary signs under four square feet in size in the LR, ER, MR, and DT-R Districts.
- e. *Flags.*
1. A lot shall be permitted to establish a flag without the approval of a Sign Permit provided that no such flag exceeds 24 square feet in size. Any flag exceeding 24 square feet in size shall require Sign Permit approval.
 2. No flag, flag supporting structure, or portion thereof, regardless of whether or not Sign Permit approval is required, shall extend more than five feet above the maximum height established for the applicable zoning district.
 3. The construction of a flag supporting structure such as a flag pole shall require Building Permit approval.
- f. *Window signs.*
1. No more than 20 percent of the glass area of all windows in any structure may be covered with permanent or temporary window signs.
 2. No more than 40 percent of the glass area of any individual window may be covered with permanent or temporary window signs.
 3. Neon, including neon-simulating, signs are prohibited.
 4. An LED-illuminated window signs other than neon-simulating signs shall comply with the following standards.

- A. No electronic window sign shall exceed two square feet in sign area within any individual window.
- B. Only one electronic sign per business per frontage is permitted.
- C. The LED-illuminated window sign shall comply with the following lighting standards.
 - 1. Light bulb illumination shall be measured in lumens. There is no conversion between lumens and nits, mainly because light bulbs are spherical (general) sources of light.
 - 2. The lighting intensity of an LED-illuminated window sign shall not exceed 75 footcandles, as measured with a standard light meter or equivalent perpendicular to the sign face at a distance equal to the narrowest dimension of the sign, whether it is height or width.
 - 3. In no case shall any exposed reflective-type bulbs, incandescent lamp, or any other type of bare bulb illumination exceed 20 watts.
- g. *Signs in the public rights-of-way.* Signs shall be prohibited in all public rights-of-way, except the following signs.
 - 1. Signs conforming to the Manual of Uniform Traffic Control Devices.
 - 2. Signs installed by employees or officials of a city, county, state, or federal agency in the course of their governmental duties.
 - 3. Signs required by a city, state, or federal statute.
 - 4. Signs required by an order of a court of competent jurisdiction.
 - 5. Public directional and safety signs.

1106.05. Prohibited Signs.

- a. *Prohibited signs.* The following signs and types of signs are inconsistent with the purposes and standards of this chapter and shall be prohibited in all zoning districts.
 - 1. Signs within any public right-of-way or attached to any tree, pole, post, meter, or similar object located within any public right-of-way, excluding those signs allowed by § 1106.04.g. of this Code.
 - A. Under no circumstance may any signs that are permitted in the right-of-way interfere with vehicular or pedestrian visibility.
 - B. Blade signs complying with the provision of § 1106.08. of this Code shall be a permitted exception to this standard

2. Air actuated attraction devices.
 3. Roof signs.
 4. Pole signs.
 5. Portable changeable copy signs.
 6. Electronic variable message signs, reader boards, and changeable copy signs except as authorized under § 1106.02.b. and § 1106.04. of this Code.
 7. Balloon displays, festoons, feather flags, temporary flags, and streamers attached to the ground.
- b. *Changeable copy.* Manual or electronic changeable copy signs shall be prohibited on all signs unless approved by the Planning and Zoning Commission as part of a Comprehensive Sign Plan application.
- c. *Prohibited sign attachments.* No temporary or permanent items that are not included in a zoning approval shall be attached to any sign including, but not limited to, balloons, streamers, arrows, or other such items.

1106.06. General Standards.

- a. *Clear sight triangle.* No sign shall be placed, erected, installed, painted, modified, or altered in any clear sight triangle established in § 1105.01.c. of this Code.
- b. *Sign attachment and support.* No sign shall be attached to or supported by a fence, tree, utility pole, light pole, trash receptacle, bench, or public shelter. Furthermore, no off-premise sign shall be attached to or supported by a vending machine or gasoline pump.
- c. *Colors.*
1. No sign shall contain more than five colors. For purposes of this provision, black and white shall be considered colors.
 2. Neon and fluorescent colors are prohibited.
- d. *Substitution of message.* Any sign allowed by this Code may display any legal message of any kind, provided the sign complies with all size, height, area, and other requirements of this chapter that regulate the physical characteristics of the sign.
- e. *Alterations.*
1. No sign shall be altered, rebuilt, enlarged, extended, or relocated except in conformity with the provisions of this chapter.
 2. The repainting of signs in kind shall not be deemed to be an alteration within the meaning of this chapter.

f. *Sign maintenance.*

1. Signs and supporting hardware shall be structurally safe, clean, free of visible defects, and properly functioning at all times.
2. Visible rot or rust, exposed lighting sources or wires, falling parts, or broken and missing parts shall be evidence that a sign is in a state of disrepair in violation of this Code.
3. Repairs to a sign shall be equal to or better than the original sign in terms of materials and design.

g. *Notice to repair.*

1. When the Zoning Administrator determines that such a sign exists in a state of disrepair, the Zoning Administrator shall issue to the owner of the sign and the owner of the lot a notice of such disrepair and the need for corrective action.
 - A. Corrective action is subject to the procedures, penalties and remedies set forth in Title Seven Administration and Procedures.

h. *Sign removal or replacement.*

1. When a sign is removed or replaced, all brackets, poles, and other structural elements that supported the sign shall also be removed and affected building surfaces shall be restored to match the adjacent portion of the structure.

i. *Approval required.*

1. Unless otherwise stated in this Chapter, all signs shall require Sign Permit approval from the Zoning Administrator.

j. *Comprehensive Sign Plan required.* A Comprehensive Sign Plan may be submitted by the property owner in accordance with § 1114.03.a. of this Code.k. *Illumination standards.*

1. Unless otherwise stated, signs may be illuminated from an internal or external source, but such illumination shall be in a manner which avoids glare or reflection which in any way interferes with traffic safety.
 - A. Within the DT-M and DT-R Districts, internal illumination and dual illumination shall be prohibited.
2. Internally illuminated signs shall have an opaque background and translucent copy.
3. External lighting fixtures shall be aimed and shielded so that direct illumination is focused exclusively on the sign.

4. Fixtures can be mounted on the top of the sign or be ground mounted with up-lighting not exceeding 100 lamp watts per sign face.
 5. The maximum illumination of a sign shall not exceed 30 vertical footcandles.
 6. Rotating, traveling, pulsing, flashing, blinking, or oscillating light sources, lasers, beacons, search lights, or strobe lighting are prohibited.
 7. Colored lights shall not be used at a location or in a manner so as to be confused or construed as traffic control devices.
 8. Light sources shall utilize energy efficient fixtures to the greatest extent possible.
 9. Neon lighted signs, or signs resembling neon lighted signs, are prohibited if they can be seen and readable from the outside.
- I. *Maximum number of signs allowed.* The maximum number of signs, not including exempt or temporary signs, allowed shall be as established in Table 06.06-1.

Table 06.06-1: Sign Allowance Summary

Sign Type	Sign Standards	LR, ER, MR, and DT-R Districts	DT-M District	CO, FI, and CI Districts
Awning sign.	§ 1106.07.	Prohibited.	1 per tenant per frontage. ¹	1 per tenant per frontage. ¹
Blade sign.	§ 1106.08.	Prohibited.		
Wall sign. ³	§ 1106.12.	1 per lot.		
Freestanding sign. ³	§ 1106.09.	Subdivision identification signs only. ²	1 per frontage.	1 per frontage.
Joint identification sign.	§ 1106.11.	Prohibited.	See freestanding signs.	1 per frontage up to 2 total.
¹ No awning sign shall be affixed to the same tenant-space-enclosing wall as a blade or wall sign, and vice versa. ² Must be located at the entrance to the subdivision subject to review and approval by the Planning and Zoning Commission. ³ Additional signage may be allowed depending on the use of the lot as established in the applicable section.				

1106.07. Awning Signs.



- a. *Definition.* An awning sign is a sign attached to an integral part of an awning, canopy, or similar architectural feature.
- b. *General standards.* Awning signs on all lots shall comply with the following standards.
 1. Awning signs may be placed only on awnings that are located on first or second story of a building façade with frontage on a public right-of-way, parking lot, or pedestrian path.
 2. Awning signs shall not project more than three feet from the face of the building to which they are attached.
 - A. A modification of this standard may be granted by the Zoning Administrator if the applicant receives Comprehensive Sign Plan approval in accordance with this Code.
 3. A minimum clearance of ten feet shall be maintained above all sidewalks and pedestrian paths.
 4. The copy on an awning sign shall not exceed 50 percent of the awning or canopy's total surface area.
 5. Awning signs shall not be internally illuminated.
- c. *LR, ER, MR, and DT-R Districts.* Awning signs shall be prohibited in the LR, ER, MR, and DT-R Districts.

- d. *DT-M District.* All awning signs in the DT-M District shall comply with the Downtown Design Guidelines.
- e. *CO, FI, and CI Districts.* There are no additional standards for awning signs in the CO, FI, and CI Districts.

1106.08. Blade Signs.



- a. *Definition.* A blade sign is a sign mounted so that the sign face is approximately perpendicular to the face of the building.
- b. *General standards.* Blade signs on all lots shall comply with the following standards.
 - 1. Blade signs shall be placed only on a ground floor façade or in association with a tenant space located above the ground floor but with direct exterior pedestrian access.
 - 2. The lowest point of a blade signs shall be at least eight feet but no more than 15 feet above finished grade.
 - 3. The maximum sign height shall be the same as the height of the wall to which the blade sign is attached. Blade signs shall not extend beyond the roof line in a vertical direction.
 - 4. The maximum sign area shall be eight square feet.
 - 5. Sign supports and brackets shall be compatible with the design and scale of the sign. Brackets and/or hardware for the sign may not extend more than four inches from the outside face of the sign.
 - 6. Blade signs shall not be internally illuminated.

7. If projecting above or within a public right-of-way, the following standards shall be met.
 - A. In all districts other than the DT-M District, blade sign shall not project more than 40 inches from the building to which it is attached.
 - B. In the DT-M District, blade signs shall not project more than 24 inches from the building to which it is attached.
 - C. No blade sign shall project over any public street or private street.
- c. *LR, ER, MR, and DT-R Districts.* Blade signs shall be prohibited in the LR, ER, MR, and DT-R Districts.
- d. *DT-M District.* Blade signs on lots in the DT-M Districts shall comply with the following standards.
 1. The maximum sign area shall be five square feet.
 2. All blade signs in the DT-M District shall comply with the Downtown Design Guidelines.
- e. *CO, FI, and CI Districts.* There are no additional standards for blade signs in the CO, FI, and CI Districts.

1106.09. Freestanding Signs.



- a. *Definition.* A freestanding sign is any sign not affixed to a building.
- b. *General standards.* Freestanding signs on all lots shall comply with the following standards.

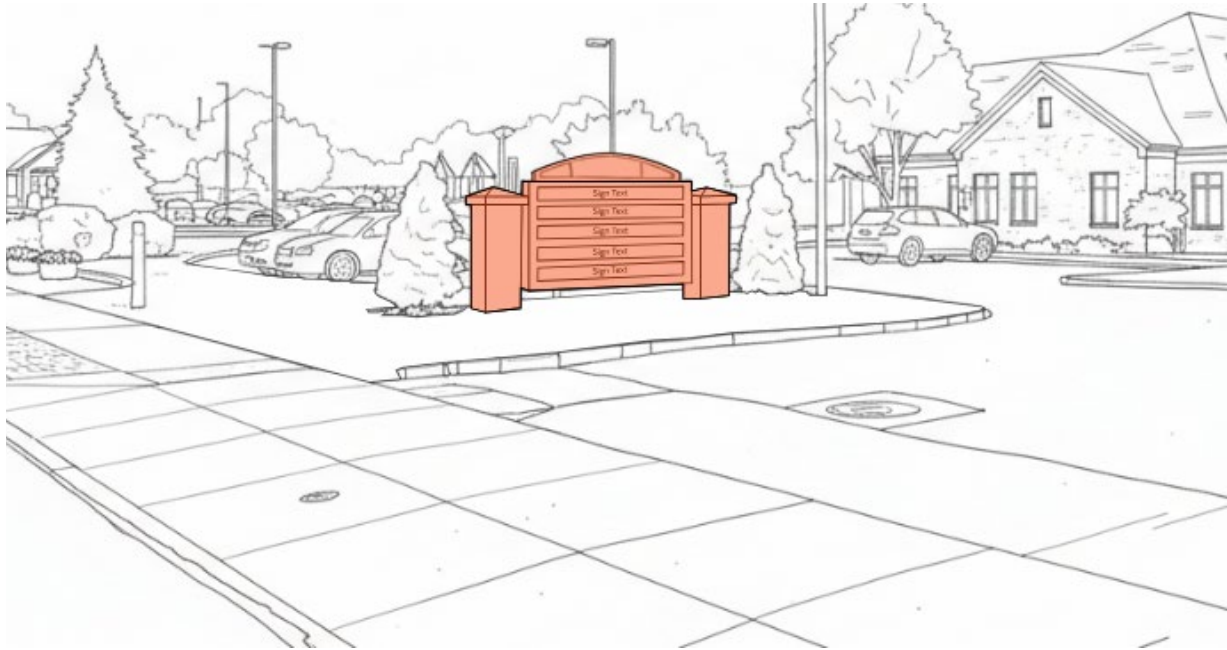
1. Single-pole-mounted freestanding signs shall be prohibited.
2. Except in the DT-M District, freestanding signs shall be designed with a monument-type base or using two posts with one on either side of the sign.
 - A. Posts shall comply with following standards.
 1. No more than two posts may be used.
 2. No post shall protrude higher than one foot above the top of the sign face.
 3. All posts shall be at least four inches in width and length or diameter.
 - B. Monument-type bases shall comply with the following standards.
 1. The base of monument signs shall be brick, stone, stucco, or other more permanent material resistant to water damage.
 2. The exposed base of a monument sign shall not exceed two feet in height.
3. The post used to anchor cantilever signs shall be wood, metal, or a natural material such as brick or stone.
4. Landscaping shall be provided at the base of the supporting structure equal to twice the area of the largest face of the sign.
 - A. Landscaping shall not be required for temporary freestanding signs.
5. The sign must be located along frontage adjoining a public street.
6. All freestanding signs shall be set back at least eight feet from all public rights-of-way unless otherwise stated. The sign must also meet the minimum side yard setback for the applicable zoning district unless otherwise stated.
- c. *LR, ER, MR, and DT-R Districts.* Permanent subdivision identification signs within entrance features may be lighted by an external source, but such illumination shall be in a manner which avoids glare or reflection which in any way interferes with traffic safety.
- d. *DT-M District.* Freestanding signs on lots in the DT-M Districts shall comply with the following standards.
 1. Monument-type bases shall be prohibited.
 2. The maximum sign area shall be 12 square feet.
 3. The maximum sign height shall be eight feet.

4. All freestanding signs shall be set back at least eight feet from all public rights-of-way unless otherwise stated. The sign must also meet the minimum side yard setback for the applicable zoning district unless otherwise stated.
5. All freestanding signs in the DT-M District shall comply with the Downtown Design Guidelines.
- e. *CO, FI, and CI Districts.* Freestanding signs on lots in the CO, FI, and CI Districts shall comply with the following standards.
 1. The maximum sign area shall be 48 square feet.
 2. The maximum sign height shall be 10 feet.
- f. *Drive-through facilities.* For each stacking lane in a drive-through facility, an additional freestanding sign shall be permitted provided that such freestanding sign is located within the drive-through facility and is no more than eight feet tall.

1106.10. Flags.

- a. *Definition.*
 1. A piece of fabric or other flexible material, typically rectangular in shape, which is attached to and suspended from a pole, mast, or similar support structure. A flag may be attached at one side or at two or more sides.
- b. *General standards.*
 1. No flag, flagpole, or portion thereof shall extend more than five feet above the maximum height established for the applicable zoning district.

1106.11. Joint Identification Signs.



- a. *Definition.* A joint identification sign is a freestanding sign containing multiple panels capable of being interchanged.
- b. *General standards.* Joint identification signs on all lots shall comply with the following standards.
 1. All joint identification signs must be monument signs.
 2. All joint identification signs shall be set back at least 10 feet from all public rights-of-way.
 3. Joint identification signs must also meet the minimum side yard setback for the applicable zoning district unless otherwise stated.
- c. *LR, ER, MR, and DT-R Districts.* Joint identification signs shall be prohibited on lots in the LR, ER, MR, and DT-R Districts.
- d. *DT-M District.* Joint identification signs on lots in the DT-M District shall comply with the freestanding sign standards established in § 1106.09.d. of this Code.
- e. *CO, FI, and CI Districts.* Joint identification signs on lots in the CO, FI, and CI Districts shall comply with the following standards.
 1. The maximum sign area for joint identification signs shall be determined according to the following standards.

- A. On development sites less than ten acres, the maximum sign area for the first joint identification signs shall be 56 square feet and the maximum sign area for the second joint identification sign shall be 36 square feet in area.
 - B. On development sites 10 acres or greater, the maximum sign area for the first joint identification sign shall be 72 square feet and the maximum sign area for the second joint identification sign shall be 48 square feet.
2. The maximum sign height for joint identification signs shall be determined according to the following standards.
- A. On lots less than ten acres, the maximum sign height for all joint identification signs shall be eight feet.
 - B. On lots more than ten acres, the maximum sign height for the first joint identification sign shall be 12 feet and all other signs shall have a maximum sign height of eight feet.

1106.12. Wall Signs.



- a. *Definition.* A wall sign is a sign which is attached to or painted on the exterior wall of a structure with the display surface of the sign approximately parallel to the building wall.
- b. *General standards.* Wall signs on all lots shall comply with the following standards.
 - 1. Wall signs shall be located on or along a wall which faces a street, parking lot, or service drive.

2. The maximum sign height shall be the same as the wall to which the sign is attached. No wall sign shall project above the roof line or the cap of parapets of any building, whichever is higher.
- c. *LR, ER, MR, and DT-R Districts.* Wall signs on lots in the LR, ER, MR, and DT-R Districts shall comply with the following standards.
1. All off-premises wall signs are prohibited.
 2. The maximum sign area shall be four square feet. No individual sign face dimension shall be more than two feet.
 3. All wall signs shall be parallel to the wall to which they are attached and may project up to three inches from the wall.
 4. Wall signs shall not be externally or internally illuminated provided that a wall sign may be illuminated incidentally where located near a lighting fixture provided in accordance with this Code.
 5. All wall signs in the DT-R District shall comply with the Downtown Design Guidelines.
- d. *DT-M District.* Wall signs on lots in the DT-M District shall comply with the following standards.
1. The maximum sign area for each wall sign shall be 25 square feet.
 2. All wall signs shall be parallel to the wall to which they are attached and may project up to 12 inches from the wall.
 3. All wall signs in the DT-M District shall comply with the Downtown Design Guidelines.
- e. *CO, FI, and CI Districts.* Wall signs on lots in the CO, FI, and CI Districts shall comply with the following standards.
1. The maximum sign area for each wall sign shall be one square foot per lineal foot of the wall to which the sign is attached up to a maximum of 50 square feet.
 - A. If the wall sign is provided in association with a multi-tenant building, the wall to which the sign is attached shall be measured to only include that portion of the wall enclosing each individual tenant space.
 2. All wall signs shall be parallel to the wall to which they are attached and may project up to 12 inches from the wall.
- f. *Bed and breakfasts.* One additional wall sign no larger than six square feet shall be permitted for each bed and breakfast.

- g. *Walk-up windows.* One additional wall sign no larger than eight square feet in size shall be permitted in association with a walk-up window use, provided that such sign is not placed higher than 15 feet above grade.

1106.13. Temporary Signs.

- a. *Definition.* A temporary sign is a sign not intended to be displayed for an indefinite period.
- b. *General standards.* Temporary signs on all lots shall comply with the following standards.
 - 1. The owner or developer of a residential subdivision, nonresidential development, or nonresidential use may erect one sign not exceeding 32 square feet in area during the course of development. Once 80 percent of the development is completed, as determined by the Zoning Administrator, these signs shall be removed by the property owner.
 - A. An additional temporary sign shall be permitted within one month of an opening of a use or while a tenant space awaits a new sign. Such sign shall not require Temporary Sign Permit approval and shall be allowed for a period of one year which may be extended by mutual agreement of the property owner and the Zoning Administrator.
 - 2. The maximum display period for all temporary signs shall be one year.
 - A. The Zoning Administrator may grant an extension of six months if the Zoning Administrator determines the sign is maintained in good condition. Such an extension may be renewed by mutual consent of the property owner and the Zoning Administrator.
 - 3. Off-premise temporary signs shall be prohibited.
 - 4. Signs shall not be separately illuminated.
 - A. This standard is not intended to prohibit the installation of such a sign near a porch light or yard light, which may incidentally illuminate the sign.
 - 5. No temporary sign shall be erected or installed without approval from the Zoning Administrator in compliance with § 1106.15. of this Code.
- c. *One-unit, two-unit, and three-unit dwelling standards.* Temporary signs on lots containing one-unit, two-unit, and three-unit dwellings shall comply with the following standards.
 - 1. No more than two signs per frontage shall be allowed on a lot.
 - 2. The maximum sign area shall be six square feet.

3. If the temporary sign is freestanding, the maximum sign height shall be four feet. If the temporary sign is attached to a building, the maximum sign height shall be the same as the building to which it is attached.
 4. Temporary signs for one-unit, two-unit, and three-unit dwellings do not require a permit.
- d. *Seasonal sales use.* Regardless of the underlying zoning district, no more than one sign shall be allowed for a seasonal sales use.
1. Such sign must be an “A”-frame sign and shall have a sign face no larger than 16 square feet.

1106.14. Abandoned Signs.

- a. If any sign shall become abandoned, in a manner defined by this Code, such sign is declared a public nuisance by reason that the continued lack of use results in lack of reasonable and adequate maintenance, thereby causing deterioration and creating a blighting influence on nearby properties.
- b. An abandoned sign shall be any sign that meets any of the following conditions:
 1. Any sign associated with the abandoned nonconforming use.
 2. Any sign that remains after the termination of a business. A business shall be considered terminated if it has ceased operations for at least 60 consecutive days.
 3. Any sign that is not maintained in accordance with this Code.
- c. When the Zoning Administrator finds, upon investigation, that a sign has been abandoned, the Zoning Administrator shall notify the owner of said sign and the owner of the property upon which such sign is located, of any findings.
 1. Corrective action is subject to the procedures, penalties and remedies set forth in Title Seven Administration and Procedures.

1106.15. Sign Permit.

- a. *Applicability.* Unless otherwise stated in this Chapter, no permanent or temporary sign shall be erected, moved, altered, reconstructed, or repaired prior to receiving Sign Permit approval according to § 1114.12. of this Code.
- b. *Review procedure.* A Sign Permit application shall be reviewed and acted upon in accordance with § 1114.12. of this Code.

1106.16. Violation and Enforcement.

- a. Any individual, firm, or corporation that erects, modifies, alters, places, replaces, or commits any other action involving a sign that is in any way inconsistent with this chapter shall be considered in violation of this Code and shall be subject to the penalties and remedies set forth in Title Seven Administration and Procedures.

CHAPTER 1107. NONCONFORMITIES.

1107.01. Purpose.

- a. Within the districts established by this Code, or by amendments thereto, lots, uses of land, structures, and uses of structures and land in combination which were lawful before this Zoning Ordinance was passed or amended, but which would be prohibited by this Code, regulated, or restricted under the terms of this Code are considered nonconformities. The legitimate interest of those who lawfully established these nonconformities are recognized by providing for their continuance, subject to regulations limiting their completion, restoration, reconstruction, expansion, extension, and substitution. While it is the intent of this Code that nonconformities be allowed to continue until removed, they should not be encouraged. Therefore, no nonconformities may be moved, extended, altered, expanded, or used as grounds for any other use(s) or structure(s) prohibited elsewhere in the district except as otherwise specifically provided for in this Code.

1107.02. Incompatibility of Nonconformities.

- a. Nonconformities are declared by this Zoning Ordinance to be incompatible with permitted uses in the districts in which they are located. A nonconforming use of a structure, a nonconforming use of land, or a combination shall not be extended or enlarged in ground covering, floor area, or volume after the passage of this Code.

1107.03. Avoidance of Undue Hardship

- a. To avoid undue hardship, nothing in this Code shall be deemed to require a change in the plans, construction, size, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Code and upon which actual building construction has been carried out diligently.
 1. In the administration of this section, actual construction shall be defined to include the placing of construction materials in permanent position and fastened in a permanent manner. Where demolition or removal of an existing building has been substantially begun, such demolition or removal shall be deemed to be "actual construction," provided that the work has been carried out diligently.
 - A. Where this is the case, the Zoning Administrator may require proof in the form of an affidavit or similar document that the original intended use of the building has not been changed. The ground story framework, including structural parts of a second floor, if planned for, shall have been completed within one year and the entire building completed within two years after the effective date of this Code or new zoning approval and Building Permit will

be required verifying compliance with the conditions of this Code or amendments thereto.

2. Where work has been commenced prior to the effective date of this Code for which no building certificate was issued, although required at the time, or which is in violation of a previously issued certificate, such violations shall stand and shall be prosecuted.
3. Work for which no Building Permit has been issued shall be required to comply with this Code and its amendments.

1107.04. Nonconforming Lots.

- a. Where, at the time of adoption or amendment of this Code, lawful lots exist which would not be permitted by the regulations imposed by this Code, the lots shall be considered nonconforming.
- b. No subdivision, lot split, or lot line adjustment shall be approved that would increase the nonconformity of an existing lot.
- c. Structures may be erected or expanded on an existing nonconforming lot, provided that such structures conform with all development standards with the exception of lot size, lot depth, and lot width.

1107.05. Nonconforming Uses.

- a. Where, at the time of adoption or amendment of this Code, lawful uses of land exist which would not be permitted by the regulations imposed by this Code, the uses may be continued so long as they remain otherwise lawful, provided that the following standards
 1. Nonconforming uses may be enlarged or increased, subject to the approval of a Development Plan. The approving authority shall review the appropriateness of the expansion request in relation to the Development Plan approval criteria. Expansion of the use shall not create any new condition of noncompliance.
 2. If any such nonconforming uses of land are discontinued or abandoned for six months or more, except when government action impedes access to the premises, any subsequent use of such land shall conform to the regulations specified by this Code for the district in which such land is located.
 3. No additional structure not conforming to the requirements of this Code shall be erected in connection with such nonconforming use of land.

1107.06. Nonconforming Structures.

- a. Where a lawful structure exists at the effective date of adoption or amendment of this Code that could not be built under the regulations imposed by this Code, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions.
 1. No such nonconforming structure may be enlarged or altered in a way which increases its nonconformity, but any structure or portion thereof may be altered to decrease its nonconformity. Changes to nonconforming structures shall make the nonconformity more compliant with this Code.
 2. Should such nonconforming structure or nonconforming portion of a structure be destroyed by any means, it shall not be reconstructed except in conformity with the provisions of this Code.
 3. Any maintenance, repair, replacement, or restoration activities shall not increase the number or extent of nonconformities. Should such structure be moved for any reason for any distance whatsoever, it shall conform to the regulations of this Code.

1107.07. Nonconforming Signs.

- a. Where a lawful sign exists at the effective date of adoption or amendment of this Code that could not be built under the regulations imposed by this Code, such sign may be continued so long as it remains otherwise lawful, subject to the following provisions.
 1. No such nonconforming sign may be enlarged or altered in a way which increases its nonconformity, but any sign or portion thereof may be altered to decrease its nonconformity. Changes to nonconforming signs shall make the nonconformity more compliant with this Code.
 2. Should such nonconforming sign or nonconforming portion of a sign be destroyed by any means, it shall not be reconstructed except in conformity with the provisions of this Code.
 3. Any maintenance, repair, replacement, or restoration activities shall not increase the number or extent of nonconformities. Should such sign be moved for any reason for any distance whatsoever, it shall conform to the regulations of this Code.

1107.08. Termination of Nonconforming Uses and Structures.

- a. *Termination of use through discontinuance.* When any nonconforming use is discontinued or abandoned for six months or more, any use thereafter shall conform with the regulations of the district in which it is located, and the nonconforming use may not

thereafter be resumed. The intent to continue a nonconforming use shall not be evidence of its continuance.

- b. *Termination of use by damage or destruction.* In the event that any nonconforming building or structure is destroyed by any means to the extent of more than 50 percent of the replacement cost of the structure, exclusive of foundation, it shall not be rebuilt, restored, or reoccupied for any use unless it conforms to all regulations of this Code. When such a nonconforming structure is damaged or destroyed to the extent of 50 percent or less of the replacement cost, exclusive of foundation, no repairs or rebuilding shall be permitted except in conformity with all applicable regulations of this Code or its amendments and the following conditions:
 - 1. A zoning approval pertaining to such restoration shall be applied for and issued within 90 days of such destruction, and rebuilding shall be diligently pursued to completion.
 - 2. Such restoration shall not cause a new nonconformity, nor shall it increase the degree of nonconformance or noncompliance existing prior to such damage or destruction.
- c. For the purposes of this section, "replacement cost" shall be defined as the reproduction cost of the structure, exclusive of foundations, prior to the damage or destruction.

1107.09. Repairs and Maintenance.

- a. Ordinary repair work or the replacement of non-bearing walls, fixtures, wiring, or plumbing may be conducted on any nonconforming structure or portion of a structure containing a nonconforming use provided that the nonconformities shall not be increased.
 - 1. Nothing in this section shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety.
 - 2. Where appropriate, a Building Permit for such activities shall be required.

TITLE THREE – SUBDIVISION AND LAND DEVELOPMENT

CHAPTER 1108. GENERAL PROVISIONS

1108.01. Title and Effective Date.

- a. Title Three of Part Eleven of the Codified Ordinances of Powell, Ohio shall be known as the “Subdivision and Land Development Code,” the “Subdivision Code,” or the “Land Development Code,” except when referred to herein where it shall be known as “this Title.”
- b. This Title shall be effective as of the effective date of this ordinance.

1108.02. Purpose and Intent.

- a. This Title is intended to guide and facilitate the orderly subdivision of land and its development while promoting the public health, safety, and welfare.

1108.03. Applicability.

- a. No person shall divide, subdivide, or cause a subdivision to be made of a tract of land or improve, develop, or construct upon a tract of land except in conformance with the provisions of this Title, except in the following circumstances.
 - 1. The construction of a one-unit or two-unit dwelling on a previously platted or subdivided lot.
 - 2. The alteration, modification, or other work on or around an existing structure when such work does not change, require a change of, or add to the site improvements.
 - A. For example, the rearranging of rooms in a building without adding floor space or parking needs does not require compliance with these regulations. However, the addition to an existing building or the changing of a building's use that increases the parking needs does require compliance with these regulations.
- b. No person shall sell or transfer any land within a subdivision prior to recording a Minor Subdivision Plat or Major Subdivision Plat with the Delaware County Recorder.

1108.04. Relationship to Other Laws and Contracts.

- a. The standards established in this Title shall be separate from but administered in addition to the standards established in Title One Zoning Code.

1. If the standards established in this Title differ from those set forth in Title One Zoning Code, the more restrictive standard shall control.
 2. All lots created or established under this Title shall be capable of meeting the standards established in Title One Zoning Code.
 3. All references to the Zoning Code shall be to the Zoning Code as it exists on the effective date of this Title and include any amendments made to the code thereafter.
- b. The standards established in this Title shall be separate from but administered in addition to the standards established by other City, state, or federal laws, private agreements, and covenants.
1. If the standards established in this Title differ from those set forth in an applicable City, state, or federal law or ordinance, the more restrictive standard shall control.
 2. All references to any City, state, or federal statute, law, guideline, manual, or standard shall be to that statute, law, guidelines, manual, or standard as it exists on the effective date of this Title and include any amendments made to such documents thereafter.
- c. Nothing in this Title shall limit the power of a court of competent jurisdiction to order the partition of land.

1108.05. General Standards.

- a. No lot, parcel, or tract shall be transferred until the owner obtains the necessary approvals under this Title and, if required, records the Final Subdivision Plat with the Delaware County Recorder.
- b. No lot, parcel, or tract shall be transferred or conveyed that does not meet the minimum dimensional standards established in the underlying zoning district Chapter 1103 of this Code unless approved by the approving authority.
- c. The owner shall accept the following terms as a condition of subdividing or developing within the City.
 1. The owner shall hold the City free and harmless from any and all claims which might originate by virtue of the development of the subject premises or the conduct of the owner, its agents, or employees relative to said subdivision or development including, but not limited to, any and all claims for damages of every nature whatsoever or for injunctive relief emanating from the construction and improvements or resulting from the construction and improvements of said developed area.

2. The owner shall defend, at the owner's cost and expense, any suit or action brought against the City by reason thereof excluding, however, any such liability that might result from the sole negligence of the City.
3. The owner acknowledges that the owner, its agents, or its employees are knowledgeable developers who have utilized said knowledge and skill in subdividing or developing the subject premises and, though conforming to City regulations and ordinances, the owner is relying solely on the owner's, its agents, or its employees expertise; and the owner is not relying on any skill or expertise of the City, the City's agents, or the City's employees in preparing the developed area in accordance with sound engineering and development practices.

CHAPTER 1109. IMPROVEMENT STANDARDS.

1109.01. Generally.

- a. Any person seeking to subdivide or develop a tract of land shall provide and pay the entire cost of the following improvements.
 1. Streets and parking areas, graded and paved, including drainage structures, bridges, and when required sidewalks, shared-use paths, and curbing.
 2. Sanitary sewers, including manholes, services and all appurtenances.
 3. Water distribution system including lines, services, valves, fire hydrants, and all appurtenances.
 4. Storm sewers, including manholes, inlets and all the appurtenances.
 5. Monuments and stakes.
 6. Street signs designating the name of each street at each intersection within the development and street signs at stub roads noting that a future street will be extended in the future. Street signs shall conform to the standards established by the City.
 7. Street lighting including poles, underground conduits and appurtenances at intersections and, when curbs, shared-use paths, and sidewalks are required, along the street.
 8. Landscaping including entry features, street trees, open spaces, natural reserves, and other similar plantings
 9. Traffic control devices including regulatory, guide and warning signs, including posts and supports, lane line stripping, and directional arrows, to be located as directed by the City.
 10. All other improvements shown on the plans and as approved by the City.
- b. Any person seeking to subdivide or develop a tract of land shall pay the following fees.
 1. A Recreation Fee shall be collected in accordance with the Fee Schedule established by the Council and in force on the date the Recreation Fee is due and payable.
 - A. The Recreation Fee shall be collected at a rate defined in the Fee Schedule for new developments based on the predominant land use of the development according to Table 09.01-1.

Table 09.01-1: Recreation Fee Rate

Predominant Land Use	Fee Based On
Residential	Per dwelling unit of subdivided lot.
Nonresidential	Per acre or fraction thereof.
Mixed Use	Per acre or fraction thereof.

- B. All monies so collected shall be deposited for use to construct, erect, repair, purchase or otherwise obtain or upgrade parks, recreational facilities, and plant new public trees.
- 2. A Development Fee shall be collected in accordance with the Fee Schedule established by the Council and in force on the date the Development Fee is due and payable.
 - A. The Development Fee shall be collected at a rate defined in the Fee Schedule for new development based on the predominant land use of the development according to Table 09.01-2.

Table 09.01-2: Development Fee Rate

Predominant Land Use	Fee Based On
Residential	Per dwelling unit.
Nonresidential	Per gross floor area of building.
Mixed Use	Per gross floor area of building.

- B. For the purpose of determining this fee, the following standards shall apply.
 - 1. Covered storage shall be excluded from the gross floor area where at least two sides of the storage area are open without partial or total walls.
 - 2. Additions for existing buildings, which are constructed after the effective date of this ordinance, shall be charged a fee based on the area of the addition.
 - 3. The change in use of an existing residential development to a nonresidential or mixed-use development shall be charged a fee equal to the difference between the rates defined in the Fee Schedule.
- C. All monies so collected shall be deposited in accounts used to construct, repair, replace or upgrade public streets, storm drainage systems and streetscapes, or other development needs such as Council deems appropriate; including the legal, administrative and engineering services in support of the work described herein.

3. Additional application and permit fees shall be collected in accordance with the Fee Schedule established by City Council and in force on the date the application and permit fees are due and payable.
- c. All improvements constructed in association with a subdivision or development shall comply with the design standards established in this section. The City Engineer may approve a modification to or deviation from the standards established in this section in the review of zoning approvals defined by this Code.
- d. All improvements and utilities required by this Title shall be satisfactorily installed within such time as approved by the Site Development Permit or Public Improvements Plan.
 1. Extended time limits for the installation of improvements associated with plans encompassing multiple phases of development may be granted at the discretion of the City Engineer and Zoning Administrator.
 - A. In such cases, each phase shall be substantially complete at the discretion of the City Engineer and Zoning Administrator prior to the start of construction of the next successive phase, unless it is the intention of the development plan to conclude the installation of multiple phases at one time.
 2. Any extension of the time limits set forth above must be approved by mutual agreement of the applicant, the City Engineer, and the Zoning Administrator.
 - A. Such approval shall be granted only upon a finding of a valid purpose and necessity for such extension and evidences of reasonable and diligent efforts toward accomplishment of the original Construction, Site or Utility, and Soil Erosion and Sediment Control Plans within the originally established time limits, and upon finding that such extension is not in conflict with the public health, safety, and welfare.
 - B. No extension of time shall be granted except upon application filed in writing with the City Engineer and Zoning Administrator not less than 30 days prior to the expiration of the time limits set forth above.
- e. 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 adopted in Table 09.01-4 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 09.01-4, shall include all work covered by that section or item. Therefore, the reference to Section 200, EARTHWORK of the ODOTS, also refers to ITEM 201, Clearing and Grubbing, or ITEM 203, Roadway Excavation and Embankment, as well as 203.13, Subgrade.

1. 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.

Table 09.01-3: Title Three Abbreviations

Abbreviation	Definition
DCSD	Delaware County Sewer District
DCWC	DelCo Water Company
POWELL	City of Powell
ODNR	State of Ohio Department of Natural Resources
ODOT	State of Ohio Department of Transportation
ODOTS	State of Ohio Department of Transportation Construction and Material Specifications
COC	City of Columbus Construction and Material Specifications

Table 09.01-4: Specifications Referenced

Type of Work	Reference Specifications	Standard Construction Drawings
Earthwork	Section "200 EARTHWORK," ODOTS	ODOT OR COC
Roadway Bases	Section "300 BASES," ODOTS	ODOT OR COC
Roadway Pavement	Section "400 FLEXIBLE PAVEMENT" & Section "450 RIGID PAVEMENT" ODOTS	ODOT OR COC
Structures	Section "500 STRUCTURES," ODOTS	ODOT OR COC
Incidentals (See Note # 1)	Section "600 INCIDENTALS," ODOTS	ODOT OR COC
Roadside & Unpaved Areas	Section "650 ROADSIDE," ODOTS	ODOT OR COC
Waterline System	DELCO	DELCO
Sanitary Sewer System	DCRSD	DCRSD
¹ All work and material pertaining to sanitary sewer construction shall be governed by the Delaware County Sanitary District, unless modified by the approved Construction Plans and documents.		

- f. The following are modifications to the specifications referenced in Table 09.01-4.

1. *Sidewalks.*

- A. ODOTS 608.03(c), as amended, is changed by deleting the next to last sentence that pertains to construction joints around manholes, etc. The last sentence is changed to read: "Premolded expansion joint material ½ inch thick shall be installed to the full depth and across the full width of the walk at intervals of 30 feet minimum, when the sidewalk thickness changes such as at driveway entrances, and between the walk and any fixed structures or object such as buildings, manholes, curbing, sign posts, existing sidewalks or

structures, or utility poles." ODOTS 608.03(d) is changed to read: "transverse slope of $\frac{3}{8}$ inch per foot."

2. *Curbing.*

- A. The requirement for joint sealer in ODOTS 609.04(a) is deleted. ODOTS 609.04(f), as amended, is added as follows: "When mountable curb is not used, 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 replaced in five-foot increments, as required to install the driveways."

3. Item 609.05, ODOTS is deleted.

4. *Storm sewer system.*

- A. 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.
- B. When seeding and mulching is performed using the hydro seeding method, the contractor shall insure that there will be sufficient moisture during the seed germination period and 30 days thereafter to support the growth of a healthy stand of grass.

1109.02. *Topography and Open Space.*

- a. *Generally.* The layout and design of a subdivision shall minimize the impact, removal, or grading with respect to existing physical features such as topography, trees, rock outcroppings, waterways, wetlands, and other significant geographic elements.
- b. *Residential Open Space.* All residential subdivisions requiring Major Subdivision Plat approval shall comply with the following:
1. At least 20 percent of the land approved with the Major Subdivision Plat shall be designated public parkland, common open space, or permanently natural scenic preserves through easement, covenant, deed, or dedication. Such open spaces shall be permanently preserved and maintained.
 2. Required open space shall not include dedicated streets, land in the rights-of-way or private streets, off-street parking areas, loading areas, public utility easements, or similar easements.
 3. All-natural drainage courses, flood plain areas, ravine-bottom areas, and land with slopes in excess of six percent shall be retained in a natural state.

4. Required open spaces shall be owned by corporate ownership of the development, dedicated to a homeowner's association who shall have the title to the land, or shall be dedicated to public ownership for use by the general public. Open spaces shall be identified on the Major Subdivision Plat with appropriate legal articles relating to the ownership and maintenance of the land to the satisfaction of the City Engineer, Zoning Administrator, and Law Director.
5. Alternative open space dedication or a fee-in-lieu of dedication payment as determined by the Fee Schedule may be approved by City Council through the Major Subdivision Plat process.

1109.03. Ground Cover.

- a. *Generally.* All disturbed surface areas not covered by structures or hard surfaced improvements shall be seeded or sodded, or covered with stone, and shall be sloped to drain.
 1. All seeded, sodded, or stone areas shall have a minimum slope or grade of eight-tenths of one percent; except that the ground next to buildings shall slope away from the building at a five percent grade for a minimum of ten feet.
- b. *Drainage ditches.* Drainage ditches within a right-of-way shall be planted according to the specifications in Table 09.03-1, developed in cooperation with the Soil Conservation Service. The minimum requirements shall be followed for both the rate of application and the time table for seeding.
 1. Anchor mulch with liquid asphalt (RC 70, 250, 800) shall be applied at four hundredths of one gallon per square yard or 200 gallons per acre.
 2. RS-1 and RS-2 emulsified asphalt shall be applied at three hundredths of one gallon per square yard or 160 gallons per acre.
 3. Mulch nettings such as jute, cotton, and plastic nettings stapled to soil surface according to manufacturer's recommendations.
 4. Seeding shall be made within two days after final grading of the drainage ditch or following seedbed preparation with a disk or other suitable equipment. On sloping land, the final operation shall be done on the contour.
 5. Seed shall be applied uniformly with a cyclone seeder, drill, cultipacker seeder or hydro-seeder.
 6. Mulch shall be applied immediately after seeding and spread evenly over the entire seeding area.

Table 09.03-1: ROW Drainage Ditch Planting Standard

Seed Type ¹	Seeding Dates	Per 1,000 sq. ft.	Per Acre
Tall Fescue	March 1 to September 15	2 lbs.	80 lbs.
Tall Annual Ryegrass		0.5 lbs.	20 lbs.
Small Grain Straw Mulch		100 lbs. or 2-3 bales	2 tons or 50 bales
Fertilizer		25 lbs. of 12-12-12 or the equivalent	1,000 lbs. of 12-12-12 or the equivalent
Temporary Seeding			
Rye or Wheat	September 15 to October 30	3 lbs.	2 bushels
Soil Protection			
Small Grain Straw Mulch	October 30 to March 1	2 -3 bales	2 tons
¹ Other mixtures may be approved by the City Engineer.			

1109.04. Riparian Buffers.

- a. *Generally.* There shall be preserved a riparian buffer area at least 120 feet wide along both sides of all streams designated as a scenic river by the ODNR.
1. This area shall be measured horizontally, perpendicular to the river, from the top of the stream bank.
 2. No structures or improvements shall be permitted in the riparian buffer area except for those associated with storm drainage systems and underground utilities.
 3. Damaged or diseased trees or those in imminent danger of being uprooted or falling in or along the stream may be removed.
 - A. The stump and root structure of trees on the stream bank shall be left in place to retard bank erosion.

1109.05. Street Layout, Access, and Connectivity

- a. *Generally.*
1. All streets shall be designed in accordance with the requirements of this section, subject to the approval of the City Engineer.
 - A. A street that is not constructed in conformance with these standards will not be accepted by the City for dedication as a public street.
 - B. A street shall only be accepted by the City for dedication once all repairs to curb, gutter, and sub-base have been completed and final surface course applied.
 2. All Preliminary 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.

- b. *Relationship to Municipal Thoroughfare Plan.* All streets, roadways, and thoroughfares shall be located as shown on the approved Municipal Thoroughfare Plan.
 - 1. The specific location of thoroughfares in undeveloped areas may be altered, with the approval of the approving authority, from the Thoroughfare Plan's general location in order to improve the compatibility of the thoroughfare with the proposed development.
 - 2. Right-of-way for all existing or proposed streets, roadways, and thoroughfares shall be dedicated as shown on the approved Municipal Thoroughfare Plan.
- c. *Integration with existing streets.* New streets shall integrate with the existing street network to connect existing and new streets, unless an exception is granted by the City Engineer.
- d. *Street layout.*
 - 1. The arrangement of roadways in a shall be coordinated with and provide for the planned continuation of existing roadways into adjoining properties.
 - 2. No more lots shall be accessed from the same single access drive than the minimum allowed by applicable codes or as approved by the City Engineer and Liberty Township Fire Department.
- e. *Cul-de-sac.*
 - 1. The distance from the center point of the cul-de-sac turnaround area to the intersection of the centerlines of the cul-de-sac street and another street shall not be more than the minimum allowed by applicable codes and approved by the Liberty Township Fire Department.
 - 2. The turnaround area shall have the minimum diameter allowed by applicable codes and approved by the Liberty Township Fire Department.
 - 3. A turnaround area may contain a planting island provided that the following standards are met.
 - A. The island shall be surrounded by a mountable curb.
 - B. The island must have a radius of at least six feet, but no more than 10 feet as measured from the back of the curb.
 - C. The surface of the island shall be landscaped or covered by decorative pavers.
 - D. No landscaping element shall interfere with a clear sight triangle.

- f. *Dead-end streets.* Permanent dead-end streets shall be prohibited; however, stub streets may be provided to permit the future extension of streets into adjoining tracts if approved by the City Engineer.
 - 1. The distance from the furthest point of a stub street to the intersection of the centerlines of the stub street and another street shall not be more than 150 feet.
 - 2. The City Engineer may require a turnaround area at least 60 feet in diameter which shall remain paved according to this chapter until such time that the stub street is connected to the adjacent tract.
- g. *Street naming.*
 - 1. 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.
 - 2. All street names shall be declared on the Preliminary Development Plan and remain unchanged through the approval of all subsequent Plats unless otherwise approved by the City Engineer.

1109.06. Street Design and Construction.

- a. *Generally.* All streets shall be designed in accordance with the requirements of this section, subject to the approval of the City Engineer.
 - 1. A street that is not constructed in conformance with these standards will not be accepted by the City for dedication as a public street.
 - 2. A street shall only be accepted by the City for dedication once all repairs to curb, gutter, and sub-base have been completed and final surface course applied.
- b. *Subbase course material.* Before any base course material is laid, the contractor shall stockpile granular material or acceptable base court and have the necessary equipment available to repair areas of failed subgrade.
 - 1. All areas of subgrade failure, as determined by the City Engineer, shall have the failed material removed at least six inches deep and replaced with clean granular material, compacted granular material, or the base course material.
 - 2. Areas of minor rutting shall be shaped to grade and rolled prior to placing the base material.
- c. *Base course material.*

1. With the exception of that portion which is under and behind the curbs, the base materials shall be shaped and compacted after the placement of curbs, sewers, and underdrains.
 2. All residential streets shall be as thick as determined appropriate by the City Engineer or as listed on the approved development plan.
 3. The additional thickness established above shall not be required for any residential street meeting any of the following criteria.
 - A. The street is a cul-de-sac street.
 - B. The street is less than 1,000 feet long.
 - C. The street does not serve as an outlet or collector for more than 20 lots.
 4. No reduction of the surface course or intermediate course shall be allowed because of the increased thickness of the base course.
- d. *Surface course material.*
1. The surface of all streets shall be of Portland cement concrete or asphaltic cement and design. The City Engineer may require the use of heavy-duty asphalt or special sub-grade materials in subdivisions or development where large volumes of vehicles or heavyweight vehicle and truck traffic are anticipated.
 2. All pavement details and sections shall be at least equivalent to those set forth in the adopted Thoroughfare Plan.
- e. *Curbing required.*
1. All streets shall have curbs except as stated below.
 - A. Streets in residential developments with no lot less than one-half acre in size and with an average lot frontage width at the building setback line of 125 feet or more may use the yard section.
 - B. Commercial and industrial developments with no lot less than one acre and minimum lot frontage wider than 200 feet may use the yard section or the ditch section.
 2. On-street parking is prohibited for all streets that do not have curbing or curb and gutter drainage systems.
- f. *Tree lawn required.*
1. All new street rights-of-way shall include a tree lawn at least eight feet wide on both sides of the street extending from the top of the curb and the sidewalk.

- A. The tree lawn shall be filled with living groundcover such as grass. Gravel, decorative rocks, asphalt, or artificial turf within the tree lawn shall not be used within a tree lawn except within the apron of an approved curb cut.
- 2. Within each tree lawn, one medium or large tree shall be planted for every 40 feet of street frontage. Such tree shall be known as a street tree.
 - A. All street trees on the same block face shall be the same species.
 - B. All street trees shall be selected from an Ohio Native Plants list as published by ODNR.
 - C. Street trees shall be approximately evenly spaced, as measured on-center. No street tree shall be located within 10 feet of a fire hydrant.
 - D. The location and species of all street trees shall be shown on the Public Improvements Plan.
 - E. All street trees abutting a street or roadway must be planted prior to the conditional acceptance of such street or roadway.

1109.07. Lots, Blocks, and Easements.

- a. *Lots.* All lots shall abut a public street but shall not border more than one public street except at intersections, unless one border is an alley or controlled-access thoroughfare.
 - 1. At the intersection of two streets, lot line corners shall be chamfered with a minimum distance of 15 feet.
 - 2. Side lots lines shall be approximately at right angles with or radial to and extending from the street line.
 - 3. 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 this Code.
- b. *Blocks.*
 - 1. No block shall be greater than 1,000 feet or less than 200 feet, as measured from the centerline of an intersection to the centerline of the next intersection.
 - A. The width of a proposed block shall be sufficient to allow two tiers of minimum sized lots in the underlying zone or district, except where fronting on controlled access roadways.
 - 1. The City Council may approve a single tier of lots of minimum size wherever physiography, access requirements, or the Comprehensive Plan so prescribes.

- B. Any proposed blocks of irregular shape or otherwise not conforming to the dimensions required in this section may be accepted upon review and approval of the City Council.
 - C. Blocks more than 800 feet in length shall provide a pedestrian path or sidewalk crossing the shorter dimension of the block at least 300 feet from each intersection.
 - 2. Except at the boundary of a subdivision or development, the minimum width of a block shall be sufficient to allow two tiers of lots of appropriate depth.
- c. *Easements.*
- 1. All easements granted to or reserved by the City shall be at least 20 feet wide except that an easement may be less when the following conditions apply.
 - A. It is for the purpose of installing and maintaining Municipality-owned underground electrical conduit, or similar utility; or
 - B. An easement borders another easement or a public right-of-way, part of which can be used for the purpose of the easement. Notwithstanding the above, all easements and easement/right-of-way combinations shall be wide enough to ensure that all utilities within the easement are set back five feet from the easement boundary line.
 - 2. An easement may be granted through Major Subdivision Plat approval where such easement is intended for the benefit of public or quasi-public utilities.
 - 3. If a subdivision or development includes adjacent lots intended for nonresidential uses, the subdivision or development shall provide cross access easements to allow circulation between lots. This requirement shall not apply to minor subdivisions and developments which encompass only one lot.
 - A. Property owners shall record all cross-access easements and a joint maintenance agreement with the Delaware County Recorder.
 - B. Property owners that provide a cross access easement may be granted approval by the City Engineer where necessary to provide reasonable access until such time as a joint use driveway or cross access drives is installed.
 - C. All such easements and agreements shall be recorded with the deed to the property, including the following.
 - 1. A cross access easement allowing access to and from the adjacent properties.

2. An agreement to close and eliminate any pre-existing driveways provided for access in the interim after construction of the joint-use driveway.
 3. A joint maintenance agreement defining maintenance responsibilities of property owners that share the joint use driveway and cross access system.
- D. Joint-use driveways providing cross access shall be designed and constructed with a minimum total width of 20 feet to accommodate a 2-way travel aisle and designed to accommodate automobiles, service vehicles, and loading vehicles.
- E. Stub streets and other design features shall be encouraged prior to the establishment of the joint-use driveways to make it visually obvious that the abutting properties may be tied in to provide cross access via a joint-use driveway.
4. Stormwater management and drainage easements shall be required according to § 1109.11. of this Code.

1109.08. Monuments and Lot Pins.

a. *Generally.*

1. Monuments shall be placed wherever the boundary of a subdivision or development changes direction, at the point of intersection of the centerlines of all streets, at the beginning and ending of each street centerline curve, and at the center of each cul-de-sac.
 - A. Monuments in the street centerlines shall be placed upon the completion of paving. Monuments on the street centerline shall be one of the following.
 1. Railroad spikes not less than six inches long.
 2. Solid iron bars not less than one inch by 30 inches with the exact point marked with a center punch or "X".
 3. Five eights of one inch rebar with the exact point marked with a center punch or "X".
 - B. The tops of monuments on the street centerline shall be set at least one-quarter inch below the pavement surface.
 - C. Monuments outside of the street pavement shall be placed or their existence verified upon the completion of work in the immediate area of the

monument's location. Monuments outside the paved area shall be solid iron bars at least one-half inch by 36 inches.

2. Prior to conditional acceptance of public improvements, all lot corners, lot line angle points, and the beginning and ending points of curves in all lot lines shall be marked by the use of hubs or pins with witness stakes or reference points in the pavement, curb, or other features.
 - A. A plan showing the references shall be filed with the City Engineer when referencing is used.
3. After the completion of site grading and prior to the issuance of a Certificate of Occupancy for any lot, iron pins shall be set or their existence verified at all lot corners, at all lot line angle points, and at the beginning and ending of curves in all lot lines.
 - A. Iron pins shall be one-half inch by 36-inch solid iron bars driven flush with the ground.
 - B. If the point to be marked falls in a blacktop drive, a railroad spike not less than six inches long may be used.
 - C. If the point to be marked falls in a concrete drive, a P.K. nail may be used.
- b. *Placement by register surveyor.* All monuments and lot pins or references shall be set by a surveyor who is registered in the State of Ohio.
- c. *Identification.* All monuments and lot pins shall have a cap identifying the surveyor and registration number.

1109.09. Street Lighting.

- a. *Generally.*
 1. The developer shall install a street lighting system as described in this section, unless an exception is granted by the City Engineer.
 2. All street lighting design shall be approved by the American Electric Power Company. Two drawings of the "as-built" street lighting layout shall be presented to the American Electric Power Company for record purposes.
 3. All street lighting shall be offered for dedication and acceptance by the City. If the City declines to accept the street lighting, such lighting fixtures shall be maintained by the developer.
 4. The location and design of all street lighting shall be indicated on the applicable Development Plan and Public Improvements Plan application. No Development

Plan or Public Improvements Plan application may be approved without evidence of approval from the American Electric Power Company.

- b. *Compliance with standard construction drawings.*
 - 1. Street lights shall be installed with electrical material and equipment so that each is ready for service and in conformity with 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, ODOTS.
- c. *Other design standards.*
 - 1. All street lighting fixtures shall be full cut-off lighting fixtures and designed to emit no light above the horizontal plane extending from the top of the lighting fixture.
 - 2. All street lighting fixtures shall use Light Emitting Diode (LED) technology as the principal means of illumination.
- d. *Required permitting.* The developer for the particular area under development shall obtain all permits required by the American Electric Power Company.
- e. *Operation prior to City acceptance.* Prior to acceptance and following the installation of the electric and gas lines excluding the service entrances or lines, 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.
 - 1. If a cable is broken or damaged the cable shall be repaired and the burn test resumed for the remainder of the test period of five days whichever is longer.
 - 2. If a lamp or a ballast should fail during any of the burn test period, it shall be immediately replaced, and the ten day burn test shall be required to be restarted.
- f. *Electric lines.*
 - 1. All electric lines leading to the light poles shall be underground, unless otherwise permitted by the City Engineer in previously developed areas.
 - 2. Except as described below, all underground cable shall be installed in PVC plastic conduit meeting the requirements of Item 725.05 ODOTS, sized in accordance with the National Electric Code requirements.
 - 3. Unless approved by the City Engineer, the energy lines shall be one continuous cable between poles. When a connection is approved in the underground cable, this connection shall be installed in a plastic pull box meeting the requirements of 713.08 ODOTS.

4. All cables shall meet the requirements of Item 625.17 and 725.02 ODOTS, as modified herein.
 - A. All cables shall be #6 AWG stranded copper wire with 600-volt insulation.
 - B. The insulation for all cables, except the cable in the aluminum pole, shall be suitable for direct burial.
 - C. All cable runs in excess of 200 feet shall have a three percent voltage drop derating factor applied. No cable runs shall be smaller than #6 AWG copper conductors, and all cable shall be for direct burial.
5. Unless otherwise shown, trenches shall conform to Item 625.13 ODOTS. Plastic tape marked "electric wire" or "electric cable" shall be laid one foot above the conduit during the trench backfill operation.
6. A PVC, schedule 80 conduit sleeve sized in accordance with the requirements of the National Electric Code shall be installed under all public roadways, and existing driveway and sidewalks in excess of five feet in width.
7. 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 American Electric Power Company.
8. All connections shall meet the requirements of Item 625.18 and 725.15 ODOTS as modified herein. In light pole bases, provide fused, quick disconnect Y connector kits and unfused, quick disconnect Y connector kits as required.
- g. *Condition of street acceptance.* No street or roadway shall receive conditional acceptance before the street lighting system has been completely installed, tested, and is ready for use.

1109.10. Sidewalks and Shared-Use Paths.

- a. *Generally.* Sidewalks and shared-use paths shall be installed along the exterior frontage and along all streets within a development in a manner which ensures pedestrian connections throughout the development site as approved by the City Engineer.
- b. *Minimum width.*
 1. On residential streets, sidewalks shall be a minimum of five feet wide or as approved through a development plan.
 2. On nonresidential streets, sidewalks and shared-use paths shall be at least six feet wide or as approved through a development plan.

- A. In approving a development plan, the City Engineer may require a sidewalk be up to 10 feet wide if the adjacent street classification or use necessitates additional width.
- c. *Clear path required.* No object, including benches, lighting fixtures, and signs, shall obstruct a sidewalk so as to make the clear and navigable path of a sidewalk narrower than the minimum width established in this section.
- d. *Location and placement.*
 - 1. Sidewalks and shared-use paths shall be located to provide direct access to common facilities, such as parks, open areas, public and civic uses, employment centers, and shopping areas.
 - 2. Shared-use paths shall be required in locations identified in the City's adopted plans and policies including the Shared-Use Path Plan, as amended.
 - 3. Sidewalks and shared-use paths shall be set back from the curb at least as far as provided on the approved development plan or as approved by the City Engineer. The setback shall be filled with pervious surfaces capable of supporting planting and underground utilities.
- e. *Construction standards.* All sidewalks and shared-use paths shall be constructed of concrete, shall be given a reasonably smooth float finish, and shall be approved by the City Engineer.

1109.11. Stormwater Management and Drainage.

- a. *Generally.*
 - 1. In the administration of all standards established in this section, the City Engineer may approve alternative options for compliance through the zoning approval review process.
 - 2. It is the intent of these minimum requirements to provide for and control the increased stormwater runoff from the development of land so as to minimize the impact on existing and natural drainage systems. While the requirements set forth herein will not stop flooding or the damage caused by flooding, they do establish a basis for design which will accomplish the following.
 - A. Minimize the damage and inconvenience of flooding.
 - B. Provide drainage systems which continue to benefit their tributary area over the long term.
 - C. Minimize the adverse effects of new drainage systems on existing systems.

- D. Minimize the expense of maintaining the drainage facilities within the Municipality.
- 3. The drainage policy, control guidelines, and criteria do not provide solutions to all drainage problems, nor is a subdivision or development's engineer restricted to these designs or procedures. Although the policies as stated will hold true for most development work, the City recognizes that there may be individual projects involving special or unusual drainage design problems that should be reviewed prior to completing the development Master Drainage Plan. Exceptions may be granted to the policies and criteria in such cases when engineering studies show justify modifications.
- 4. These design standards and specifications shall serve as the minimum requirements for the handling of surface water and drainage. These procedures and standards shall govern the development of all new or modified drainage systems. The development of such drainage systems shall include the conveyance of surface water to an adequate outlet which is capable of carrying the flow.
- 5. In designing stormwater management and drainage facility, the engineer's highest design priority shall be the elimination of major threats to loss of property and loss of life.
- 6. The developer shall submit to the City all information necessary to determine if the stormwater rate of runoff should be controlled within the subdivision or development prior to its release to downstream properties.
 - A. The tributary area and the upstream watersheds should be determined using natural land divides unless man-made alterations are approved by the City Engineer as the basis for watershed delineations.
- 7. All stormwater drainage facilities within a subdivision or development shall be designed to the following standards.
 - A. The drainage facility shall have the capacity and depth, including sufficient invert elevations, needed to permit future connections, to serve that total tributary area at the design storm frequency based on the rate of single family, residential runoff except as noted in subsection (3) below.
 - B. The system for the upstream tributary area must be extended through the entire subdivision or development. Upstream watersheds should be determined using natural divides unless manmade alternatives are approved by the City Engineer as the basis for watershed delineations.

8. All proposed subdivisions and developments with a runoff rate greater than that which the downstream system has capacity for, or will be designed for, will be required to control the rate of stormwater discharge.
9. All proposed subdivisions and developments having existing controls located downstream from the site will be required to control the flow rate of stormwater discharge to that rate which existed prior to the subdivision or development.
10. It is the responsibility of the property owner to not change or alter any drainage course, ditch, or drainage system that will damage or cause flooding to adjacent, upstream, or downstream property owners.
11. Surface water runoff from a subdivision or development shall be drained off site to an adequate drainage outlet.
 - A. The location of the outlet shall be approved by the City Engineer and may consist of a ditch, stream, storm sewer, or approved detention basin having sufficient capacity to accommodate the surface water runoff in an engineered manner.
12. The methods of calculation as listed in Table A shall be used unless otherwise approved by the City.
13. In calculating the design storm, the following methods shall be acceptable.
 - A. Refer to NOAA's Atlas 14 Point Precipitation Frequency Estimates for rainfall depths for City of Powell. The appropriate "CN" factor may be determined by using Technical Release No. 55 (S.C.S.) or its Ohio Supplement.
 - B. The Major Storm must be based on a return period of not less than 100 years. A return period of 200 years may be required as directed by the City Engineer.
14. The drainage area shall be determined from any of the following sources.
 - A. U.S. Geological Survey quadrangle (7.5-minute series) contour maps.
 - B. Municipality of Powell—Topographic contour maps.
 - C. Delaware County Auditor GIS Topographic Information.
 - D. Actual field investigation.
15. 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 discharge into any part of the sanitary sewage system. Such drains, inlets and

downspouts shall be so constructed as to drain or be pumped into the street, gutter, ditch or storm sewers.

- b. *Drainage easements.* A drainage easement may be required along any tile, detention basin, drainage way, ditch, watercourse, natural stream, man-made stream, storm sewer, or any other watercourse which is not already within the street right-of-way as deemed necessary by the City Engineer.
1. The easement shall be of sufficient width to allow cleaning, widening, deepening, replacing, or other general maintenance of such drainage course.
 2. When it is necessary to convey stormwater outside the property lines of a proposed improved area to discharge into an adequate outlet, the property owner or developer shall be responsible for the following.
 - A. Obtain easements or maintenance agreements, in a form and substance satisfactory to the City Engineer, from abutting property owners.
 - B. Maintain such drainage course unless the easements or maintenance agreements require the abutting property owners to repair and maintain the drainage course satisfactorily.
 3. Any required drainage easements shall be shown on the Plat and the Construction Plan.
 4. All drainage easements shall be recorded for public use relating to stormwater conveyance.
 5. With the exception of City-maintained, publicly-accepted storm sewers and appurtenances, the maintenance of such drainage easements shall be undertaken in the manner set forth below.
 6. In addition to any applicable provisions of Sections 906.02 and 906.03, the City Engineer is hereby authorized to inspect all drainage easement drainage courses. If the City Engineer determines that maintenance is needed, the City Engineer shall notify the property owner on which the maintenance is required and any other parties who, in the sole determination of the City Engineer, directly benefit from such easement that such maintenance is required as follows:
 - A. The City Engineer shall cause written notice to be served on the property owner and any other parties benefiting from the easement notifying such parties that maintenance of the drainage course is necessary and that a contract with a contractor acceptable to the City Engineer for such repair and maintenance should be delivered to the City Engineer within 30 days of the notice.

- B. The notice shall be served upon the property owner and benefited parties at the tax billing address for such premises reflected upon the records of the Delaware County Auditor.
 - 1. The time frame for compliance shall be no less than 30 days after the publication.
 - C. If the property owner or benefiting parties fail to comply with the notice, the City shall cause such repairs, replacement, maintenance, and abatement procedures to be implemented as determined appropriate by the City Engineer.
 - 1. The cost of such repair, replacement, abatement and other procedures deemed appropriate by the City Engineer shall be immediately due and payable to the City in the amounts and in the proportions determined by the City Engineer.
 - 2. Additionally, the City Engineer may assess an administrative fee as the City Engineer deems appropriate against each property owner or benefiting party in an amount not to exceed \$500.00 per property owner or benefited party for each instance where a notice is served under this section. The cost and administrative fee shall be due and payable within 30 days after the same are assessed.
 - D. If any fees or costs remain unpaid for a period in excess of 30 days, in addition to any other remedy available to the City, the City may authorize placement of a lien on the real estate to be certified to the Delaware County Auditor in the amount assessed together with interest thereon from the date of such certification at the then existing rate for payment of judgments in the State of Ohio. Such interest shall continue on an annualized basis until paid.
 - E. Any owner or benefiting party aggrieved by an action of the City Engineer under this section may take an appeal to the Board of Zoning Appeals within 30 days of the date service of notice of such action upon the property owner or benefiting party.
- c. *Routing paths.*
- 1. The routing path shall be the part of the drainage system which carries the runoff which exceeds the capacity of the designed drainage facilities.
 - 2. The major drainage system shall have the capacity to carry runoff from a storm with a return period of not less than 100 years without causing significant threat to

property or public safety. A return period of 200 years may be required if conditions warrant.

3. All routing paths shall be designed so that stormwater in excess of the capacity of the primary drainage system has a route to follow which will not cause a major loss of property or any loss of life. It should be remembered that the major drainage system exists even when it is not planned for and whether or not development exists.
4. If the street right-of-way is used to convey major drainage flows, the following standards shall apply.
 - A. Such use must be anticipated when the street layout is established.
 - B. Where the street is designated as the major drainageway, the depth of flow shall not exceed 12 inches at the gutter line for local and collector streets and shall not exceed the crown for arterial streets.
 1. The same maximum depth criteria will apply where a major drainageway crosses the street.
5. Where a major drainageway is located outside a street right-of-way, easements shall be provided.
 - A. All major storm routing easements shall be shown on the Grading Plan.
 1. Elevation control points at the terminals of elements of the routing paths shall be provided.
 2. These are to be proof surveyed for "as built" conformance.
6. To protect the integrity of the non-street drainage rights-of-way, routing paths may be designed for multi-purpose functions such as pedestrian or bicycle paths and linear parks. Any multi-purpose routing paths require review and approval by the City Engineer for compliance with applicable city, state, and federal regulations.
7. An estimated major storm runoff shall be routed through the drainage system to determine if the combined capacity of the routing path and storm sewer system is sufficient.
 - A. The capacity of the storm sewer system at any given point is assumed to be the same for the major storm as for the five-year storm frequency. Storm sewer system will be considered as conveying the flow (Q) of a five-year storm, with the remainder of the 100-year flow rate safely conveyed in the emergency storm route known as the "routing path."

- B. The developer shall submit calculations showing conveyance of the Routing Path with details of critical segments such as near building structures.
- d. *Roadway culverts.*
 - 1. The size and shape of all culverts shall be such that it is capable of carrying a predetermined design peak discharge without the depth of water at the entrance or the velocity at the outlet exceeding allowable limits.
 - 2. The culvert design procedure recommended for use is as required in the Ohio DOT Location and Design Manual.
 - 3. Single span culverts, including concrete box and slab top are preferred. Multiple cell pipe culverts, when they are the only structures that will meet the physical requirements introduced by rigid headwater controls, will be acceptable.
 - 4. The drainage area in acres, headwater elevation, estimated runoff or design discharge in cubic feet per second, and the storm frequency in years shall be shown on the plan for each culvert.
 - 5. The flowline elevation at the culvert inlet shall be set deep enough to provide an adequate outlet for future storm sewer improvements upstream.
 - 6. The minimum design storm frequency used shall be as guided by the Ohio DOT Location and Design Manual, or as directed by the City Engineer on a case by case basis.
 - 7. For the appropriate method of calculating design flow, refer to Table A.
 - 8. The maximum allowable headwater shall not exceed or cause any of the following.
 - A. 18 inches below the top of curb.
 - B. 12 inches below the edge of pavement.
 - C. One-half times the diameter of culvert.
 - D. The diameter or rise plus two feet, in deep ravines.
 - 9. The Manning's Roughness Coefficient (n) shall be as given in Table B unless an alternative value is approved by the City Engineer.
 - 10. The Entrance Loss Coefficient (Ke) shall be as given in Table B based upon the headwall configuration unless an alternative value is approved by the City Engineer.
 - 11. The minimum cover from top of the pipe to the bottom of subgrade shall be nine inches.
 - 12. The maximum allowable velocity shall be as established in Table 09.11-1.

Table 09.11-1: Maximum Allowable Culvert Outlet Velocity

Channel type	Maximum allowable outlet velocity
Earthen Channel	2.5 ft. per second
Turf Channel	5 ft. per second
Rock Protection	Per ODOT L&D Manual
When the outlet velocity exceeds 18 ft. per second a stilling basin must be used.	
The downstream channel must have the ability to handle the flow satisfactorily.	

13. The structural design criteria for culverts will be the same as that required by the Ohio DOT.
 14. The engineer shall also show how emergency flow passes through the culvert. Additional scour protection may be needed for this.
- e. *Storm sewers.*
1. The engineer shall consider the following criteria in designing storm sewer systems are listed below.
 - A. The sewer must be deep enough to receive the flow from all of its sources within the watershed.
 - B. The size of the storm sewer must be adequate for flowing full based on the design storm. If the sewer is designed for surcharging, explain and justify.
 - C. All storm sewer systems are to be designed using the Manning's equation established below. In calculating Manning's equation, the following symbols shall carry the following meanings.

$$V = \frac{1.49(r^{\frac{2}{3}})(s^{\frac{1}{2}})}{n}$$

1. Q = Rate of discharge (c.f.s.)
 2. A = Area of cross-section of flow (sq. ft.)
 3. V = Mean velocity of flow (ft. per second)
 4. n = Manning's roughness coefficient
 5. r = A/wp = Hydraulic radius (ft.)
 6. s = Slope of channel or hydraulic grade line if surcharged (ft./ft.)
 7. wp = Wetted perimeter (ft.)
- D. The storm sewer material shall be concrete or approved plastics.

- E. The flowline of the storm sewer pipes should be set so that the crown of the pipes, at the junctions, are at the same elevation. However, the crown of the outlet pipe may be lower.
- F. Minimum design storm frequency for public storm sewers shall be designed to a five-year storm flowing full capacity. Minimum design storm frequency for private storm sewers shall be a two-year flowing full capacity.
- G. Hydraulic gradient for public storm sewers shall be based on a ten-year storm and a five-year storm for private storm sewers. The hydraulic gradient shall not exceed the window or grate elevation for an inlet or catch basin. Grade line shall be based on the tailwater or eight-tenths of the diameter at the outlet or other critical points within the system.
- H. To calculate design flow, use the method of calculation below and refer to Table 09.11.-2.

Table 09.11-2: Minimum Time of Concentration

Curb type	Minimum time of concentration
Curb Inlet	10 minutes
Ditch C.B.	15 minutes

- I. The minimum diameter of a storm sewer pipe shall be 10 inches.
- J. Manning's roughness coefficient (n) for storm sewers shall be 0.012.
- K. The minimum cover to grade shall be as established in the table below.

Table 09.11-3: Minimum Cover to Subgrade

Type of pipe	Minimum cover to subgrade
Reinforced or Extra Strength Pipe (Top of pipe to Bottom of Subgrade)	9 inches
Standard Strength Pipe (Beyond pavement and paved shoulders)	18 inches

- L. The support strength of the conduit, as installed, must be in accordance with current ODOT specifications. The design procedure recommended for use in structural design of storm sewers is found in Concrete Pipe Design Manual, prepared by American Concrete Pipe Association.
- M. The maximum length between access structures shall be as established in the table below.

Table 09.11-4: Maximum Length Between Access Structures

Pipe diameter	Maximum length between access structures
Pipes under 60 inches	300 ft.
Pipes 60 inches or more	500 ft.

- N. The minimum velocity for design flow shall 3 feet per second.
- f. *Open water courses.*
1. Where open water courses are utilized for conveyance, runoff computations will be made, and adequate protection be installed, to prevent erosion at times of peak flow.
 - A. The computations shall also insure good flow characteristics at time of low flow.
 - B. Access to storm drainage ditches and channels shall be by means of maintenance easements.
 1. Such maintenance easements shall be not less than 25 feet in width, measured horizontally from the top of the bank, exclusive of the width of the ditch, or channel, and a maintenance easement of this type shall be provided on each side of a flood control or storm drainage ditch channel or similar type facility.
 2. Maintenance easements shall be kept free of obstructions.
 3. A request for an exemption must be in writing at the time of submission of "preliminary engineering plan".
 - C. Steam streams and riparian corridors may be further protected by a Stream Corridor Protection Zone, as delineated in the City of Columbus Storm Water Drainage Manual.
 - D. Where open water courses are utilized for conveyance, the minimum design storm frequency shall be as follows.
 1. Ten-year storm times 0.8 full depth when a man-made watercourse is provided.
 2. Ten-year storm times the full depth of the bank when a natural watercourse is provided.
 - E. To calculate the design flow, the method of calculation provided in Table A shall be followed.

- F. To determine allowable velocities within a new channel, refer to "Erosion and Sediment Control" requirements in this chapter.
1. Existing channels must allow for the velocity necessary to handle the flow satisfactorily.
- G. Manning's roughness coefficient (n) shall be calculated as follows.

Table 09.11-5: Manning's Roughness Coefficient Calculation

Lining or development circumstance	Manning's roughness coefficient (n)
Sode or jute mat lining:	0.05
Paved lining:	0.015
Rock protection:	0.08
Existing channel:	Varies
Downstream from the development area:	0.25

- H. The minimum slope for new channels shall be according to Table 09.11-6.

Table 09.11-6: Minimum Slope for New Channels

Standard	Minimum slope for new channels
Desirable	0.40 %
Absolute	0.24 % with a minimum velocity of 2 ft. per second

- I. The minimum side slopes shall be one foot of vertical rise for each four feet of horizontal width.

g. Curb inlets.

1. *General.* The satisfactory removal of surface water from curbed pavement is as important as any other phase of stormwater control. The spread of water on the pavement for the design storm is considered as the best control for pavement drainage.
2. The design procedure recommended for use is Hydraulic Engineering Circular No. 12, available from the Superintendent of Documents, U.S. Government Printing Office.
3. On combined runs of over 600 feet contributing to a snag curve, an additional inlet may be required near the low point, plus or minus two-tenths foot above the inlet at the sag.
4. The following shall be used in determining the design storms to be used.
 - A. Two-year storm frequency.

- B. Rational method of calculation.
- C. Ten minutes for minimum time of concentration.
- D. 0.015 for roughness coefficient.
- E. Maximum width of spread of flow shall be according to Table 09.11-07.

Table 09.11-7: Maximum Width of Spread

Street Width	Width of Spread
< 26 ft.	8 ft.
≥ 26 ft.	9 ft.

h. *Detention and retention facilities.*

- The location, design, release rate, construction, ownership, and maintenance of all stormwater detention or retention facilities must comply with the standards established by the Ohio EPA unless as otherwise approved by the City Engineer in the approval of the associated development plans.

i. *Post-construction best management practices.*

- General.* Subdivisions and development disturbing land in excess of 1 acre are required to follow Ohio EPA Permit Number OHC000006 General Permit Authorization for Stormwater Discharges Associated With Construction Activity Under the National Pollutant Discharge Elimination System or any pertinent section of subsequent issuances of this permit for best management practices in providing for post construction run off.
- Acceptable post construction best management practices.* Although the Ohio EPA Permit Numbers OHC000006 General Permit Authorization for Stormwater Discharges Associated With Construction Activity Under the National Pollutant Discharge Elimination System provides several best management practices that are acceptable to the State, the City Engineer shall determine whether certain of these practices are acceptable in relation to the site and type of development proposed.

j. *Methods of calculation.*

Table 09.11-8: Table A: Acceptable Methods of Calculation

Drainage Area	Stormwater Quantity				
	Peak Discharge Only	Peak Discharge and Total Runoff Volume		Storage Volume	
		Homogen.	Non-homogen.	Homogen.	Non-homogen.
Less than 200 Acres	Rational or Peak Discharge	Peak Discharge	Tabular Hydrograph*	Graphical	Storage Indication*

Drainage Area	Stormwater Quantity				
	Peak Discharge Only	Peak Discharge and Total Runoff Volume		Storage Volume	
		Homogen.	Non-homogen.	Homogen.	Non-homogen.
200 to 640 Acres	Peak Discharge				
More than 640 Acres	Tabular Hydrograph*			Storage Indication*	
* The "Tabular Hydrograph" and "Storage-indication" methods are preferred and are normally used to check drainage calculations submitted to the City Engineer.					
Method References: Rational: (Q=CIA), Graphical: Ibid., Pg. 143 Storage-Indication: Ibid., Pg. 143 Peak Discharge: U.S. Department of Agriculture, Soil Conservation Service, Urban Hydrology for Small Watersheds, Technical Release No. 55, 1986 Tabular Hydrography: Ibid., Chap. 5					

1109.12. Erosion and Sediment Control.

a. *Applicability.*

1. No person shall cause or allow earth-disturbing activities on a subdivision or development area except in compliance with the standards and criteria set out in this section.
 - A. When a proposed subdivision or development area consists of one or more acres and earth-disturbing activities are proposed for the whole area or any part thereof, the responsible person shall develop and submit for approval an Erosion and Sediment Control Plan prior to any earth-disturbing activity.
 1. Such a plan must contain sediment pollution control practices so that compliance with other provisions of this chapter will be achieved during and after development.
 2. Such a plan shall include specific requirements established by the approving agency and be filled with approving agency.
 - B. When a proposed development area involves less than one acre, it is not necessary to submit an Erosion and Sediment Control Plan; however, the responsible person must comply with the other provisions of this section.

1. All earth-disturbing activities shall be subject to surveillance and site investigation by the approving agency to determine compliance with the standards and regulations.
 2. No Erosion or Sediment Control Plan shall be required for public streets, highway, other transportation, or drainage improvements, or maintenance thereof, undertaken by a government agency or entity if such agency or entity plans to follow a statement of sediment control policy which has been submitted by the sponsoring agency or entity and approved by the approving agency.
- b. *Generally.*
1. The standards in this chapter are general guidelines and shall not limit the right of the approving agency to impose additional, more stringent requirements. Additionally, the standards in this chapter shall not limit the right of the approving agency to waive individual requirements.
 2. Erosion and sediment control practices used to satisfy the standards in this chapter shall meet the specifications in the current edition of Water Management and Sediment Control For Urbanizing Areas (Soil Conservation Service, Ohio).
 3. Erosion and sediment control practices used shall satisfy the requirements set forth in Ohio EPA Permit Number OHC000006 General Permit Authorization for Stormwater Discharges Associated With Construction Activity Under the National Pollutant Discharge Elimination System or subsequent issuances of these permits.
- c. *Timing of sediment-trapping practices.*
1. Sediment control practices shall be functional throughout earth-disturbing activity.
 2. Settling facilities, perimeter controls, and other practices intended to trap sediment shall be implemented as the first step of grading including the start of clearing and grubbing. They shall continue to function until the upslope development area is restabilized.
- d. *Stabilization of denuded areas.*
1. Denuded areas shall have temporary and permanent soil stabilization applied according to the Table 09.12-1.

Table 09.12-1: Soil Stabilization Time Frame

Area requiring temporary stabilization	Time frame to apply temporary stabilization
Any disturbed areas within 50 feet of a stream and not a final grade	Within 2 days of the most recent disturbance if the area will remain idle for more than 21 days

Area requiring temporary stabilization	Time frame to apply temporary stabilization
For all construction activities, any disturbed areas that will be dormant for more than 21 days but less than one year and not within 50 feet of a stream	Within 7 days of the most recent disturbance in the area
Disturbed areas that will be idle over winter	Prior to the onset of winter weather
Any areas that will lie dormant for one year or more	Within 7 days of the most recent disturbance in the area
Any areas within 50 feet of a stream and at final grade	Within 2 days of reaching final grade
Any other areas at final grade	Within 7 days of reaching final grade within that area
Where vegetative stabilization techniques may cause structural instability or are otherwise unobtainable, alternative stabilization techniques must be employed.	

e. *Sediment-settling facilities.*

1. Concentrated stormwater runoff from denuded areas shall pass through a sediment-settling facility.
2. All sediment-settling facilities required by this section shall have a storage capacity of at least 67 cubic yards per acre of drainage area.

f. *Sediment barriers.*

1. Sheet flow runoff from denuded areas shall be filtered or diverted to a sediment-settling facility.
2. Sediment barriers such as sediment fence or diversions to settling facilities shall protect adjacent properties and water resources from sediment transported by sheet flow.

g. *Storm sewer inlet protection.* All storm sewer inlets which accept water runoff from the subdivision or development shall be protected so that sediment-laden water will not enter the storm sewer system without first being filtered or otherwise treated to remove sediment.

h. *Working in or crossing streams.* To the extent practicable, construction vehicles shall be kept out of streams and in-channel work shall be avoided. Where construction vehicles cross stream or in-channel work is necessary, the following actions shall be taken.

1. Streams including bed and banks shall be restabilized immediately after in-channel work is completed, interrupted, or stopped.
2. Precautions shall be taken to stabilize the work area during construction to minimize erosion.

3. If a live stream must be crossed by construction vehicles regularly during construction, a temporary stream crossing shall be provided.
- i. *Construction access routes.* Measures shall be taken to prevent soil transport onto surfaces where runoff is not checked by sediment controls, or onto public roads.
- j. *Sloughing and dumping.*
 1. No soil, rock, debris, or any other material shall be dumped or placed into a water resource or into such proximity that it may readily slough, slip, or erode into a water resource unless such dumping or placing is authorized by the approving agency, and when applicable, the U.S. Army Corps of Engineers, for such purposes as, but not limited to, constructing bridges, culverts, mitigating wetlands, and erosion control structures.
 2. Unstable soils prone to slipping or landsliding shall not be graded, excavated, filled, or have load imposed upon them unless the work is done in accordance with a qualified professional engineer's recommendation to correct, eliminate, or adequately address the problems.
- k. *Drainage field ditches.*
 1. Drainage field ditches are shallow graded ditches with flat side slopes which do not interfere with tillage operations. Generally, the side slopes range from 8:1 to 15:1.
 - A. The purpose of drainage field ditches is to collect water from depressional or nearly flat areas within a field and remove it to a stable outlet.
 2. Generally, erosive velocities will not be a problem because of the low gradient of fields in which drainage field ditches are used and because of the shallow side slopes.
 - A. Maximum velocities shall be limited to 2.5 feet per second unless on-site studies show that higher velocities will not result in erosive conditions.
- l. *Cut and fill slopes.*
 1. Cut and fill slopes shall be designed and constructed in a manner which will minimize erosion.
 2. Consideration shall be given to the length and steepness of the slopes, soil type, upslope drainage area, groundwater conditions, and slope stabilization.
- m. *Stabilization of outfalls and channels.* Outfalls and constructed or modified channels shall be designed and constructed to withstand the expected velocity of flow from a post-development, ten-year frequency storm to minimize erosion.

- n. *Establishment of permanent vegetation.* A permanent vegetation shall not be considered established until ground cover is achieved which, in the opinion of the approving agency, provides adequate cover and is mature enough to control soil erosion satisfactorily and to survive adverse weather conditions.
- o. *Disposition of temporary practices.* All temporary erosion and sediment control practices shall be disposed of within 30 days after final site stabilization is achieved or after the temporary practices are no longer needed, unless otherwise authorized by the approving agency. Trapped sediment shall be permanently stabilized to prevent further erosion.
- p. *Maintenance.* All temporary erosion and sediment control practices shall be designed and constructed to minimize maintenance requirements. They shall be maintained and repaired as needed to assure continued performance of their intended function.
- q. *Post-construction stormwater management requirements.* Post-construction storm water quality management design shall satisfy the requirements set forth in Ohio EPA Permit Number OHC000003-Authorization for Storm Water Discharges Associated with Construction Activity Under the National Pollutant Discharge Elimination System and/or OHCO00001-Authorization for Storm Water Discharges Associated with Construction Activity Located Within Portions of the Olentangy River Watershed Under the National Pollutant Discharge Elimination System, or subsequent issuances of these permits.
- r. *Stream channel and floodplain erosion.*
 - 1. To control pollution of public waters by soil sediment from accelerated stream channel erosion and to control flood plain erosion caused by accelerated stormwater runoff from development areas, the increased peak rates and volumes of runoff shall be controlled according to the following standards..
 - A. The peak rate of runoff from the 100-year storm, unless the City Engineer requires more stringent criteria, and all more frequent storms occurring on the subdivision or development area shall not exceed the peak rate of runoff from a one-year frequency, 24-hour storm occurring on the same area under predevelopment conditions.
 - B. The peak rate of runoff for the water quality volume shall not exceed those release rates calculated as part of the Ohio EPA Permit Number OHC000006 General Permit Authorization for Stormwater Discharges Associated With Construction Activity Under the National Pollutant Discharge Elimination System or subsequent issuances of these permits.
 - 2. Methods for controlling increases in stormwater runoff peaks and volumes may include but are not limited to the following.

- A. Retarding flow velocities by increasing friction.
 - 1. For example, grassed road ditches rather than paved street gutters where practical such as low-density development areas, access roads, and the file; discharging roof water to vegetated areas; or grass and rock lined drainage channels.
- B. Grading and construction of terraces and diversions to slow runoff and use of grade control structures to provide a level of control in flow paths and stream gradients.
- C. Induced infiltration of increased stormwater runoff into the soil where practical.
 - 1. For example, constructing special infiltration areas where soils are suitable; retaining top soil for all areas to be revegetated; or providing good infiltration areas with proper emergency overflow facilities.
- D. Provisions for detention and retention.
 - 1. For example, permanent ponds and lakes with stormwater basins provided with proper drainage, multiple use areas for stormwater detention and recreation, wildlife, transportation, fire protection, aesthetics, or subsurface storage areas.

Table 09.12-2: Slope Velocity

Cover	Range ¹	Erosion Resistant Soil (ft. per second)	Easily Eroded Soil (ft. per second)
Kentucky Bluegrass	0 to 5 %	7	5
Tall Fescue	5 to 10 %	6	4
Smooth Brome	Over to 10 %	5	3
Grass Mixtures ²	0 to 5 %	5	4
Reed canary	5 to 10 %	6	3
Redtop ³	0 to 5 %	3.5	2.5
Red Fescue	0 to 5 %	3.5	2.5
¹ Use velocities exceeding five feet per second only where good cover and proper maintenance can be obtained. ² Do not use slopes steeper than ten percent except for vegetated side slopes in combination with a stone, concrete, or highly resistant vegetative center section. ³ Do not use on slopes steeper than five percent except for vegetated side slopes in combination with a stone, concrete, or highly resistant vegetative center section.			

Table 09.12-3: Maximum Slope Velocity for Vegetated Channels

MAXIMUM VELOCITIES FOR VEGETATED CHANNELS	
Drainage Areas Less Than One Square Mile:	
The maximum permissible design velocity shall be based on site conditions and shall be such as to result in stability of the ditch bottoms and side slopes. Maximum permissible velocities will be computed using bank-full stage of ten-year frequency stage whichever is lower. The following table will be used as maximum velocity for all drainage main or lateral designs. Vegetation will be established immediately after construction.	
Subsoil Texture	Maximum Velocity *
Sand and sandy loam (non-colloidal)	2.5 ft. per second
Silt loam (also high lime clay)	3.0 ft. per second
Sandy clay loam	3.5 ft. per second
Clay loam	4.0 ft. per second
Stiff clay, fine gravel and graded loam to gravels	5.0 ft. per second
Graded silt to cobbles (colloidal)	5.5 ft. per second
Shale, hardpan, coarse gravel	6.0 ft. per second
* Channels that cannot be designed to meet the maximum velocity limitation must be stabilized with materials other than vegetation. Such materials include crushed rock, concrete, gabions, etc.	
Drainage Areas Greater Than One Square Mile:	
Channel velocities for newly constructed channels with drainage area in excess of one square mile shall meet special stability requirements contained in U.S. Soil Conservation Service Technical Guide (Technical Release 25, Planning and Design of Open Channels).	

1109.13. Public Utilities and Services.**a. Generally.**

- Where utilities are under or within five feet of proposed streets, roads, or drives, the trench backfill shall be compacted granular material to within six inches of the proposed finished grade or to the subgrade in accordance with Item 310 ODOTS.
- All utilities shall be installed under existing paved streets by boring or jacking, unless open cutting is specifically approved by the City Engineer.

b. Sanitary sewer. Sanitary sewerage systems shall meet the requirements of the Delaware County Regional Sewer District.

- All sanitary sewer designs shall be submitted to the City Engineer for approval prior to final submission to the Delaware County Regional Sewer District.

c. Public water. The water lines and appurtenances shall meet the requirements of the DelCo Water Company.

- All public water improvements shall be submitted to the City Engineer for approval prior to final submission to the DelCo Water Company.

- d. *Fire hydrants.* Fire hydrant locations, spacing, and installation shall meet the requirements of the fire code or as approved by the Liberty Township Fire Department.

CHAPTER 1110. MINOR SUBDIVISION APPROVAL

1110.01. Minor Subdivision Plat.

- a. *Applicability.*
 1. A proposed division of land along an existing public street, not involving the opening, widening, or extension of any street or road, and involving no more than five lots after the original tract has been completely subdivided, may be submitted to the Zoning Administrator for Minor Subdivision Plat approval.
 2. The same tract of land may not be subdivided through a Minor Subdivision Plat more than two times within a five-year period unless approved by the Zoning Administrator.
- b. *Application contents.* An application for a Minor Subdivision shall be made available by the City. The application shall include details on the submittal process, applicable fees, required content and materials, and procedural timelines. Upon submittal, the Zoning Administrator shall determine if an application is complete or if additional information is required before the review process begins.
- c. *Approval procedure.*
 1. An application for a Minor Subdivision Plat complying with all applicable requirements and containing all information required under this Code shall be reviewed by the Zoning Administrator for action.
 2. The Zoning Administrator shall act on a Minor Subdivision Plat application within 28 days of receiving the complete application by approving, approving with conditions, or disapproving the application in accordance with this Code.
- d. *Approval standards.* In reviewing a Minor Subdivision Plat application, the Zoning Administrator shall consider the proposed subdivision's compliance with this Code.
- e. *Deviation Relief.* If the applicant seeks relief from one or more of the standards applicable to the review of a Minor Subdivision application, the applicant shall seek such relief in accordance with § 1114.17.
- f. *Conditions.* In acting to approve a Minor Subdivision Plat, the Zoning Administrator may impose reasonable conditions and safeguards as deemed necessary to accomplish the purpose of this Code.
- g. *Validity period.* A Minor Subdivision Plat approval shall remain valid indefinitely. A Minor Subdivision Plat shall automatically expire, and a new approval shall be required, if the

application is substantially altered prior to recording with the Delaware County Recorder as determined by the Zoning Administrator.

- h. *Appeal.* Any person aggrieved by the action of an approving authority in the review or administration of a Minor Subdivision Plat application may appeal such action in accordance with § 1114.19. of this Code.

CHAPTER 1111. MAJOR SUBDIVISION APPROVAL

1111.01. Generally.

- a. Except as outlined in Chapter 1110 of this Code, a person seeking to subdivide land shall make the following submissions.

Step	Action	Effect of Approval
1	Receive Sketch Plan approval, if desired by the property owner or developer.	
2	Receive Preliminary Development Plan approval, if applicable.	
3	Receive Major Development Plan approval.	
4	Receive initial approval of the Major Subdivision Plat.	
5	Receive Public Improvements Plan approval.	Required for final approval of Major Subdivision Plat.
6	Post Performance Guarantee.	Required for final approval of Major Subdivision Plat.
7	Pay inspection fee.	Required for final approval of Major Subdivision Plat.
8	Receive final approval of the Major Subdivision Plat.	Allows for the conveyance of lots for sale or lease.
9	Construct improvements.	
10	Receive Site Development Permit approval. ¹	Allows for the approval of Building Permits.
11	Receive conditional acceptance of improvements.	Begins maintenance period.
12	Post Maintenance Bond.	Released Performance Bond.
13	Receive final acceptance of improvements. ¹	Releases Maintenance Bond.
¹ Requires site inspection by the City Engineer pursuant to § 1111.10. of this Code.		

1111.02. Sketch Plan.

- a. The applicant may choose to submit and receive feedback on a Sketch Plan pursuant to § 1114.13. In no circumstance shall a Sketch Plan be required.

1111.03. Preliminary Development Plan.

- a. If required by this Code, the applicant shall receive Preliminary Development Plan approval pursuant to § 1114.06. of this Code prior to receiving Development Plan approval.
- For subdivisions consisting of multiple phases, an additional Preliminary Development Plan shall not be required for each subsequent phase of development provided that all subsequent Major Development Plans and Major Subdivision Plats comply with the original Preliminary Development Plan.

1111.04. Major Development Plan.

- a. The applicant shall receive Major Development Plan approval pursuant to § 1114.05. of this Code.

1111.05. Major Subdivision Plat.

- a. *Applicability.*
 1. If a property owner wishes to subdivide a tract of land which is not applicable for review under Minor Subdivision Plat approval, the property owner must receive Major Subdivision Plat approval in accordance with this Code.
 - A. Final approval of Major Subdivision Plat shall not be granted unless a valid Major Development Plan, as outlined in § 1114.05., has been approved for the site provided that the Major Subdivision Plat may be submitted and approved concurrently with the Major Development Plan application.
 - B. A Major Development Plan may be recorded through multiple Major Subdivision Plats. The final approval of a Major Subdivision Plat shall automatically extend the related Major Development Plan's validity period by 12 months.
 2. No subdivided lot may be conveyed for sale or lease prior to the recording of an approved Major Subdivision Plat with the Delaware County Recorder, unless a Minor Subdivision Plat is approved in accordance with Chapter 1110 of this Code.
- b. *Application contents.* An application for a Major Subdivision Plat shall be made available by the City. The application shall include details on the submittal process, applicable fees, required content and materials, and procedural timelines. Upon submittal, the Zoning Administrator shall determine if an application is complete or if additional information is required before the review process begins.
- c. *Approval procedure.*
 1. An application for a Major Subdivision Plat complying with all applicable requirements and containing all information required under this Code shall be reviewed by the Planning and Zoning Commission for recommended action by City Council.
 2. The Planning and Zoning Commission shall act on a Major Subdivision Plat application by recommending approval, approval with conditions, or disapproval of the application to City Council in accordance with this Code.

3. City Council shall act on a Major Subdivision Plan application by approving, approving with conditions, or disapproving the application in accordance with this Code.
- d. *Approval standards.*
 1. In their review of a Major Subdivision Plat application, the approving authority shall consider the following standards and criteria.
 - A. The proposed subdivision must meet all applicable standards established by this Code.
 - B. The proposed subdivision must be in accordance with all applicable adopted plans or guidelines for the area.
 - C. The proposed subdivision shall not have an undesirable effect on the surrounding area.
 - e. *Deviation Relief.* If the applicant seeks relief from one or more of the standards applicable to the review of a Major Subdivision Plat application, the applicant shall seek such relief in accordance with § 1114.17.
 - f. *Conditions.* In acting to approve a Major Subdivision Plat, the approving authority may impose reasonable conditions and safeguards as deemed necessary to accomplish the purpose of this Code.
 - g. *Validity period.* Within two years of receiving final approval of a Major Subdivision Plat, the applicant shall record said Major Subdivision Plat with the Delaware County Recorder's Office. If the Major Subdivision Plat is not recorded within such a time period, the Major Subdivision Plat approvals shall be null and void.
 1. The validity period for an approved Major Subdivision Plat may be extended up to 12 months at a time by mutual agreement of the applicant and the Zoning Administrator.
 - h. *Appeals.* Any person aggrieved by the action of an approving authority in the review or administration of a Major Subdivision Plat application may appeal such action in accordance with § 1114.19. of this Code.

1111.06. Public Improvements Plan.

- a. *Applicability.* Any development installing improvements intended for public use (roadways, sidewalks, shared-use paths, open spaces, street trees, and other similar public improvements) or acceptance by the City must obtain approval of a Public Improvements Plan.

- b. *Application contents.* An application for a Public Improvements Plan shall be made available by the City. The application shall include details on the submittal process, applicable fees, required content and materials, and procedural timelines. Upon submittal, the Zoning Administrator shall determine if an application is complete or if additional information is required before the review process begins. A Public Improvements Plan application shall also include the following.
 - 1. An itemized estimate of the total development cost for the required public improvements, prepared and sealed by a licensed professional engineer.
 - 2. Payment of an inspection fee equal to 10 percent of the total public improvement cost of the subdivision.
 - 3. A Performance Guarantee, in a form and amount acceptable to the City, to establish the financial security necessary for the completion of the public improvements.
- c. *Approval procedure.*
 - 1. An application for a Public Improvements Plan complying with all applicable requirements and containing all information required under this Code shall be reviewed by the Zoning Administrator and City Engineer for action.
 - 2. The Zoning Administrator and City Engineer shall act on a Public Improvements Plan application by approving, approving with conditions, or disapproving the application in accordance with this Code.
 - A. *Inspection.* Public improvement inspections shall comply with § 1111.10. of this Code.
 - B. *Conditional acceptance.* Conditional acceptance of public improvements shall comply with § 1111.11. of this Code.
 - C. *Maintenance guarantee.* A Maintenance Guarantee for public improvements shall comply with § 1111.12. of this Code.
 - D. *Final acceptance.* Final acceptance of public improvements shall comply with § 1111.13. of this Code.
- d. *Approval criteria.* In their review of a Public Improvements Plan application, the approving authority shall consider whether the application contains all information required by this section and demonstrates the proposed development's compliance with this Code.
- e. *Conditions.* In acting to approve a Public Improvements Plan, the approving authority may impose reasonable conditions and safeguards as deemed necessary to accomplish the purpose of this Code.

- f. *Validity period.* A Public Improvements Plan shall expire if construction has not begun within two years of the date of the Public Improvements Plan approval.
 - 1. The validity period for an approved Public Improvements Plan may be extended up to 12 months at a time by mutual agreement of the applicant, Zoning Administrator, and City Engineer.
- g. *Appeals.* Any person aggrieved by the action of an approving authority in the review or administration of a Public Improvements Plan may appeal such action in accordance with § 1112.02. of this Code.

1111.07. Performance Guarantee.

- a. Following the submittal of a Public Improvement Plan application and prior to construction of the required improvements, the owner or developer shall post a Performance Guarantee for the public improvements that will become the responsibility of the City.
 - 1. Evidence of a compliant Performance Guarantee shall be provided to the satisfaction of the City Engineer and Law Director prior to the final approval of a Public Improvement Plan application.
- b. The Performance Guarantee shall consist of one of the following instruments.
 - 1. A performance bond equal to 120 percent of the estimated construction cost of the public improvements, as approved by the City Engineer.
 - A. The bond shall include the provision that the bond proceeds shall be used to cover the cost of contractors, subcontractors, material men, laborers, and other costs to the City to complete the project upon default by the owner.
 - B. The performance bond shall not expire or be released until such time as the City Council conditionally accepts the improvements, and the owner or developer posts the Maintenance Guarantee.
 - 2. A certified check equal to 100 percent of the estimated construction cost of the public improvements, as approved by the City Engineer.
 - 3. A certificate of deposit or an irrevocable letter of credit made out to the City equal to 100 percent of the estimated construction cost of public improvements, as approved by the City Engineer.
 - A. The certificate of deposit or letter of credit shall be approved by the Law Director.

- B. The certificate of deposit or letter of credit shall not expire until such time as the City Council conditionally accepts the improvements, and the owner or developer posts the Maintenance Guarantee.
- c. Projects seeking Minor Subdivision Plat approval for a tract consisting of less than one acre and not proposing the construction of public improvements may not be required to submit a Performance Guarantee, as determined by the City Engineer.
- d. The owner or developer shall be obligated to construct any required improvements within the approved Public Improvements Plan.
 - 1. The Zoning Administrator and City Engineer may withhold an approval for Building Permits if any public improvement is not completed prior to the development or individual buildings being ready for occupancy.

1111.08. Construction of Improvements.

- a. *Pre-construction requirements.*
 - 1. Final approval of a Major Subdivision Plat, Public Improvements Plan, or Site Development Permit shall be obtained and all fees and deposits paid prior to beginning any grading, filing, or construction related to the installation of improvements.
 - 2. At least 72 hours prior to the beginning of any grading, filling, or construction of improvements, the applicant shall notify the City Engineer and Zoning Administrator.
- b. *Construction standards.*
 - 1. All construction work and materials used in connection with site and public improvements shall conform to the requirements of the City, shall be observed as required by the City representative when being installed, and shall be installed at no expense to the City.
 - 2. During the construction and prior to the final acceptance of streets which are to become public, construction traffic both within the tract and through the City shall be controlled as follows, subject to approval by the City Engineer.
 - A. The trucks used to deliver base and surface paving materials shall be routed to minimize the length of travel on the prepared and accepted subgrade and base material, respectively.
 - B. All traffic shall stay off a concrete base for seven days, an asphaltic base for two days, an asphaltic surface course for two days, and a concrete surface course for 14 days after placement.

1. After this time the base course and surface courses can be used for construction traffic.
- C. The developer shall post signs at entry points of a major development, directing construction traffic in accordance with this subsection.
3. During construction and prior to acceptance of any public improvement, the owner shall remove or cause to be removed any dirt, debris, and foreign matter that resulted from the construction of improvements from all public rights-of-way, improvements, and easements within 24 hours after being notified by the City that such removal is required. Such removal shall be done to the satisfaction of the City.

1111.09. Site Development Permit.

- a. *Applicability.* A Site Development Permit shall be required for any private residential subdivisions and nonresidential development within the City, regardless of whether public improvements have been or will be installed. The permit shall verify compliance with applicable regulations pertaining to site related work such as utility connections, grading, erosion control, landscaping, and other similar features. The Zoning Administrator and City Engineer shall not issue approval for a Building Permit occupancy for the development or individual buildings prior to the approval of a Site Development Permit. A Site Development Permit may be submitted concurrently with applicable building permits.
- b. *Application contents.* An application for a Site Development Permit shall be made available by the City. The application shall include details on the submittal process, applicable fees, required content and materials, and procedural timelines. Upon submittal, the Zoning Administrator shall determine if an application is complete or if additional information is required before the review process begins. A Site Development Permit application shall also include the following.
 1. Payment of a Recreation Fee and Development Fee as defined by § 1109.01.b. of this Code.
- c. *Approval procedure.*
 1. An application for a Site Development Permit complying with all applicable requirements and containing all information required under this Code shall be reviewed by the Zoning Administrator and City Engineer for action.
 2. The Zoning Administrator and City Engineer shall act on a Site Development Permit application by approving, approving with conditions, or disapproving the application in accordance with this Code.

- d. *Approval criteria.* In their review of a Site Development Permit application, the approving authority shall consider whether the application contains all information required by this section and demonstrates the proposed development activity's compliance with this Code.
- e. *Conditions.* In acting to approve a Site Development Permit, the approving authority may impose reasonable conditions and safeguards as deemed necessary to accomplish the purpose of this Code.
- f. *Validity period.* A Site Development Permit shall expire if construction has not begun within two years of the date of the Site Development Permit approval.
 - 1. The validity period for an approved Site Development Permit may be extended up to 12 months at a time by mutual agreement of the applicant, Zoning Administrator, and City Engineer.
- g. *Final inspection.* Upon completion of the site construction, a final inspection shall be required to verify compliance with the approved Site Development Permit. The City Engineer and Zoning Administrator shall inspect the site and identify any deficient or unfinished work.
 - 1. Upon identification of deficient or unfinished work, the applicant shall correct the work to comply with the approved Site Development Permit and applicable standards of this Code and other city, state, or federal regulations.
 - 2. Upon approval of the final inspection, as-built drawings for the site development shall be submitted and accepted to the satisfaction of the City Engineer and Zoning Administrator.
- h. *Appeals.* Any person aggrieved by the action of an approving authority in the review or administration of a Site Development Permit may appeal such action in accordance with § 1112.02. of this Code.

1111.10. Inspection.

- a. In submitting any application requiring the inspection of the site including but not limited to a Public Improvements Plan application and conditional acceptance request, the owner or developer shall submit as-built drawings to the City Engineer.
- b. The owner or developer shall pay a nonrefundable inspection fee equal to 10 percent of the cost of the public improvement to be paid by the applicant when conditional acceptance of the development improvements is adopted by the City Council.
- c. The City Engineer shall inspect any public improvements which the owner or developer believes to be completed in accordance with this Code. In their inspection, the City Engineer shall verify and record the location of the public improvements.

1. If upon inspection, the City Engineer deems the public improvements to be constructed according to the standards established in this Code and any approved plans, the City Engineer shall deem the improvement substantially complete.
 2. If upon inspection the City Engineer deems the public improvements to be constructed not according to the standards established in this Code or the approved Public Improvements Plan, the City Engineer shall notify the applicant of such deficiencies in writing.
- d. The cost of all field observation, testing, and recording shall be paid by the owner or developer. The estimated cost of these actions shall be included on the Public Improvements Plan and deposited with the City prior to the start of construction.
1. Upon written application by the depositor to the City Engineer and after the final acceptance of the improvements by the City Council, all unused monies paid through the inspection fee shall be refunded to the depositor.

1111.11. Conditional Acceptance.

- a. *Applicability.* Upon substantial completion of construction as shown on the approved Public Improvements Plan, the owner or developer may request conditional acceptance of the public improvements. The City may grant conditional acceptance, by adopted ordinance of City Council, of the public improvements that will become the responsibility of the City. This acceptance shall be subject to the following.
1. The Performance Guarantee required by § 1111.07. of this Code remains posted for the cost of all unfinished improvements;
 2. The posting of a Maintenance Guarantee according to § 1111.12. of this Code for the improvements deemed substantially complete;
 3. Conveyance of open spaces, reserves, and other similar property to the homeowner's association, public entity, or other ownership as identified on the Major Subdivision Plat.
 4. The submission and acceptance of as-built drawings for the public improvements by the City Engineer;
 5. Completion of all public improvements as approved on the Public Improvements Plan to the extent that they protect the health, safety, and welfare of the community;
 6. The owner or developer shall complete all unfinished or deficient work as identified by the City Engineer during the public improvement inspection within one year of conditional acceptance approval by City Council. Once complete, the owner or

developer shall request the City Engineer conduct an inspection to confirm and verify that all unfinished or deficient work has been completed in accordance with this Code and other applicable city, state, or federal regulations; and,

7. The City Engineer and Zoning Administrator shall not issue approval for any Building Permit occupancy for the development or individual buildings until conditional acceptance approval is granted by City Council.

1111.12. Maintenance Guarantee.

- a. The owner or developer shall post a Maintenance Guarantee for the maintenance, repair, and replacement of public improvements for a period of at least two years from the date such improvements receive conditional acceptance by the City, plus the time it takes to correct all defects and deficiencies found during the two-year period.
- b. The Maintenance Guarantee shall be of an amount including, but not necessarily be limited to, the cost of the following.
 1. Any and all defects and deficiencies in workmanship, materials, and damage caused by others.
 2. The cost of all labor, materials, equipment, and other incidentals required to maintain, repair, and replace any or all of such improvements and to maintain them in good and proper condition, to the satisfaction of the City Engineer during the two-year guarantee period.
 - A. In the event the owner or developer fails to make such maintenance, repairs or replacements prior to the expiration of the minimum two-year maintenance period, 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 replacement at the expense of such developer or owner.
 - B. The Maintenance Guarantee shall indemnify the City for the expense of any such repairs or replacements made by or at the direction of the City.
- c. The Maintenance Guarantee shall be made by filing with the City evidence satisfactory to the City Engineer and Law Director.
 1. The Maintenance Guarantee shall be one of the following instruments.
 - A. A maintenance bond equal to ten percent of the estimated construction cost, as approved by the City Engineer, for the public improvements.
 1. A maintenance bond shall not expire until such time as the public improvements receive final acceptance as required by § 1111.13. of this Code.

- B. A certified check equal to ten percent of the estimated construction cost as approved by the City Engineer for the public improvements.
- C. A certificate of deposit or an irrevocable letter of credit made out to the City equal to ten percent of the estimated construction cost, as approved by the City Engineer, for the public improvements.
 - 1. The certificate of deposit or letter of credit shall not expire until such time as the public improvements receive final acceptance as required by § 1111.13. of this Code.
- 2. At the written request by the owner or developer, the City shall release the maintenance guarantee upon final acceptance of the improvements by the City Council.

1111.13. Final Acceptance.

- a. *Applicability.* The owner or developer shall request final acceptance of the public improvements once all public improvements have been maintained and all defects or deficiencies corrected. The City Engineer and Zoning Administrator shall inspect the public improvements to verify compliance with the approved construction plans and that deficient or defected work has been corrected. The City may grant final acceptance, by resolution of City Council, of the public improvements.
 - 1. Upon the effective date of the resolution of final acceptance of improvements by the City, the City shall release all Maintenance Bonds relating to the improvements being accepted.

CHAPTER 1112. ENFORCEMENT AND APPEALS.

1112.01. Violations and Enforcement.

- a. No person or owner shall violate any of the regulations established in this Title.
 - 1. Whoever violates any provision of this Title shall be fined \$500.00.
 - A. The enforcement of the fines described herein shall be separate and distinct from the exercising of any City right described in § 1115.05. of this Code.
 - 2. A separate offense shall be deemed committed each day during or on which an offense occurs or continues.
 - 3. Any person who violates any of the provisions of this chapter shall become liable to the City of Powell for any expense, loss or damage occasioned by the City by reason of such violation.
- b. Upon violation of the standards established in this Title, the City shall have the right to enact the following actions.
 - 1. Stop all work on the project forthwith upon the City having posted a notice to stop work at the subdivision or development site.
 - 2. Continue any unfinished work or replace any unaccepted work to a point that any public improvements do not appear to create a health or safety hazard or require maintenance or repair expenses to the City because of their state of completion. The City may take the following actions to ensure that no expenses are owed by the City as a result of any such maintenance or repair.
 - A. Holding the bonding company responsible for all actual expenses incurred, including engineering, legal, and construction expenses, plus interest from the date of default by the owner, the owner's contractor, or the owner's representatives, to the date the City receives reimbursement for all expenses incurred.
 - B. Using the certified check, certificate of deposit, or irrevocable letter of credit, or proceeds thereof.

1112.02. Appeals.

- a. Any person aggrieved by a decision or action of an approving authority in the administration of this Title Five shall have the right to appeal such decision or action in accordance with § 1114.19. of this Code.

TITLE FIVE – ADMINISTRATION AND PROCEDURES

CHAPTER 1113. APPROVING AUTHORITIES

1113.01. Zoning Administrator.

- a. *Official duties.* In the administration of this Code, the Zoning Administrator shall have the following duties.
1. Enforce the provisions of this Code, and interpret the meaning and application of its provisions.
 2. Respond to questions concerning Zoning Amendment applications for changes to the Zoning Ordinance text and the Official Zoning Map.
 3. Issue zoning approvals and other approvals provided by this Code, and keep a record of same with a notation of any special conditions involved.
 4. Conduct inspections of buildings, structures, uses, fences, and signs to determine compliance with this Code, and, in the case of any violation, to notify the person(s) responsible in writing, specifying the nature of the violation and ordering corrective action.
 5. Maintain in current status the Official Zoning Map, a copy of which shall be made available to the public.
 6. Maintain permanent and current records required by this Code, including but not limited to zoning approvals, inspection documents, approved planned district development plans, and records of all Variances, Zoning Amendments, and Conditional Use Permits.
 7. Make such records available for the use of the City Council, the Board of Zoning Appeals, the Planning and Zoning Commission, and the public.
 8. Determine the existence of any violations of this Code, and cause such notifications, revocation notices, stop orders, or tickets to be issued, or initiate such other administrative or legal action as needed, to address such violations.
- b. *Appeal of decisions.* Any person aggrieved or harmed by a decision of the Zoning Administrator in the application of this Code may appeal such decision in accordance with § 1114.19. of this Code.

1113.02. Planning and Zoning Commission.

- a. *Composition.* The Planning and Zoning Commission shall be created in accordance with the City of Powell Charter § 11.01.
- b. *Official duties.* In the administration of this Code, the Planning and Zoning Commission shall have the following duties.
 - 1. To prepare, adopt, and periodically update a Comprehensive Plan for community development and to recommend that plan to the City Council for confirming adoption by ordinance.
 - 2. Recommend a proposed Zoning Ordinance, including text and Official Zoning Map, to the City Council for formal adoption.
 - 3. Initiate advisable Official Zoning Map changes, or changes in the text of the Zoning Ordinance, where the same are consistent with the Comprehensive Plan adopted by the Planning and Zoning Commission and will promote the best interests of the public through recommendation to the City Council.
 - 4. Review all proposed amendments to the text of this Code and the Official Zoning Map and make recommendations to the City Council as specified in Chapter 1114 of this Code.
 - 5. Review all Planned District Development proposals and applications and make recommendations to the City Council as provided in this Code.
 - 6. Review all other development proposals as necessary and applications and make recommendations to the City Council as provided in this Code.
 - 7. Review all Conditional Use Permit applications according to provisions and criteria established in this Code.
 - 8. Carry on a continuous review of the effectiveness and appropriateness of this Code and recommend such changes or amendments as it feels would be appropriate.
 - 9. Grant Conditional Use Permits and zoning approvals as specified in this Code.
- c. *Appeal of decisions.* Any person aggrieved or harmed by a decision of the Planning and Zoning Commission in the application of this Code may appeal such decision in accordance with § 1114.19. of this Code.

1113.03. Board of Zoning Appeals.

- a. *Composition.* The Board of Zoning Appeals shall be created in accordance with the City of Powell Charter § 11.02.

- b. *Official duties.* In the administration of this Code, the Board of Zoning Appeals shall have the following duties.
1. Hear and decide appeals where it is alleged there is an error in any order, requirement, decision, interpretation, or determination made by the Zoning Administrator.
 - A. It is the intent of this Code that all questions of interpretation and enforcement shall be first presented to the Zoning Administrator, and that such questions shall be presented to the Board of Zoning Appeals only on appeal from the decision of the Zoning Administrator, and that recourse from the decisions of the Board of Zoning Appeals shall be to the courts as provided by law.
 - B. It is also the intent of this Code that the duties of the City Council in connection with this Code shall not include hearing and deciding questions of interpretation and enforcement that may arise. Under this Code, the City Council shall only have the duties of considering and adopting or rejecting proposed Zoning Amendments, acting on Preliminary Development Plans, or the repeal of this Code as provided by law, and of establishing a schedule of fees and charges as stated in § 1114.20 of this Code.
 - C. The procedure for deciding such questions shall be as stated in this section and this Code.
 - D. Nothing in this Code shall be interpreted to prevent any official of the City from appealing a decision of the Board of Zoning Appeals to the courts as provided in O.R.C. Chapters 2505 and 2506. Any such appeal shall be made within ten days of the Board of Zoning Appeals' written decision.
 2. Authorize a Variance from the terms of this Code as will not be contrary to the public interest, where, owing to the special conditions, a literal enforcement of this Code will result in unnecessary hardship, and so that the spirit of this Code shall be observed and substantial justice done.
 - A. Such Variance shall only be awarded in strict compliance with 1114.15. of this Code.
- c. *Appeal of decisions.* Any person aggrieved or harmed by a decision of the Board of Zoning Appeals in the application of this Code may appeal such decision to a court of competent jurisdiction in accordance with § 1114.19. of this Code.

1113.04. City Engineer.

- a. *Official duties.* In the administration of this Code, the City Engineer shall have the following duties.
 - 1. Approve the terms and conditions of and sign Development Agreements.
 - 2. Review and act on or alter, where appropriate, the standards of the improvement standards established for all subdivisions and development projects in accordance with Chapter 1111 and Chapter 1114 of this Code.
 - 3. Review and act on all Development Plans, Plats, and Site Development Permits, in concurrence with applicable authorities, according to Title Five Subdivisions and Land Development.
 - 4. Review and act on all bonds and sureties posted in accordance with Title Five Subdivisions and Land Development in concurrence with the Law Director.
 - 5. Inspect and authorize that all improvements related to a subdivision or development project are accurately depicted on the As-Built Drawings and constructed according to the standards in Title Five Subdivisions and Land Development.
 - 6. Inspect and authorize that all improvements related to a subdivision or development project are built to the applicable standards prior to final acceptance by the City Council according to § 1111.13. of this Code.
 - 7. Review and act on any other development related permit, plan, or application in accordance with this Code.
- b. *Appeal of decisions.* Any person aggrieved or harmed by a decision of the City Engineer in the application of this Code may appeal such decision in accordance with § 1114.18. of this Code.

CHAPTER 1114. PERMITS AND APPROVALS

1114.01. Overview of Permits and Approvals.

- a. The following table identifies the body which reviews, grants, and hears appeals on each development procedure established in this Title. The table shall be interpreted according to the following provisions.
 1. An “R” shall indicate that the applicable authority shall review and provide a recommendation on the application.
 2. A “D” shall indicate that the applicable authority shall decide to approve, approve with conditions, or deny the application, subject to the standards established in this Chapter.
 3. An “A” shall indicate that the applicable authority shall be the first body to hear an appeal of a decision made by the applicable deciding authority. Other bodies may be authorized to hear subsequent appeals pursuant to this Title.
- b. Where the information contained in Table 14.01-1 conflicts within standards established elsewhere in this Code, the provisions of the other section shall control.

Table 14.01-1: Permits and Approvals Summary

Permit or Approval	Zoning Administrator	Planning and Zoning Commission	City Council	Board of Zoning Appeals
Certificate of Appropriateness	R	D	A	
Comprehensive Sign Plan	R	D	A	
Conditional Use Permit	R	D	A	
Development Plan, Minor	D			A
Development Plan, Major	R	D	A	
Development Plan, Preliminary	R	R	D	
Fence Permit	D			A
General Zoning Permit	D			A
Landscape Plan	See § 1114.09.			
Lighting Plan	See § 1114.10.			
Parking Plan	See § 1114.11.			
Sign Permit	D			A
Sketch Plan				
Temporary Use Permit	D			A
Variances	R			D
Zoning Amendment	R	R	D	

1114.02. Certificate of Appropriateness.

- a. *Applicability.* No construction, restoration, addition, renovation, demolition, replacement, or other change shall occur to contributing structures in the HO-Historic Overlay District prior to a Certificate of Appropriateness being obtained by the Planning and Zoning Commission.
- b. *Application contents.* An application for a Certificate of Appropriateness shall be made available by the City. The application shall include details on the submittal process, applicable fees, required content and materials, and procedural timelines. Upon submittal, the Zoning Administrator shall determine if an application is complete or if additional information is required before the review process begins.
 1. Where required by § 1114.09., a Landscape Plan shall be submitted with all Minor and Major Development Plan applications.
 2. Where required by § 1114.10., a Lighting Plan shall be submitted with all Minor and Major Development Plan applications.
 3. Where required by § 1114.11., a Parking Plan shall be submitted with all Minor and Major Development Plan applications.
- c. *Approval procedure.*
 1. An application for a Certificate of Appropriateness complying with all applicable requirements and containing all information required under this Code shall be reviewed by the Planning and Zoning Commission for action.
 2. The Planning and Zoning Commission shall act on a Certificate of Appropriateness application by approving, approving with conditions, or disapproving the application in accordance with this Code.
- d. *Approval criteria.* In their review of a Certificate of Appropriateness application, the approving authority shall consider the following standards and criteria.
 1. *Demolition of a Contributing Structure.* The demolition complies with the Downtown Design Guidelines and the following standards or criteria.
 - A. The structure has substantial deterioration to the foundation, framing, exterior, roof, or other building elements.
 - B. The structure detracts or impacts the character of the surrounding area.
 - C. The structure has no feasible alternative or option to preserve the architecturally significant features.

2. *Addition or Modification of a Contributing Structure.* The proposal complies with the Downtown Design Guidelines and applicable standards of the Secretary of the Interior's Standards for Rehabilitation, as amended. The Planning and Zoning Commission shall consider compliance with the guidelines and standards for elements of the application including but not limited to:
 - A. Building height and massing, including the relationship of the building width to its height and depth.
 - B. Window treatment, including the size, shape, materials, and arrangement of window openings.
 - C. Exterior detail, including porches, overhangs, and other architectural design elements.
 - D. Roof shape, including the form, design, massing, and materials.
 - E. Building materials, including the color, type, and design configuration.
 - F. Site design, including walkways, landscaping, parking areas, and other similar features.
 - G. Lighting, including location, fixture design, and site lighting.
 - H. Signage, including location, design, material, and size.
- e. *Deviation Relief.* If the applicant seeks relief from one or more of the standards applicable to the review of a Certificate of Appropriateness application, the applicant shall seek such relief in accordance with § 1114.17.
- f. *Conditions.* In acting to approve a Certificate of Appropriateness, the approving authority may impose reasonable conditions and safeguards as deemed necessary to accomplish the purpose of this Code.
- g. *Validity period.* A Certificate of Appropriateness shall expire if construction has not begun within two years of the date of the Certificate of Appropriateness approval.
 1. The validity period for an approved Certificate of Appropriateness may be extended up to 12 months at a time by mutual agreement of the applicant and the Zoning Administrator.
- h. *Appeals.* Any person aggrieved by the action of an approving authority in the review or administration of a Certificate of Appropriateness may appeal such action in accordance with § 1114.19. of this Code.

1114.03. Comprehensive Sign Plan.

- a. *Applicability.* A Comprehensive Sign Plan may be requested to define consistent or request deviations from standards pertaining to the size, location, height, color, and design of signs as defined by this Code.
 1. Once approved, no sign shall be established, erected, constructed, reconstructed, moved, enlarged, added to, demolished, structurally altered, nor shall any work be started except in accordance with the approved Comprehensive Sign Plan.
- b. *Application contents.* An application for a Comprehensive Sign Plan shall be made available by the City. The application shall include details on the submittal process, applicable fees, required content and materials, and procedural timelines. Upon submittal, the Zoning Administrator shall determine if an application is complete or if additional information is required before the review process begins.
 1. Where required by § 1114.09., a Landscape Plan shall be submitted with all Comprehensive Sign Plan applications that include ground or freestanding signs.
- c. *Approval procedure.*
 1. An application for a Comprehensive Sign Plan complying with all applicable requirements and containing all information required under this Code shall be reviewed by the Planning and Zoning Commission for action.
 2. The Planning and Zoning Commission shall act on a Comprehensive Sign Plan application by approving, approving with conditions, or disapproving the application in accordance with this Code.
- d. *Approval criteria.* In their review of a Comprehensive Sign Plan application, the approving authority shall consider the following standards and criteria.
 1. The sign plan complies with the purpose and intent of this Code, including any requests for deviations.
 2. The sign plan is sited and scaled appropriately to create a cohesive sign design.
 3. The sign plan is not in conflict with any public streets, open spaces, public or private utilities, or rights-of-way.
 4. The sign plan would not have an undesirable effect on the surround area.
 5. The sign plan accommodates future revisions that may be required due to a change in uses or tenants.

- e. *Deviation Relief.* If the applicant seeks relief from one or more of the standards applicable to the review of a Comprehensive Sign Plan application, the applicant shall seek such relief in accordance with § 1114.17.
- f. *Conditions.* In acting to approve a Comprehensive Sign Plan, the approving authority may impose reasonable conditions and safeguards as deemed necessary to accomplish the purpose of this Code.
- g. *Validity period.* A Comprehensive Sign Plan shall run with the land and remain valid indefinitely. The Comprehensive Sign Plan shall automatically expire if the ownership, size, or use of the site changes in such a manner as to make the approved sign plan inapplicable.
- h. *Appeals.* Any person aggrieved by the action of an approving authority in the review or administration of a Comprehensive Sign Plan may appeal such action in accordance with § 1114.19. of this Code.

1114.04. Conditional Use Permit.

- a. *Applicability.* A Conditional Use Permit may be requested for action based on the uses listed in Chapter 1104 Uses and Use Standards.
- b. *Application contents.* An application for a Conditional Use Permit shall be made available by the City. The application shall include details on the submittal process, applicable fees, required content and materials, and procedural timelines. Upon submittal, the Zoning Administrator shall determine if an application is complete or if additional information is required before the review process begins.
- c. *Approval procedure.*
 - 1. An application for a Conditional Use Permit complying with all applicable requirements and containing all information required under this Code shall be reviewed by the Planning and Zoning Commission for action.
 - 2. The Planning and Zoning Commission shall act on a Conditional Use Permit application by approving, approving with conditions, or disapproving the application in accordance with this Code.
- d. *Approval criteria.* In reviewing and acting upon a Conditional Use Permit application, the approving authority shall consider the following standards and criteria.
 - 1. The proposed use meets all applicable standards established by this Code.
 - 2. The proposed use is in accordance with all applicable adopted plans or design guidelines for the area.

3. The proposed use does not have an undesirable effect on the surrounding area such as noise, traffic, glare, odors, or other similar impacts.
 4. The proposed use is in keeping with the existing land use character and development potential for the surrounding area.
 5. The proposed use does not impact or place a burden on government services (e.g., utility service, garbage collection, mail delivery, etc.).
- e. *Conditions.* In acting to approve a Conditional Use Permit, the approving authority may impose reasonable conditions and safeguards as deemed necessary to accomplish the purpose of this Code.
- f. *Validity period.* A Conditional Use Permit shall expire if the use has not begun within two years of the date of the Conditional Use approval.
1. The validity period for an approved Conditional Use may be extended up to 12 months at a time by mutual agreement of the applicant and the Zoning Administrator.
- g. *Appeals.* Any person aggrieved by the action of an approving authority in the review or administration of a Conditional Use Permit may appeal such action in accordance with § 1114.19. of this Code.

1114.05. Development Plan.

- a. *Applicability.*
1. *Minor Development Plan applicability.* No development activity meeting the following criteria shall occur prior to the approval of a Minor Development Plan in accordance with this section. A Minor Development Plan may require Preliminary Development Plan approval.
 - A. Nonresidential addition(s) or accessory building(s) with a gross floor area of 2,500 square feet or less.
 - B. Reduction to the total minimum parking requirements of 25 percent or less based on the regulations of § 1105.05.
 - C. Deviation requests, as defined in § 1114.17, to requirements where the Zoning Administrator is the approval authority.
 - D. Expansion of nonconforming uses less than or equal to 25 percent of the gross floor area.
 - E. Modifications to approved Comprehensive Sign Plans that do not increase the total number, sign height, or overall size of approved signs.

- F. New landscaping or lighting, including the associated modification to an approved Landscaping Plan or Lighting Plan.
 - G. Modifications to stormwater management facilities or design.
 - H. Modifications to approved building materials that comply with applicable standards of this Code.
 - I. Other similar minor modifications as determined by the Zoning Administrator.
2. *Major Development Plan applicability.* No development activity meeting the following criteria shall occur prior to the approval of a Major Development Plan in accordance with this section. A Major Development Plan may require Preliminary Development Plan approval.
- A. Construction of any new building, except those listed under § 1114.05(a)(3).
 - B. Nonresidential addition(s) or accessory building(s) with a gross floor area of greater than 2,500 square feet.
 - C. Reduction to the total minimum parking requirements of greater than 25 percent based on the regulations of § 1105.05.
 - D. Deviation requests, as defined in § 1114.17, to requirements where the Planning and Zoning Commission is the approval authority.
 - E. Expansion of nonconforming uses greater than 25 percent of the gross floor area.
 - F. A Major Subdivision, as established in Chapter 1111 of this Code, is proposed.
 - G. Any development or improvement which is not considered a Minor Development Plan or exemption, as determined by the Zoning Administrator.
3. *Exemptions.* Property and activities meeting the following criteria shall not require a Minor or Major Development Plan approval provided that other permits or approvals may still be required. A Preliminary Development Plan approval per § 1114.06. of this Code may be required.
- A. Construction or modification of a one-unit or two-unit dwelling.
 - B. Development activity on property within the public right-of-way.
 - C. Repainting of a building, including a change in color to the façade, provided that all applicable design standards are met.

- b. *Application contents.* An application for a Major or Minor Development Plan shall be made available by the City. The application shall include details on the submittal process, applicable fees, required content and materials, and procedural timelines. Upon submittal, the Zoning Administrator shall determine if an application is complete or if additional information is required before the review process begins.
1. A Construction Plan shall be prepared by a registered engineer or surveyor at no cost to the City where public sanitary sewers, water lines, streets, pavements, sidewalks and shared-use paths, and storm sewers which are proposed for construction.
 - A. Site Plans or Utility Plans may be prepared in lieu of Construction Plans for any development that does not require a Minor or Major Subdivision Plat or for any portion of a development that does not involve installing public improvements.
 2. An Erosion and Sediment Control Plan shall be prepared for all developments which require improvements to more than one acre of land.
 - A. For subdivisions where the Erosion and Sediment Control Plan does not call for a centralized sediment control capable of controlling multiple individual lots, a detail drawing of a typical individual lot showing standard individual lot erosion and sediment control practices shall be provided to the City Engineer.
 - B. The submission of an Erosion and Sediment Control Plan shall not remove the responsibility to designate specific erosion and sediment control practices in the Erosion and Sediment Control Plan for critical areas such as steep slopes, stream banks, drainage ways, and riparian zones.
 3. A Grading Plan shall be prepared for all developments requiring Major Development Plan approval. The Grading Plan may be combined with other plans.
 4. Where required by § 1114.03., a Comprehensive Sign Plan shall be submitted with all Minor and Major Development Plan applications.
 5. Where required by § 1114.09., a Landscape Plan shall be submitted with all Minor and Major Development Plan applications.
 6. Where required by § 1114.10., a Lighting Plan shall be submitted with all Minor and Major Development Plan applications.
 7. Where required by § 1114.11., a Parking Plan shall be submitted with all Minor and Major Development Plan applications.

- c. *Minor Development Plan approval procedure.*
 - 1. An application for a Minor Development Plan complying with all applicable requirements and containing all information required under this Code shall be reviewed by the Zoning Administrator for action.
 - 2. The Zoning Administrator shall act on a Minor Development Plan application by approving, approving with conditions, or disapproving the application in accordance with this Code.
- d. *Major Development Plan approval procedure.*
 - 1. An application for a Major Development Plan complying with all applicable requirements and containing all information required under this Code shall be reviewed by the Planning and Zoning Commission for action.
 - 2. The Planning and Zoning Commission shall act on a Major Development Plan application by approving, approving with conditions, or disapproving the application in accordance with this Code.
- e. *Approval criteria.* In reviewing and acting upon a Minor or Major Development Plan application, the approving authority shall consider the following standards and criteria.
 - 1. The proposal meets all applicable standards established by this Code.
 - 2. The proposal is in accordance with all applicable plans or design guidelines for the area.
 - 3. The proposal does not have an undesirable effect on the surrounding area.
 - 4. The proposal is in keeping with the existing land use character and development potential for the surrounding area.
- f. *Deviation Relief.* If the applicant seeks relief from one or more of the standards applicable to the review of a Minor or Major Development Plan application, the applicant shall seek such relief in accordance with § 1114.17.
- g. *Conditions.* In acting to approve a Minor or Major Development Plan, the approving authority may impose reasonable conditions and safeguards as deemed necessary to accomplish the purpose of this Code.
- h. *Validity period.* A Minor or Major Development Plan shall expire if construction has not begun within two years of the date of the Minor or Major Development Plan approval.
 - 1. The validity period for an approved Minor or Major Development Plan may be extended up to 12 months at a time by mutual agreement of the applicant and the Zoning Administrator.

- i. *Appeals.* Any person aggrieved by the action of an approving authority in the review or administration of a Minor or Major Development Plan may appeal such action in accordance with § 1114.19. of this Code.

1114.06. Development Plan, Preliminary.

- a. *Applicability.*
 1. No Minor Development Plan or Major Development Plan shall be approved for a development which meets any of the following criteria prior to the approval of a Preliminary Development Plan.
 - A. The proposal does not align with the future land use recommendations of the Comprehensive Plan.
 - B. The proposal has substantial community impact based on the uses, scale, site configuration, or surrounding context, as determined by the Zoning Administrator.
 - C. The proposal includes the creation of new public infrastructure such as roadways, parkland, and other similar improvements.
 2. Development activity exempt from requiring Minor or Major Development Plan approval per § 1114.05.a.3. shall not require Preliminary Development Plan approval.
- b. *Application contents.* An application for a Preliminary Development Plan shall be made available by the City. The application shall include details on the submittal process, applicable fees, required content and materials, and procedural timelines. Upon submittal, the Zoning Administrator shall determine if an application is complete or if additional information is required before the review process begins.
- c. *Approval procedure.*
 1. An application for a Preliminary Development Plan complying with all applicable requirements and containing all information required under this Code shall be reviewed by the Planning and Zoning Commission for recommended action by City Council.
 2. The Planning and Zoning Commission shall act on a Preliminary Development Plan application by recommending approval, approval with conditions, or disapproval of the application to City Council in accordance with this Code.
 3. City Council shall act on a Preliminary Development Plan application by approving, approving with conditions, or disapproving the application in accordance with this Code.

- d. *Approval criteria.* In their review of a Preliminary Development Plan application, the approving authority shall consider the following standards and criteria.
 - 1. The proposal meets all applicable standards established by this Code.
 - 2. The proposal supports or provides land uses that address a community need and enhances the City.
 - 3. The proposal identifies phasing for development that is sensitive to the existing character of the surrounding area.
 - 4. The proposal is appropriately designed to minimize any potential adverse impact or undesirable effect on the surrounding area.
 - 5. The proposal includes infrastructure, public and private, that is designed appropriately and complies with all applicable design standards.
- e. *Conditions.* In acting to approve a Preliminary Development Plan, the approving authority may impose reasonable conditions and safeguards as deemed necessary to accomplish the purpose of this Code.
- f. *Validity period.* A Preliminary Development Plan shall expire if a Major or Minor Development Plan has not been approved within two years of the date of the Preliminary Development Plan approval.
 - 1. The validity period for an approved Preliminary Development Plan may be extended up to 12 months at a time by mutual agreement of the applicant and the Zoning Administrator.
- g. *Appeals.* Any person aggrieved by the action of an approving authority in the review or administration of a Preliminary Development Plan may appeal such action in accordance with § 1114.19. of this Code.

1114.07. Fence Permit.

- a. *Applicability.* No fence or wall shall be erected or constructed until a Fence Permit has been issued by the Zoning Administrator in compliance with this section.
- b. *Application contents.* An application for a Fence Permit shall be made available by the City. The application shall include details on the submittal process, applicable fees, required content and materials, and procedural timelines. Upon submittal, the Zoning Administrator shall determine if an application is complete or if additional information is required before the review process begins.
- c. *Approval procedure.*

1. An application for a Fence Permit complying with all applicable requirements and containing all information required under this Code shall be reviewed by the Zoning Administrator for action.
 2. The Zoning Administrator shall act on a Fence Permit application by approving, approving with conditions, or disapproving the application in accordance with this Code.
- d. *Approval criteria.* In their review of a Fence Permit application, the approving authority shall consider whether the application contains all information required by this section and demonstrates the proposed wall or fence's compliance with this Code.
- e. *Conditions.* In acting to approve a Fence Permit, the approving authority may impose reasonable conditions and safeguards as deemed necessary to accomplish the purpose of this Code.
- f. *Validity period.* A Fence Permit shall expire if construction has not begun within two years of the date of the Fence Permit approval.
1. The validity period for an approved Fence Permit may be extended up to 12 months at a time by mutual agreement of the applicant and the Zoning Administrator.
- g. *Appeals.* Any person aggrieved by the action of an approving authority in the review or administration of a Fence Permit may appeal such action in accordance with § 1114.19. of this Code.

1114.08. General Zoning Permit.

- a. *Applicability.* Any proposed use, structure, modification, or other improvement that does not meet the intent of other application or permit types defined in this Code shall apply for a General Zoning Permit for zoning approval.
- b. *Application contents.* An application for a General Zoning Permit shall be made available by the City. The application shall include details on the submittal process, applicable fees, required content and materials, and procedural timelines. Upon submittal, the Zoning Administrator shall determine if an application is complete or if additional information is required before the review process begins.
- c. *Approval procedure.*
 1. An application for a General Zoning Permit complying with all applicable requirements and containing all information required under this Code shall be reviewed by the Zoning Administrator for action.

2. The Zoning Administrator shall act on a General Zoning Permit application by approving, approving with conditions, or disapproving the application in accordance with this Code.
- d. *Approval criteria.* In their review of a General Zoning Permit application, the approving authority shall consider whether the application contains all information required by this section and demonstrates the proposed development activity's compliance with this Code.
- e. *Conditions.* In acting to approve a General Zoning Permit, the approving authority may impose reasonable conditions and safeguards as deemed necessary to accomplish the purpose of this Code.
- f. *Validity period.* A General Zoning Permit shall expire if construction has not begun within two years of the date of the General Zoning Permit approval.
 1. The validity period for an approved General Zoning Permit may be extended up to 12 months at a time by mutual agreement of the applicant and the Zoning Administrator.
- g. *Appeals.* Any person aggrieved by the action of an approving authority in the review or administration of a General Zoning Permit may appeal such action in accordance with § 1114.19. of this Code.

1114.09. Landscape Plan.

- a. *Applicability.* The intent of the landscape plan is to demonstrate compliance with applicable standards of § 1105.03 Landscaping, Buffering, and Screening, Chapter 1109 Improvement Standards, and other similar regulations.
- b. *Application contents.* A Landscape Plan shall include all contents and materials which the City deems necessary to determine compliance with this Code and other applicable regulations.
- c. *Approval procedure.* An applicant shall include a landscape plan for review with the submittal of a zoning approval. Landscape plans may be submitted with an application for a Certificate of Appropriateness, Comprehensive Sign Plan, Development Plan (Minor or Major), Minor Subdivision, or Major Subdivision.
- d. *Approval criteria.* In their review of a Landscape Plan, the approving authority shall consider whether the application contains all information required by this section and demonstrates the proposed development's compliance with this Code.
- e. *Conditions.* In acting to approve a Landscape Plan, the approving authority may impose reasonable conditions and safeguards as deemed necessary to accomplish the purpose of this Code.

- f. *Validity period.* A Landscape Plan shall comply with the validity period of the associated zoning approval.
- g. *Appeals.* Any person aggrieved by the action of an approving authority in the review or administration of a Landscape Plan may appeal such action in accordance with the associated zoning approval appeal process as defined by § 1114.19. of this Code.

1114.10. Lighting Plan.

- a. *Applicability.* The intent of the Lighting Plan is to demonstrate compliance with applicable standards of § 1105.08 Lighting, Chapter 1109 Improvement Standards, and other similar regulations.
- b. *Application contents.* A Lighting Plan shall include all contents and materials which the City deems necessary to determine compliance with this Code and other applicable regulations.
- c. *Approval procedure.* An applicant shall include a Lighting Plan for review with the submittal of a zoning approval. Lighting plans may be submitted with an application for a Certificate of Appropriateness, Comprehensive Sign Plan, Development Plan (Minor or Major), Minor Subdivision, or Major Subdivision.
- d. *Approval criteria.* In their review of a Lighting Plan, the approving authority shall consider whether the application contains all information required by this section and demonstrates the proposed development activity's compliance with this Code.
- e. *Conditions.* In acting to approve a Lighting Plan, the approving authority may impose reasonable conditions and safeguards as deemed necessary to accomplish the purpose of this Code.
- f. *Validity period.* A Lighting Plan shall comply with the validity period of the associated zoning approval.
- g. *Appeals.* Any person aggrieved by the action of an approving authority in the review or administration of a Lighting Plan may appeal such action in accordance with the associated zoning approval appeal process as defined by § 1114.19. of this Code.

1114.11. Parking Plan.

- a. *Applicability.* The intent of the Parking Plan is to demonstrate compliance with applicable standards of § 1105.05 Parking and other similar regulations.
- b. *Application contents.* A Parking Plan shall include all contents and materials which the City deems necessary to determine compliance with this Code and other applicable regulations.

- c. *Approval procedure.* An applicant shall include a Parking Plan for review with the submittal of a zoning approval. Parking Plans may be submitted with an application for a Certificate of Appropriateness or Development Plan (Minor or Major).
- d. *Approval criteria.* In their review of a Parking Plan, the approving authority shall consider whether the application contains all information required by this section and demonstrates the proposed development activity's compliance with this Code.
- e. *Conditions.* In acting to approve a Parking Plan, the approving authority may impose reasonable conditions and safeguards as deemed necessary to accomplish the purpose of this Code.
- f. *Validity period.* A Parking Plan shall comply with the validity period of the associated zoning approval.
- g. *Appeals.* Any person aggrieved by the action of an approving authority in the review or administration of a Parking Plan may appeal such action in accordance with the associated zoning approval appeal process as defined by § 1114.19. of this Code.

1114.12. Sign Permit.

- a. *Applicability.*
 - 1. No sign or supporting structure for a sign shall be established, erected, constructed, reconstructed, moved, enlarged, added to, demolished, structurally altered, nor shall any work be started on same, without the approval of a Sign Permit according to this section.
 - 2. Exempt signs listed in § 1106.04. of this Code shall not require Sign Permit approval.
- b. *Application contents.* An application for a Sign Permit shall be made available by the City. The application shall include details on the submittal process, applicable fees, required content and materials, and procedural timelines. Upon submittal, the Zoning Administrator shall determine if an application is complete or if additional information is required before the review process begins.
- c. *Approval procedure.*
 - 1. An application for a Sign Permit complying with all applicable requirements and containing all information required under this Code shall be reviewed by the Zoning Administrator for action.
 - 2. The Zoning Administrator shall act on a Sign Permit application by approving, approving with conditions, or disapproving the application in accordance with this Code.

- d. *Approval criteria.* In their review of a Parking Plan, the approving authority shall consider whether the application contains all information required by this section and demonstrates the proposed development activity's compliance with this Code.
- e. *Conditions.* In acting to approve a Sign Permit, the approving authority may impose reasonable conditions and safeguards as deemed necessary to accomplish the purpose of this Code.
- f. *Validity period.* A Sign Permit shall expire if construction has not begun within two years of the date of the Sign Permit approval.
 - 1. The validity period for an approved Sign Permit may be extended up to 12 months at a time by mutual agreement of the applicant and the Zoning Administrator.
- g. *Appeals.* Any person aggrieved by the action of an approving authority in the review or administration of a Sign Permit may appeal such action in accordance with § 1114.19. of this Code.

1114.13. Sketch Plan.

- a. *Applicability.* A property owner may elect to receive feedback from the City on a Sketch Plan in accordance with this section.
- b. *Application contents.* An application for a Sketch Plan shall be made available by the City. The application shall include details on the submittal process, applicable fees, required content and materials, and procedural timelines. Upon submittal, the Zoning Administrator shall determine if an application is complete or if additional information is required before the review process begins.
- c. *Approval procedure.*
 - 1. An application for a Sketch Plan complying with all applicable requirements and containing all information required under this Code shall be reviewed by the Planning and Zoning Commission for informal feedback.
 - 2. The Planning and Zoning Commission shall review the Sketch Plan by providing nonbinding comments and statements on the application. No formal action shall be taken on a Sketch Plan application.
- d. *Approval criteria.* In reviewing and providing feedback on a Sketch Plan, the City staff and Planning and Zoning Commission shall consider the Sketch Plan's compliance with the standards and purposes of this Code, the objectives of the Comprehensive Plan, and the public health, safety, and welfare of the City.
- e. *Validity period.* Feedback provided on a Sketch Plan shall not constitute the formal approval of any subsequent plans or grant any vested rights to the property.

- f. *Appeals.* The Sketch Plan review procedure is intended as an informative step in the development process and shall not be considered to grant approval or disapproval of any development application. Information and feedback shared during the Sketch Plan review procedure is not appealable.

1114.14. Temporary Use Permit.

- a. *Applicability.* No temporary use shall be conducted until a Temporary Use Permit has been issued by the Zoning Administrator in compliance with this section.
- b. *Application contents.* An application for a Temporary Use Permit shall be made available by the City. The application shall include details on the submittal process, applicable fees, required content and materials, and procedural timelines. Upon submittal, the Zoning Administrator shall determine if an application is complete or if additional information is required before the review process begins.
- c. *Approval procedure.*
 - 1. An application for a Temporary Use Permit complying with all applicable requirements and containing all information required under this Code shall be reviewed by the Zoning Administrator for action.
 - 2. The Zoning Administrator shall act on a Temporary Use Permit application by approving, approving with conditions, or disapproving the application in accordance with this Code.
- d. *Approval criteria.* In their review of a Temporary Use Permit, the approving authority shall consider whether the application contains all information required by this section and demonstrates the proposed development activity's compliance with this Code.
- e. *Conditions.* In acting to approve a Temporary Use Permit, the approving authority may impose reasonable conditions and safeguards as deemed necessary to accomplish the purpose of this Code.
- f. *Validity period.* A Temporary Use Permit shall automatically expire on the date specified on the issued Temporary Use Permit, upon cessation of the temporary use, or after one year from the date of issuance, whichever occurs first.
- g. *Appeals.* Any person aggrieved by the action of an approving authority in the review or administration of a Temporary Use Permit may appeal such action in accordance with § 1114.19. of this Code.

1114.15. Variances.

- a. *Applicability.* A Variance may be requested for a use, structure, lot, or other improvement which, by the unique nature of the proposal, does not conform to the requirements of this Code.
- b. *Application contents.* An application for a Variance shall be made available by the City. The application shall include details on the submittal process, applicable fees, required content and materials, and procedural timelines. Upon submittal, the Zoning Administrator shall determine if an application is complete or if additional information is required before the review process begins.
- c. *Approval procedure.*
 - 1. An application for a Variance complying with all applicable requirements and containing all information required under this Code shall be reviewed by the Board of Zoning Appeals for action.
 - 2. The Board of Zoning Appeals shall act on a Variance application by approving, approving with conditions, or disapproving the application in accordance with this Code.
- d. *Approval criteria.* In reviewing and acting upon a Variance application, the approving authority shall consider the following standards and criteria.
 - 1. The variance does not have an undesirable effect on the surrounding area.
 - 2. The variance does not impact or place a burden on government services (e.g., utility service, garbage collection, mail delivery, etc.).
 - 3. The variance is not warranted due to the direct action or inaction of the property owner.
 - 4. The variance cannot feasibly be addressed through another method.
 - 5. The variance is necessary for the beneficial use of the property and not for the ease of the property owner.
 - 6. The variance is in keeping with the intent of this Code, adopted plans, and design guidelines.
- e. *Conditions.* In acting to approve a Variance, the approving authority may impose reasonable conditions and safeguards as deemed necessary to accomplish the purpose of this Code.
- f. *Validity period.* A Variance shall expire if construction has not begun within two years of the date of the Variance approval.

1. The validity period for a Variance may be extended up to 12 months at a time by mutual agreement of the applicant and the Zoning Administrator.
- g. *Appeals.* Any person aggrieved by the action of an approving authority in the review or administration of a Variance may appeal such action in accordance with § 1114.19. of this Code.

1114.16. Zoning Amendment.

- a. *Applicability.* Whenever the public necessity, convenience, general welfare, or good zoning practices require, the City Council may amend, supplement, change, or repeal the regulations, restrictions, boundaries, or classifications of properties established in this Code.
- b. *Application contents.* An application for a Zoning Amendment shall be made available by the City. The application shall include details on the submittal process, applicable fees, required content and materials, and procedural timelines. Upon submittal, the Zoning Administrator shall determine if an application is complete or if additional information is required before the review process begins.
- c. *Approval procedure.*
 1. Zoning Amendments may be initiated by the filing of a Zoning Amendment application from one of the following applicants.
 - A. An owner of a lot affected by the proposed zoning map amendment.
 - B. An owner of a lot affected by the proposed zoning text amendment.
 - C. The City.
 - D. The Planning and Zoning Commission.
 2. An application for a Zoning Amendment complying with all applicable requirements and containing all information required under this Code shall be reviewed by the Planning and Zoning Commission for recommended action by City Council.
 3. The Planning and Zoning Commission shall act on a Zoning Amendment application by recommending to adopt, adopt with modifications, or not adopt the amendment to City Council in accordance with this Code.
 4. City Council shall act on a Zoning Amendment application by adopting, adopting with modifications, or not adopting the amendment in accordance with this Code.
- d. *Approval criteria.* In reviewing and acting upon a Zoning Amendment application, the approving authority shall consider the following.

1. Whether the proposed amendment complies with the goals and objectives of the Comprehensive Plan.
 2. Whether the proposed amendment complies with the purpose and intent of this Code, including the promotion of public health, safety, and welfare.
 3. Whether the existing and anticipated development pattern would impact adjacent properties considering the intensity of use, scale of potential buildings, and neighborhood character.
 4. Whether a change in social, economic, environmental, or other conditions has occurred since the effective date of this Code which necessitates a Zoning Amendment.
 5. Whether the proposed amendment would have a significant adverse impact on public facilities and services including but not limited to transportation, utilities, police, and fire.
- e. *Modifications.* The approving authority may modify the Zoning Amendment application as they deem appropriate; however, the approving authority shall not attach conditions to the approval of a Zoning Amendment application.
- f. *Effective date.* A Zoning Amendment adopted by the City Council shall become effective in accordance with the City of Powell Charter.
- g. *Appeals.* Any person aggrieved by the action of an approving authority in the review or administration of a Zoning Amendment may appeal such action in accordance with § 1114.19. of this Code.

1114.17. Deviations.

- a. *Applicability.* An applicant may seek relief from one or more of the standards applicable to a zoning approval as defined by this Code. All deviations shall require review and approval in accordance with this section.
1. *Numerical.* A numerical deviation shall include any relief which seeks to alter a numerical standard of this Code such as size, height, setback, or similar standard. This does not apply to standards in Chapter 1104 Uses and Use Standards and Chapter 1107 Nonconformities.
 2. *Non-numerical.* A non-numerical deviation shall include any relief which seeks to alter a standard of this Code that is not considered a numerical standard. This does not apply to standards in Chapter 1104 Uses and Use Standards and Chapter 1107 Nonconformities.

3. *Conflict.* If there is a conflict as to which type of deviation a specific request is considered, the Zoning Administrator shall determine the applicable type and approval procedure.
- b. *Approval procedure.* An applicant shall include all deviations for review with the submittal of a zoning approval. Deviations may be submitted with an application for a Certificate of Appropriateness, Comprehensive Sign Plan, Development Plan (Minor or Major), Minor Subdivision, or Major Subdivision.
 1. *Numerical.* A request for numerical deviations complying with all applicable requirements and containing all information required under this Code shall be reviewed for action under the following conditions.
 - A. A numerical deviation less than or equal to 25 percent of the numerical requirement shall be reviewed by the Zoning Administrator for action. The Zoning Administrator may forward a request for a numerical deviation to the Planning and Zoning Commission for action.
 - B. A numerical deviation greater than 25 percent of the numerical requirement shall be reviewed by the Planning and Zoning Commission for action.
 2. *Non-numerical.* A request for non-numerical deviations complying with all applicable requirements and containing all information required under this Code shall be reviewed by the Planning and Zoning Commission for action.
- c. *Approval criteria.* An applicant shall identify all deviation requests and their conformance with the approval criteria in this section. In reviewing and acting upon a deviation, the approving authority shall consider the following.
 1. The requested deviation is in keeping with the purpose and intent of this Code.
 2. The requested deviation results in an enhanced or improved project for the city as determined by the Planning and Zoning Commission or Zoning Administrator.
 3. The requested deviation aligns with all applicable adopted plans and policies, design guidelines, and associated recommendations for the area.
 4. The requested deviation does not have an undesirable effect on the surrounding area as determined by the Planning and Zoning Commission or Zoning Administrator.
- d. *Conditions.* In acting to approve a deviation, the approving authority may impose reasonable conditions and safeguards as deemed necessary to accomplish the purpose of this Code.

- e. *Validity period.* An approved deviation shall comply with the validity period of the associated zoning approval.
- f. *Appeals.* Any person aggrieved by the action of an approving authority in the review or administration of a deviation may appeal such action in accordance with the associated zoning approval appeal process as defined by § 1114.19. of this Code.

1114.18. Public Hearings.

- a. *Applicability.*
 - 1. Any zoning approval requiring the action of the City Council, Planning and Zoning Commission, Board of Zoning Appeals, or other duly authorized authority, by means of this Code or appeal, shall require a public hearing in accordance with this section.
 - 2. Applications subject to administrative review by the Zoning Administrator, City Engineer, Public Works Director, or other City staff for determination of compliance with the standards established in this Code shall not require a public hearing unless required by State law or this Code.
- b. *Pre-hearing procedures.* Prior to a public hearing, the following actions shall be taken.
 - 1. The applicant shall pay all applicable fees established by the City Council at the time of application submittal. Such fees shall be required generally for each application to defray the costs of advertising, mailing, and other expenses.
 - 2. At least 10 days prior to conducting the public hearing, notice of such hearing shall be given on the City website. Such notice shall set forth the time and place of the public hearing, and the nature of the proposed permit or approval sought at the hearing.
 - 3. At the time of application submittal, the applicant shall produce a mailing list of all property owners contiguous to, directly across the street from, and within 250 feet of the lot or lots included in the application. At least 10 days prior to conducting a public hearing, written notice of such hearing shall be provided to property owners included on the mailing list by the Zoning Administrator containing the same information as required of notices published on the City website.
 - 4. At least 10 days prior to the public hearing, the applicant shall produce and post a sign, as approved by the Zoning Administrator, which notifies to the public that the proposal is being reviewed by the City. Such sign shall remain posted until the project is finished with all public hearings.

- c. *Hearing procedures.* All public hearings shall comply with the rules and regulations established by the applicable approving authority as well as any state or federal regulations pertaining to public hearings.

1114.19. Appeals.

- a. Any party aggrieved by a decision of a duly authorized approving authority may appeal such decision to and have a determination made by the appropriate appeal authority within the applicable time frame, as set forth in Table 14.19-1.

Table 14.19-1: Appeal Schedule

Approving Authority	Appeal Authority	Time to Appeal from Issuance of Decision
City Staff including the Zoning Administrator and City Engineer	Board of Zoning Appeals	30 days
Planning and Zoning Commission	City Council	30 days
Board of Zoning Appeals	Delaware County Court of Common Pleas	30 days
City Council	Delaware County Court of Common Pleas	30 days

1114.20. Fees.

- a. The City Council shall by ordinance establish a schedule of fees for all permits and applications included in this Chapter as well as any other procedures and services pertaining to the administration and enforcement of this Code, after considering the administrative costs, both direct and indirect.
1. The schedule of fees shall be made available to the public.
 2. The schedule of fees may be altered or amended only by the City Council.
 3. No final action shall be taken on any application, appeal, or administrative procedure until all such appropriate fees, charges, and expenses have been paid in full.

CHAPTER 1115. ENFORCEMENT AND PENALTIES

1115.01. Complaints Regarding Violations.

- a. Whenever a violation of this Code occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint stating fully the causes and basis thereof shall be filed with the Zoning Administrator
- b. The Zoning Administrator shall record properly such complaint, investigate it, report the complaint and their findings, and act thereon as provided by this Code.

1115.02. Entry and Inspection.

- a. The Zoning Administrator is authorized to make inspections of properties and structures in order to examine and survey the same, at any reasonable hour, for the purpose of enforcing the provisions of this Code.
- b. Prior to seeking entry to any property or structure for such examination or survey, the Zoning Administrator shall attempt to obtain the permission of the owner or occupant to inspect.
 1. If such permission is denied or cannot be obtained, the Zoning Administrator shall request the assistance of the Law Director in securing a valid search warrant prior to entry.

1115.03. Revocation of Zoning Approval.

- a. The Zoning Administrator may revoke a General Zoning Permit, Temporary Use Permit, or other zoning approval which was issued contrary to this Code or based upon false information or misrepresentation in the application.
 1. *Procedure.*
 - A. Upon discovery of false information or misrepresentation, the City shall issue a notice to the property owner or person in control of the premises of the intent to revoke the zoning approval.
 - B. The recipient shall be granted a reasonable compliance period as determined by the Zoning Administrator to provide the necessary information to comply with the standards of this Code.
 1. If the recipient corrects the application and no additional zoning approvals are needed, the Zoning Administrator shall reissue the zoning approval after applicable fees are collected per the Fee

Schedule. The violation is subject to § 1115.05.c. and shall be treated as work without a zoning approval.

2. If the recipient corrects the application and additional zoning approvals are needed, the recipient shall submit for the required zoning approvals. The Zoning Administrator shall not reissue the zoning approval until all other zoning approvals are acted upon and applicable fees are collected per the Fee Schedule. The violation is subject to § 1115.05.c. and shall be treated as work without a zoning approval.
 3. Appeals to the notice of revocation shall be in accordance with § 1114.19.
- C. If the application is not corrected within the specified timeframe, the Zoning Administrator shall proceed with the revocation of the zoning approval.

1115.04. Notice of Violation.

- a. *Delivery of notice.* Any notice authorized by this section including a Courtesy Notice, Official Notice of Violation, and Final Notice of Violation shall be served to the property owner in one of the following methods.
 1. By personal delivery to the person or persons responsible, or by leaving the notice at the usual place of residence of the owner with a person of suitable age and discretion.
 2. By ordinary mail, and the mailing shall be evidenced by a certificate of mailing which shall be filed by the Zoning Administrator. Service of the notice shall be deemed complete when the fact of mailing is entered of record, provided that the ordinary mail envelope is not returned by the postal authorities with an endorsement showing failure of delivery.
 3. By certified mail deposited in the United States Post Office addressed to the person or persons responsible at a last known address.
 4. By posting a copy of the notice in a conspicuous place on the premises found in violation.
- b. *Courtesy Notice.*
 1. *Applicability.* The Zoning Administrator may issue a Courtesy Notice for first-time, minor infraction of this Code that does not present an immediate threat to the public health, safety, or general welfare. Such a notice is intended to facilitate voluntary compliance through education rather than punitive action.

2. *Procedure.*
 - A. Upon discovery of a potential violation, the City may provide a Courtesy Notice to the property owner or person in control of the premises.
 - B. The Courtesy Notice shall identify the specific provision of this Code being violated and describe the necessary corrective action.
 - C. The recipient shall be granted a reasonable compliance period as determined by the Zoning Administrator to remediate the violation without further administrative penalty.
 - D. If the violation is not corrected within the specified timeframe, the Zoning Administrator shall proceed with the issuance of an Official Notice of Violation.
- c. *Official Notice of Violation.*
 1. *Applicability.* An Official Notice of Violation shall be issued in instances where a Courtesy Notice has expired without compliance, or where the Zoning Administrator determines that a violation warrants immediate administrative documentation.
 2. *Procedure.*
 - A. An Official Notice of Violation shall be served upon the owner of record or the person in control of the property via certified mail, return receipt requested, or by personal service.
 - B. An Official Notice of Violation shall include the following information.
 1. A description of the property sufficient for identification;
 2. A statement of the nature of the violation and the specific section of this Code being violated;
 3. A specific date by which the violation must be corrected, not to exceed 30 days from the date of the notice; and
 4. A statement informing the recipient of their right to appeal the determination of the violation to the Board of Zoning Appeals.
 - C. A copy of the notice may be posted in a conspicuous place on the premises.
- d. *Final Notice of Violation.*

1. *Applicability.* A Final Notice of Violation shall be issued when the requirements of an Official Notice of Violation have not been met within the prescribed timeframe, and no appeal has been filed.
2. *Procedure.*
 - A. The Zoning Administrator shall refer the Official Notice of Violation to the Law Director. The Law Director shall issue a Final Notice of Violation upon the expiration of the remediation period established in the Official Notice of Violation.
 - B. A Final Notice of Violation shall include the following information.
 1. A description of the property sufficient for identification;
 2. A statement of the nature of the violation and the specific section of this Code being violated;
 3. A copy of the Official Notice of Violation including the date specified date for remediation.
 4. A statement that failure to comply within the compliance period, not to exceed 30 days, will result in the immediate assessment of fines and the referral of the matter for prosecution.
 5. A statement informing the recipient of their right to appeal the determination to the Board of Zoning Appeals.
 - C. No further administrative extensions shall be granted following the issuance of the Final Notice of Violation.
- e. *Legal Action.* If a violation remains uncorrected after the expiration of the Final Notice of Violation, the Law Director is hereby authorized to initiate any and all appropriate legal actions or proceedings in a court of competent jurisdiction in furtherance of the following objectives.
 1. Restrain, correct, or abate such violation.
 2. Prevent the occupancy of a building, structure, or land.
 3. Impose civil or criminal penalties as authorized by this Code and the Ohio Revised Code.
- f. *Repeat Violations.* If two or more notices defined in this Section are issued on the same code violation in a calendar year to the owner of record or the person in control of the property, the Zoning Administrator may move directly to the Final Notice of Violation.

1115.05. Penalties and Fines.

- a. It shall be unlawful to use, maintain, erect, establish, locate, construct, reconstruct, enlarge, change, convert, move, repair, demolish, or structurally alter any building, structure, or land in violation of any provision of this Code or any amendment or supplement thereto, or of O.R.C. § 713.
- b. No building, structure, or land shall be used, maintained, erected, established, located, constructed, reconstructed, enlarged, changed, converted, moved, repaired, demolished, or altered without obtaining the required zoning approvals defined in this Code.
- c. Any person, firm or corporation who violates this Code or fails to comply with any of its requirements shall be subject to the procedures and remedies defined by this Code, the City's fee schedule, and the City's code enforcement manual, including but not limited to fines consistent with the fee schedule.
- d. Where work for which a zoning approval is required by this Code is started, prior to obtaining such approval, the applicable fees as established by the Fee Schedule shall be doubled. The payment of double fees shall not relieve any person, firm or corporation from fully complying with the requirements of this Code nor from any penalties prescribed.

1115.06. Additional Remedies.

- a. Nothing in this Code shall be deemed to abolish, impair, or prevent other additional remedies as provided by law. In the event of a violation of any provision or requirement of this Code, or in the case of an imminent threat of such a violation, the Zoning Administrator, the Law Director, or the owner of any neighboring property who would be especially damaged by such violation, may, in addition to other recourses provided by law, institute mandamus, injunction, abatement, or other appropriate actions or proceedings to prevent, remove, abate, enjoin, or terminate such violation. Should the City institute legal proceedings and/or a civil action, and should the City prevail in such action, the City, as the prevailing party, shall be entitled to its reasonable attorneys' fees and costs.

TITLE SEVEN – GLOSSARY

CHAPTER 1116. INTRODUCTION TO GLOSSARY.

1116.01. Defined and Missing Terms.

- a. In the administration of this Code, all words, terms, and phrases shall be read in context and construed according to the rules of grammar and common usage.
- b. In the administration of this Code, all terms included in this shall be defined as established by Chapter 1117 of this Code.
 1. Where a term is defined in a section of this Code outside of Chapter 1117, the term shall be defined according to the meaning established in Chapter 1117 except in the administration of the section in which the term is otherwise defined.
 2. Where a term is defined by Chapter 1117 and another Part of the Codified Ordinances of Powell, Ohio, the term shall be defined as established by Chapter 1117 in the administration of this Code.
- c. If a term is not defined by Chapter 1117, the term shall be defined by its plain and ordinary meaning as defined in a dictionary of common usage.

CHAPTER 1117. DEFINITIONS.

1117.01. "A" Terms.

- a. **Accessory dwelling unit.** An attached or detached additional dwelling unit associated with a principal residence on the same lot or parcel of that principal residence. This use includes those uses commonly referenced as carriage houses, granny flats, servant's quarters, garage apartments, guard residences, and the like.
- b. **Accessory structure.** See "Structure, accessory."
- c. **Accessory use.** See "Use, accessory."
- d. **Active park / recreational facility.** Parks and recreational pursuits designed for high-intensity activities that require specialized equipment, specialized surfacing, or significant site modifications. This term includes parks providing sports field, sports courts, skate parks, and playgrounds.
- e. **ADA.** The Americans with Disabilities Act of 1990, as amended.
- f. **Agricultural operation.** The use of land for growing forages and sod crops; grains and seed crops; vegetables; trees and forest products; fruits, including grapes, nuts, and berries; nursery, floral, ornamental, and greenhouse products; or lands devoted to a soil conservation or forestry management program. Agricultural Operations also engage in the keeping, pasturing, and feeding of livestock for the sale of livestock or livestock products. An Agricultural Operations is assessed by the County Auditor at "current agricultural use value."
- g. **Alley.** A minor street used primarily for vehicular service access to the back or side of properties abutting on another street.
- h. **Alternative energy system.** Any wind or solar driven devices and equipment (whether roof or tower mounted) used for the purpose of providing electrical power to a privately-owned lot or parcel. These systems are accessory in function, are not of an industrial or large-scale, and are reserved exclusively for private or personal use.
- i. **Artisanal manufacturing.** The manufacturing and production of goods by an artisan or craftsperson done by hand or small machinery, located within a building or indoor tenant space. This use typically includes but is not limited to jewelry, metalwork, cabinetry, woodworking, stained glass, textiles, ceramics, or handmade food products for off-site consumption.
- j. **Approving authority.** The City staff member, administrative body, or designee thereof authorized to act upon the applicable development application, permit, or plan.

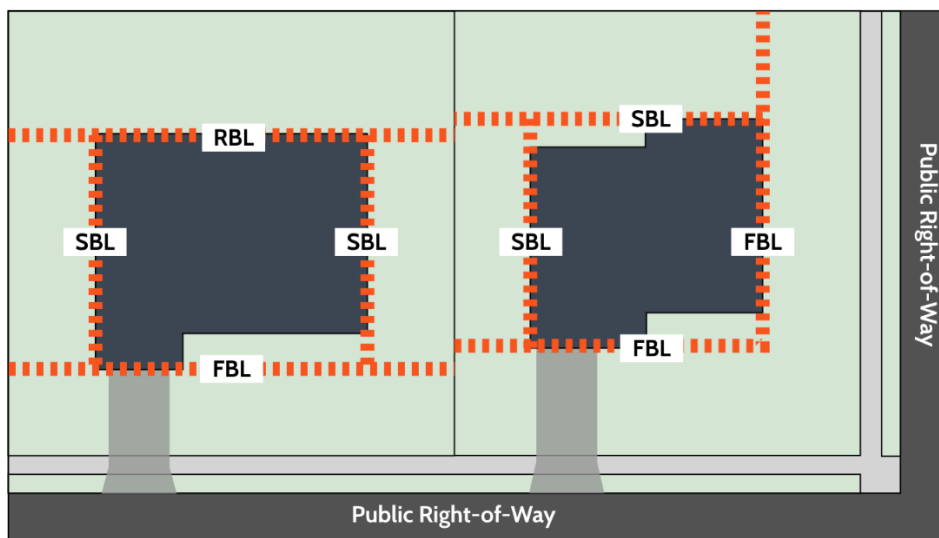
- k. **Assembly hall.** A building(s) or portion of a building in which facilities are provided for small to large gatherings and events for civic, educational, political, religious, cultural, or social purposes. Events that typically occur within an Assembly Hall are weddings, conferences, concerts, exhibitions, parties, live musical/acting performances, and the like. An Assembly Hall may be supported by ancillary uses that provide food and drink to those attending events.
- l. **ATM.** An automated device that performs banking or financial functions for consumers, including but not limited to deposits, withdrawals, and fund transfers. This term shall include such devices in walk-up facilities and drive-through configurations. Also known as an automated teller machine.
- m. **Automotive sales and rental.** A building(s) and any associated open areas other than a street or required automobile parking space used for the display or sale of new or used automobiles, motorcycles, ATVs, recreational vehicles, light trucks, trailers, and farm implements, to be displayed and sold on the premises, and where minor repair work and maintenance is done for those vehicles. This use does not allow for the storage of wrecked automobiles or the dismantling of automobiles or the storage of automobile parts or junk on the premises.
- n. **Automotive repair.** A building, structure, or portion of land used for the service, maintenance, and repair of automobiles, motorcycles, trucks, trailers, or similar vehicles in a manner which is not classified as an automotive service use or involves significant noise, glare, fumes, smoke, or similar impact.
- o. **Automotive service.** A building, structure, or portion of land used for the service, maintenance, and limited repair of automobiles, motorcycles, trucks, trailers, or similar vehicles include, but not limited to, muffler repair and replacement, oil change and lubrication, tire service and sales, installation of accessories, or diagnostic services. Automotive Service work does not involve significant noise, glare, fumes, smoke, or similar impacts. Any repair, maintenance, or service activity more extensive than provided in the Automotive Service use, shall constitute as an Automotive Repair use and be regulated as such.
- p. **Automotive wash.** A facility, whether automatic, semi-automatic or manual, for washing automobiles, motorcycles, ATVs, recreational vehicles, light trucks, trailers, and the like.

1117.02. "B" Terms.

- a. **Basement.** A story all or partly underground but having at least 50 percent of its ceiling's area below the average grade at either the front or rear building line.

- b. **Bed and breakfast.** An owner-occupied property, other than a hotel, which offers lodging for paying guests and which serves meals to these guests, and which contains one or more guest bedrooms and where facilities for food preparation are not provided in the individual guest bedrooms.
- c. **Block face.** All lots fronting on the side of a street right-of-way between two consecutive intersecting streets, or between an intersecting street and a dead end, cul-de-sac, or other physical barrier such as a railroad, waterway, or park boundary.
- d. **Board of Zoning Appeals.** The Board of Zoning Appeals of the City of Powell, Ohio.
- e. **Brewery.** A building, structure, or land use where beer or malt beverages are manufactured.
- f. **Buildable area.** The portion of a lot or parcel where a structure may be legally placed after the subtraction of all required yards, setbacks, easements, and environmentally sensitive areas such as wetlands and steep slopes.
- g. **Building.** Any structure designed or intended for the support, enclosure, shelter, or protection of persons, animals, or property.
- h. **Building footprint.** The coverage of a lot by a building and its related components, as measured in a horizontal plane.
- i. **Building line.** A line fixed parallel to the lot line which intersects the portion of a building closest to the applicable lot line.

Figure 17.02-1: Building Lines Defined



- j. **Building line, front (FBL).** A line fixed parallel to the front lot line which intersects the portion of a building closest to the front lot line and public right-of-way.

- k. **Building line, rear (RBL).** A line fixed parallel to the rear lot line which intersects the portion of a building closest to the rear lot line and does not intersect with a front lot line.
- l. **Building line, side (SBL).** A line fixed parallel to the side lot line and which intersects the portion of a building closest to the side lot line.
- m. **Building Permit.** An administrative approval issued and defined in accordance with Chapter 1335 of the Codified Ordinances of Powell, Ohio.
- n. **Building, accessory.** A subordinate building detached from, but located on the same lot as the principal building, the use of which is incidental and accessory to that of the main building or use.
- o. **Building, principal.** A building in which the main or principal use of the lot is conducted.

1117.03. "C" Terms.

- a. **Catering facility.** An establishment for the preparation, storage, or processing of food products for off-site consumption. Examples of these activities include bakeries, dairies, canneries, and other similar businesses.
- b. **Cemetery.** Land used or intended to be used for the burial of the human or animal dead and dedicated for cemetery purposes, including crematories, mausoleums, and mortuaries if operated in connection with and within the boundaries of such cemetery.
- c. **Certificate of Appropriateness.** A zoning approval issued pursuant to § 1114.02. of this Code
- d. **Certificate of Occupancy.** An administrative approval issued and defined in accordance with the Ohio Building Code.
- e. **Channel.** A natural or artificial watercourse of perceptible extent, with bed and banks to confine and conduct continuously or periodically flowing water.
- f. **Child care center.** As defined by ORC § 5104.01(L), as amended. This term includes nursery schools, preschools, and other similar uses. This term does not include type A family day-care home and type B family day care homes, as defined, which shall be considered home occupations.
- g. **City.** The City of Powell, Ohio.
- h. **City Engineer.** The City Engineer of Powell, Ohio or their designee.
- i. **Club.** A building or portion thereof or premises owned or operated by a person or persons for a social, literary, political, educational, or recreational purpose primarily for the exclusive use of members and their guests.

- j. **Commercial amusement, indoor.** A place where entertainment activities occur completely within an enclosed structure for a fee, including but not limited to theaters, bowling alleys, arcades, skating rinks, escape rooms, pool halls, video and pinball parlors. An Indoor Commercial Amusement may include but are not limited to ancillary uses such as food and beverage sales and giftshops that are designed and intended primarily for the use of patrons.
- k. **Commercial amusement, outdoor.** A place where entertainment activities occur outdoors for a fee, including but not limited to miniature golf, batting cages, water slides, driving ranges, theme parks, drive-in theaters, and go cart tracks. An Outdoor Commercial Amusement may include but are not limited to ancillary uses such as food and beverage sales and giftshops that are designed and intended primarily for the use of patrons.
- l. **Commercial laboratory.** See “Laboratory, commercial.”
- m. **Community center.** A place, structure, area or other facility that is open to the public, under the jurisdiction of a public or nonprofit agency, and is used for community recreation, education and/or service activities. A community center may include, but is not limited to, the following uses: auditorium, multipurpose room, gymnasium, meeting space, open space, playground, playing courts, playing field, and swimming pool.
- n. **Community garden.** A use that provides land or space for people to grow plants for non-commercial purposes, such as beautification, education, recreation, or harvest for personal consumption, and is managed by a specific person, group, association, or entity responsible for maintenance and operations such as a school/religious groups, homeowners' associations, rotary club, and the like.
- o. **Comprehensive Plan.** A plan with subplans, or any portion thereof, adopted by City Council showing the general location and extent of present and proposed physical facilities and land uses; which may include, but shall not be limited to, housing, industrial and commercial uses, transportation networks, major thoroughfares, parks, schools, and other community facilities. This plan establishes the goals, objectives, and policies of the community.
- p. **Comprehensive Sign Plan.** A zoning approval pursuant to § 1114.03. of this Code.
- q. **Conditional use.** A use other than a use permitted by right requiring the approval of a Conditional Use Permit.
- r. **Conditional Use Permit.** A permit issued pursuant to § 1114.04. of this Code.
- s. **Condominium.** A building or group of buildings in which units are individually owned but the structure, common areas and facilities are owned on a proportional, undivided basis by all to the owners.

- t. **Condominium lot.** A lot with joint ownership of common areas.
- u. **Congregate living facility.** A residential facility for four or more elderly persons within which are provided living and sleeping facilities, meal preparation, laundry services, and room cleaning. Such facilities may also provide other services such as transportation for routine social and medical appointments, medical services, and counseling. This term includes assisted living housing, and convalescent homes for the aged, and homes for the aged.
- v. **Contributing property.** A property within a historic district that retains historic significance and integrity and contributes to the period of significance and history of the district.
- w. **Cottage court.** A group of small, detached one- and two-unit dwellings located on one lot arranged around a shared court visible from the street.
- x. **Cul-de-sac.** A local roadway of relatively short length with one end open to traffic and the other end terminating in a vehicular turnaround.
- y. **Curb cut.** An interruption or break in the line of a roadway curb that provides vehicular access from a driveway or access drive to said roadway. In the case of roadway without curbs, any line which connects a driveway or access drive to a roadway shall be considered a curb cut.

1117.04. "D" Terms.

- a. **Dead-end street.** A roadway temporarily having only one outlet for vehicular traffic and intended to be extended or continued in the future.
- b. **Density.** The number of dwelling units per gross acre of a land development site.
- c. **Development activity.** The establishment, erection, construction, reconstruction, moving, enlargement, addition to, demolition of, or substantial alteration of any land, building, structure, or use.
- d. **Development Plan.** A zoning approval pursuant to § 1114.05. of this Code.
- e. **Development Plan, Preliminary.** A zoning approval pursuant to § 1114.06. of this Code.
- f. **Deviation.** A zoning relief from one or more of the standards applicable to a zoning approval issued pursuant to § 1114.17. of this Code.
- g. **Director of Transportation.** The Director of the Ohio Department of Transportation.
- h. **District.** A part, zone, or geographic area in the City within which certain zoning, land development, and subdivision regulations apply.
- i. **Drive aisle.** An off-street vehicular area providing direct access to a parking facility or providing general circulation within the site.

- j. **Drive-through facility.** Any associated facilities related to a building opening, including windows, doors, or mechanical devices, through which occupants of a motor vehicle receive or obtain a product, food, or service.
- k. **Driveway.** A private, paved, or unpaved accessway providing a legal means of ingress and egress for vehicles between a public or private street and a parking space or garage associated with a residential use.
- l. **Dwelling.** Any building or structure which is wholly or partly used or intended to be used for living or sleeping by one or more human occupants, excluding a house trailer or mobile home as defined by O.R.C. § 4501.01.
- m. **Dwelling unit.** A space within a dwelling comprising facilities for living, cooking, dining, sleeping, storage, and bathing as well as a restroom, all used by only one household.

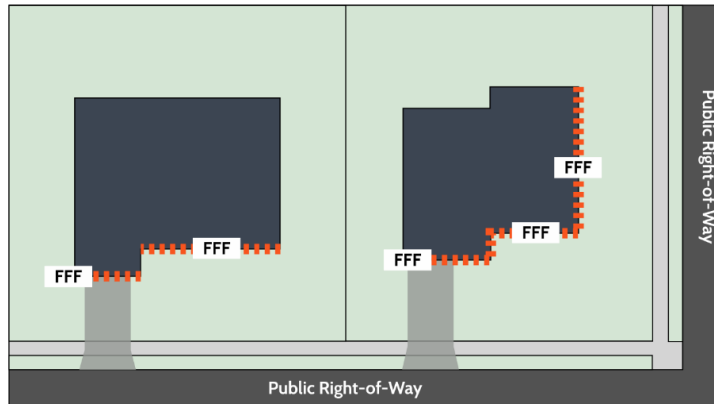
1117.05. "E" Terms.

- a. **Easement.** A recorded authorization by a property owner for the use by another, and for a specified purpose, of any designated part of their property.
- b. **Elderly person.** Any person who is 55 years of age or older, or any person under 55 years of age who is handicapped such that their physical impairments are of a long-term duration and impede their ability to live independently without a suitable housing environment.
- c. **Encroachment.** The extension of a structure, fence, or architectural feature into a required setback, yard, easement, or public right-of-way or beyond the maximum height established by this Code.
- d. **Erosion.** The process by which the ground surface is worn away by the action of wind, water, ice, or gravity, often accelerated by land-disturbing activities or the removal of vegetative cover.
- e. **Essential service.** The erection, construction, alteration, or maintenance, by public utilities or municipal or other governmental agencies, of underground gas, electrical, steam or water transmission, or distribution systems, collection, communication, supply or disposal systems or sites, including poles, wires, mains, drains, sewers, pipes, traffic signals, hydrants, or other similar equipment and accessories in connection therewith which are reasonably necessary for the furnishing of adequate service by such public utilities or municipal or other governmental agencies or for the public health or safety or general welfare, but not including buildings.
- f. **Established grade.** See "Grade, established."

1117.06. "F" Terms.

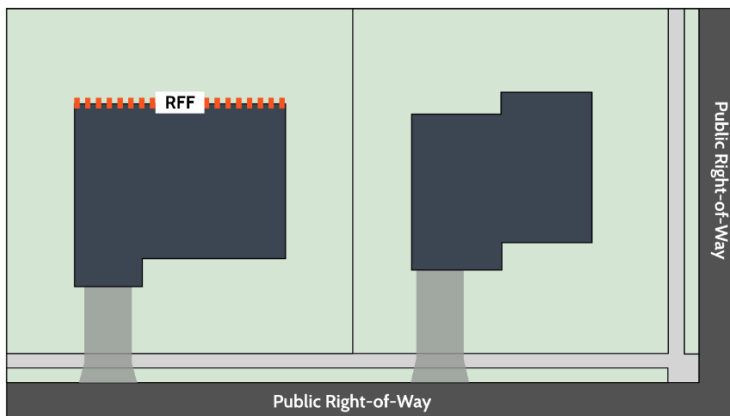
- a. **Façade, front-facing (FFF).** An exterior wall of a principal building which is oriented at an angle of 60 degrees or less to the front lot line. For lots with a curved front lot line, the orientation shall be measured relative to the tangent of the midpoint of said lot line.

Figure 17.06-1: Front-Facing Facades



- b. **Façade, rear-facing (RFF).** An exterior wall of a principal building which is oriented at an angle of 60 degrees or less to the rear lot line. For lots with a curved rear lot line, the orientation shall be measured relative to the tangent of the midpoint of said lot line. On a corner lot, a rear-facing façade shall be any exterior wall of a principal building which is oriented at an angle of 60 degrees or less to a lot line which does not intersect a front lot line.

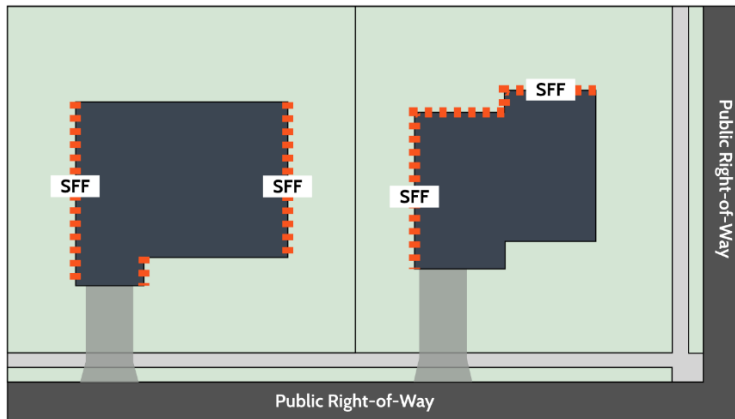
Figure 17.06-2: Rear-Facing Facades



- a. **Façade, side-facing (SFF).** An exterior wall of a principal building which is oriented at an angle of 60 degrees or less to the side lot line. For lots with a curved side lot line, the orientation shall be measured relative to the tangent of the midpoint of said lot line. On a

corner lot, a side-facing façade shall be any exterior wall of a principal building which is oriented at an angle of 60 degrees or less to a lot line which intersects a front lot line.

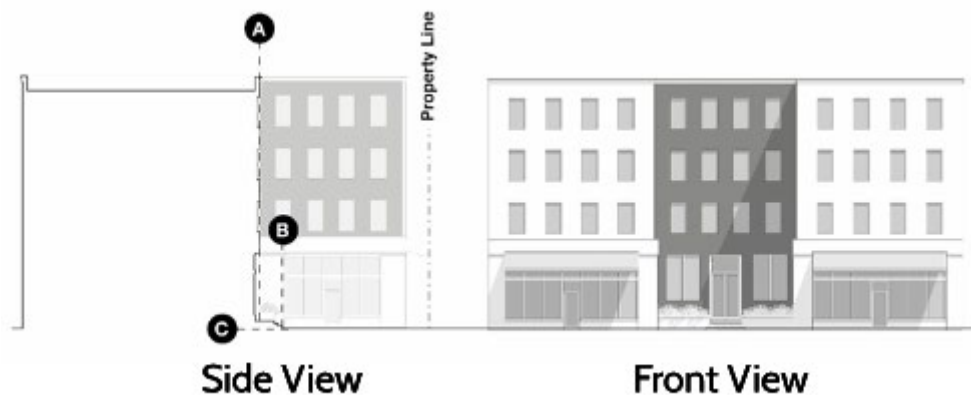
Figure 17.06-3: Side Facing Façade



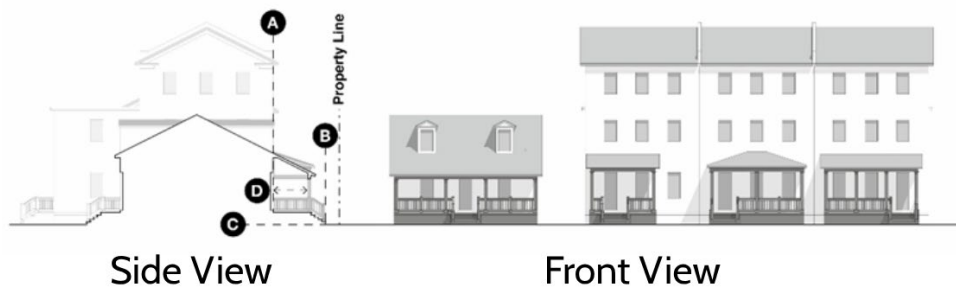
- b. **Fence Permit.** A zoning approval issued pursuant to § 1114.07. of this Code.
- c. **Financial institution.** An establishment where the primary occupation is financial services such as banking, savings, and loans. It does not include financial services that typically occur in an office or storefront, such as investment companies, loan companies, credit and mortgage, insurance services, or brokerage firms, which are classified under "Professional Office."
- d. **Flag.** A piece of fabric or other flexible material, typically rectangular in shape, which is attached to and suspended from a pole, mast, or similar support structure. A flag may be attached at one side or at two or more sides.
- e. **Floodplain.** That land, including the flood fringe and the floodway, subject to inundation by the regional flood as determined by Zone A and Zone AE in a Flood Insurance Rate Map (FIRM) published by the Federal Emergency Management Agency.
- f. **Floodway.** That portion of the flood plain, including the channel, which is reasonably required to convey the regional flood waters. Floods of less frequent recurrence are usually contained completely within the floodway.
- g. **Floodway fringe.** That portion of the flood plain, excluding the floodway, where development may be allowed under certain restrictions.
- h. **Floor area, gross.** The sum of the horizontal areas of all floors of a building, as measured between the interior faces of the exterior walls.
 - 1. In association with a residential use, the gross floor area shall exclude basement floor areas not devoted to residential use, garages, and open porches, but including the area of roofed porches and roofed terraces.

2. In association with a nonresidential use, the gross floor area shall exclude stairs, washrooms, elevator shafts, maintenance shafts and rooms, storage spaces, display windows, and fitting rooms, and similar areas.
- i. **Floor area, nonresidential.** The sum of the gross horizontal area of the several floors of a nonresidential building, excluding stairs, washrooms, elevator shafts, maintenance shafts and rooms, storage spaces, display windows, and fitting rooms, and similar areas. All dimensions shall be measured between interior faces of walls.
- j. **Floor area, residential.** The sum of the gross horizontal area of the several floors of a residential building, excluding basement floor areas not devoted to residential use, garages, and open porches, but including the area of roofed porches and roofed terraces. All dimensions shall be measured between interior faces of walls.
- k. **Four-unit dwelling.** A detached dwelling arranged, intended or designed to consist of four dwelling units on one lot.
- l. **Frontage, courtyard.** An unroofed area in the front of a building surrounded by walls on at least three sides and providing access to the public right-of-way.

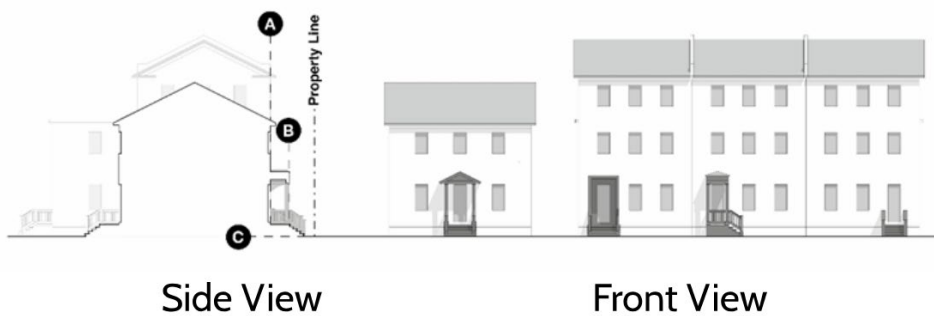
Figure 17.06-4: Courtyard Frontage



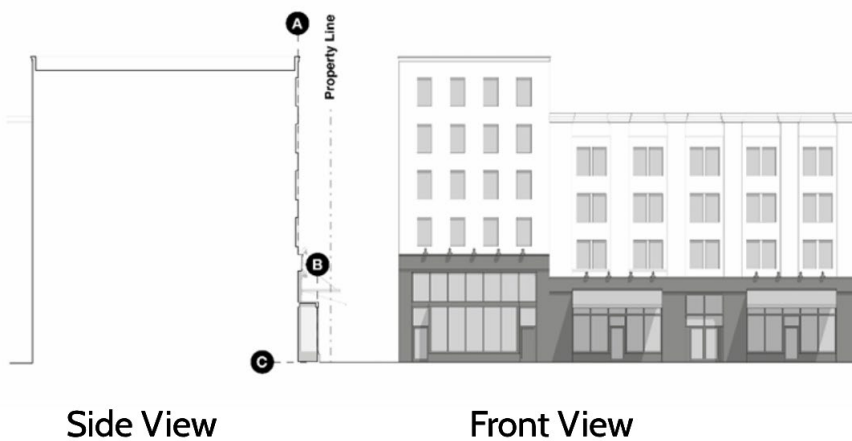
- m. **Frontage, porch.** A roofed structure open on at least three sides and projecting from the front façade of a building to cover the entrance to the same building.

Figure 17.06-5: Porch Frontage

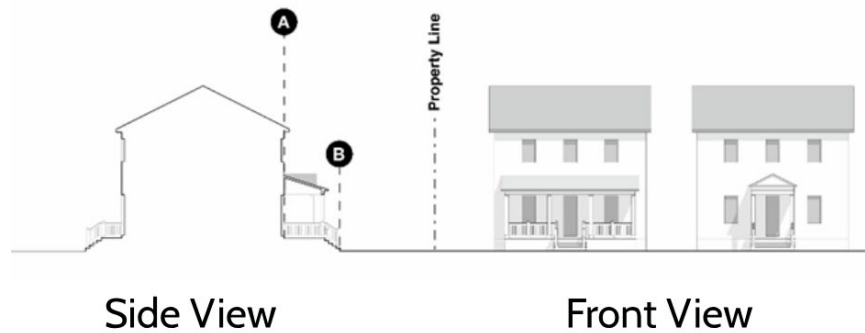
- n. **Frontage, stoop.** A raised platform or set of stairs providing direct access from an entrance to a public sidewalk or paved pedestrian path.

Figure 17.06-6: Stoop Frontage

- o. **Frontage, storefront.** A ground floor treatment designed for active commercial uses and a high degree of pedestrian activity between the public sidewalk and commercial spaces.

Figure 17.06-7: Storefront Frontage

- p. **Frontage, yard.** A landscaped setback at a similar grade to the adjacent right-of-way and consisting of open lawn, plantings beds, or some combination of the two.

Figure 17.06-8: Yard Frontage**1117.07. “G” Terms.**

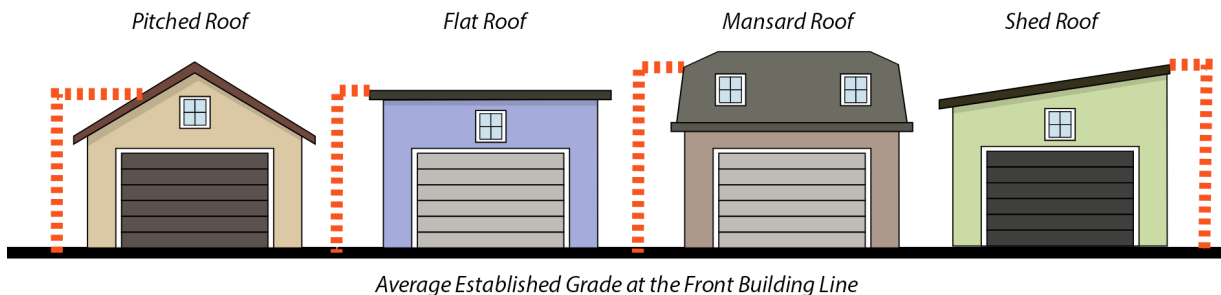
- a. **Garage, private.** A detached accessory building or portion of a principal building used for the parking or temporary storage of automobiles, travel trailers, or boats owned by an occupant of the premises.
- b. **Garage, public.** See “Parking facility, garage”.
- c. **Government use.** A building or land used and/or controlled exclusively for governmental or public purposes by any department or branch of government including city, state, county, federal, or other recognized public entity. Such use may include, but is not limited to, city offices, public works, libraries, post offices, training facilities, fire stations, police storefronts, and other similar uses.
- d. **Grade, established or finished.** The average elevation of the highest and lowest points abutting a structure along the front building line. Where a building or structure is established within 10 feet of a right-of-way line, the established grade shall be measured as the average elevation of the highest and lowest points abutting the lot along the right-of-way line.
- e. **Ground floor.** The floor level nearest to and above the established or finished grade.
- f. **Group residential facility.** A group residential facility is a community residential facility, licensed and/or approved and regulated by the State of Ohio, which provides rehabilitative or habilitative services. There are two classes of group residential facilities:
 1. **Class I:** Any state, federal, or locally approved dwelling or place used as a foster home for children or adults (not including nursing homes) or as a home for the care or rehabilitation of dependent or predelinquent children, for the physically handicapped or disabled, or for those with mental illness or developmental disabilities. A Class I Type A group residential facility contains six or more residents, exclusive of staff. A Class I Type B group residential facility contains five or less residents, exclusive of staff.

2. Class II: Any state, federal, or locally approved dwelling or place used as a home for juvenile offenders; a halfway house providing residential care or rehabilitation for adult offenders in lieu of institutional sentencing; a halfway house providing residence for persons leaving correctional institutions; and residential rehabilitation centers for alcohol and drug abusers, provided that detoxification is expressly prohibited on such premises. A Class II Type A group residential facility contains at least six or more residents, exclusive of staff. A Class II Type B group residential facility contains five or less residents, exclusive of staff.
- g. **Guest room.** A habitable room used or intended to be used for sleeping purposes only on a transient basis.

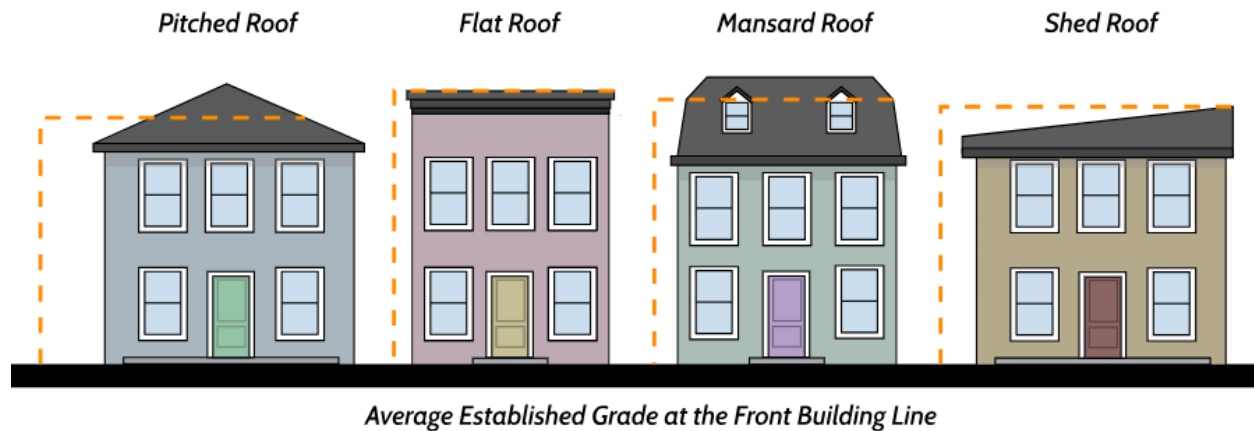
1117.08. "H" Terms.

- a. **Height, accessory structure.** The vertical distance from the average established grade at the base of the accessory building to one of the following points, as applicable
1. For structures without a roof, a flat roof, or a shed roof, the height shall be measured to the highest point of the structure.
 2. For structures with mansard roofs, the height shall be measured to the deck line of the mansard roof.

For structures with a pitched roof, the height shall be measured to the average height between the highest eave and ridge of the roof. Figure 17.08-1: Accessory Structure Height



- b. **Height, principal structure.** The vertical distance from the average established grade at the front building line to one of the following points, as applicable.
1. For structures without a roof, a flat roof, or a shed roof, the height shall be measured to the highest point of the structure.
 2. For structures with mansard roofs, the height shall be measured to the deck line of the mansard roof.
 3. For structures with a pitched roof, the height shall be measured to the average height between the highest eave and ridge of the roof.

Figure 17.08-2: Principal Structure Height

- c. **Higher education.** A post-secondary educational establishment. This term includes universities, colleges, junior colleges, and trade schools, including all associated facilities necessary for the institution's primary mission.
- d. **Home occupation.** An activity, profession, occupation, service, craft, or revenue-enhancing hobby which is clearly incidental and subordinate to the use of the premises as a dwelling, and is conducted entirely within the dwelling unit, or elsewhere on the premises without any significant adverse effect upon the surrounding neighborhood.
- e. **Horse boarding.** A building, structure, or area used for the keeping, lodging, or feeding of horses.
- f. **Hospital.** A facility providing physical or mental health services, inpatient or overnight accommodations, and medical or surgical care for the sick or injured. Such a facility may include Clinics.
- g. **Hotel.** A building in which lodging, boarding, or some combination thereof is provided and offered to the public for compensation. As such, a hotel is open to the public as opposed to a boarding house, rooming house, lodging house, or dormitory. This term includes motels, apartment hotels, and the like.
- h. **Household.** One of the following:
 - 1. A person living alone;
 - 2. One family related by blood, marriage, adoption, or foster agreement; or
 - 3. Not more than six persons who are not so related, living together as a single housekeeping unit.

1117.09. "I" Terms.

- a. **Industrial, heavy.** The manufacturing, processing, assembling, storing, testing, or similar operations which are generally major operations and extensive in character; require large sites, open storage and service areas, extensive services and facilities, ready access to regional transportation; and normally generate some nuisances such as smoke, noise, vibration, dust, glare, air pollution, and water pollution, but not beyond the district boundary.
 - 1. Heavy industrial uses include but are not limited to steel mills and foundries, oil refineries and petrochemical plants, cement and lime manufacturing plants, pulp and paper mills, large-scale chemical manufacturing facilities, asphalt and concrete batch plants, scrap metal recycling yards, power generation plants, mining operations, mineral processing facilities, and bulk storage and distribution of fuels, chemicals, or raw materials.
- b. **Industrial, light.** The manufacturing, processing, assembling, storing, testing, or similar operations which are usually controlled operations; relatively clean, quiet, and free of objectionable or hazardous elements such as smoke, noise, odor, or dust; operating and storing within enclosed structures; and generating little industrial traffic and no nuisances.
 - 1. Light industrial uses include but are not limited to electronics assembly and manufacturing, small-scale food and production, bottling and packaging facilities, printing and publishing facilities, warehousing and distribution centers, medical device manufacturing, apparel and textile production, furniture assembly without large-scale milling, and light assembly operations.

1117.10. "J" Terms.

- a. **Junk.** Any scrap, waste, reclaimable material, or debris; whether or not stored, for sale, or in the process of being dismantled, destroyed, processed, salvaged, stored, stored for re-use, baled, disposed, or for other use or disposition.
- b. **Junk building, shop, or yard.** Any land, property, structure, building, or combination of the same, on which junk is stored or processed.
- c. **Junk vehicle.** Any motor vehicle, trailer, or semi-trailer that does not display a current, valid license plate or registration sticker, or is missing essential parts, experiencing mechanical failure, or is wrecked, dismantled, or hazardous. Any designated area for the storage of junk vehicles shall be considered a junk building, shop, or yard.

1117.11. "K" Terms.

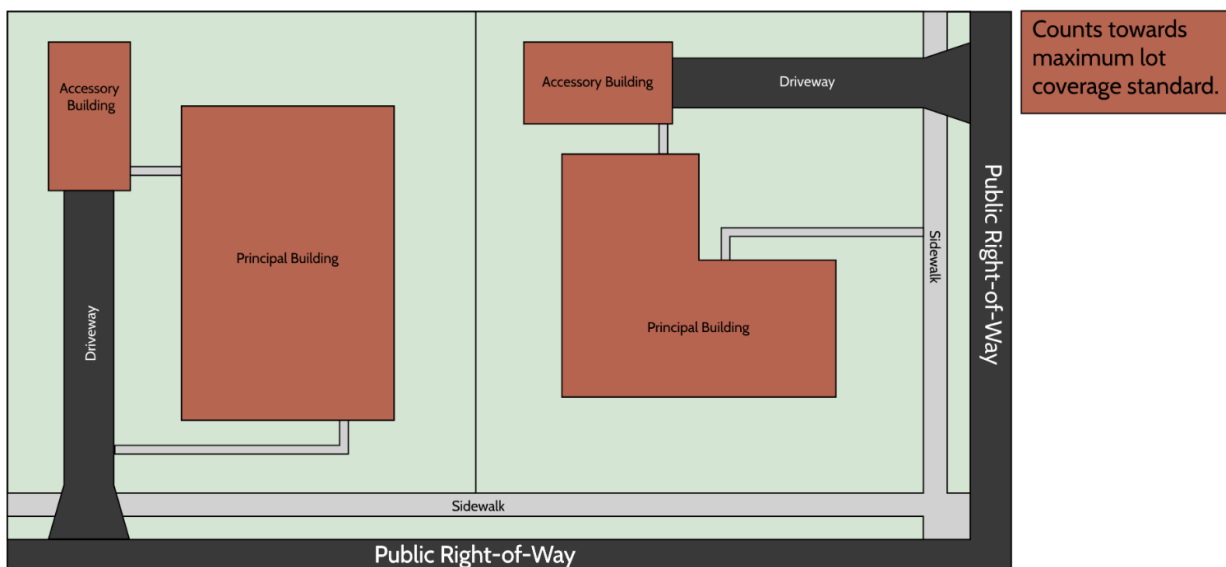
- a. **Kennel.** A facility licensed to house dogs, cats, or other household pets or where grooming, breeding, boarding or training or selling of animals is conducted as business. This use includes pet resorts/hotels, pet adoption centers, dog training centers, animal rescue shelters and sanctuaries.

1117.12. "L" Terms.

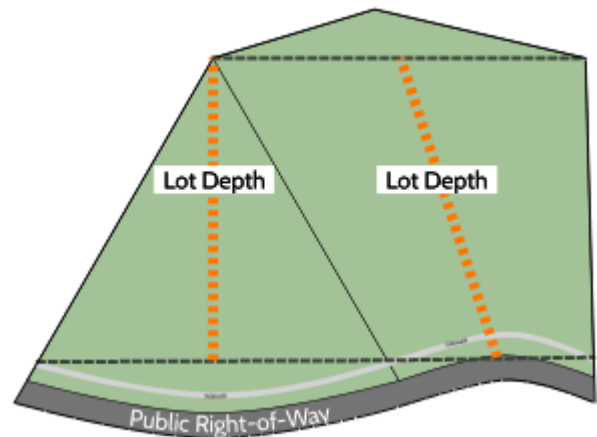
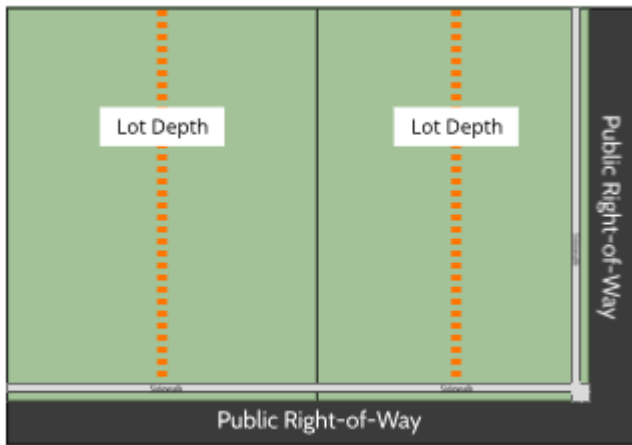
- a. **Laboratory, commercial.** A facility used for scientific, medical, or technical research, testing, or analysis, where the primary output is data or reports rather than the mass production of goods.
- b. **Landscaping.** The treatment of exterior spaces with carefully planned arrangements of ground surface cover, natural greenery, plant materials, organic materials, natural stones, or paving, and elements such as shrubs, trees, fences, and gazebos to enhance the environment.
- c. **Landscaping Plan.** A plan pursuant to § 1114.09. of this Code.
- d. **Landscaping strip.** A planted area located between a lot line and a building, structure, or vehicular facility.
- e. **Law Director.** The Law Director of Powell, Ohio or their designee.
- f. **Life care facility.** A facility for the transitional residency of elderly or disabled persons, progressing from independent living in single household units to a congregate living facility where residents share meals, and culminating in a full health and continuing care nursing home facility.
- g. **Lighting Plan.** A plan pursuant to § 1114.10. of this Code.
- h. **Live-work dwelling.** A dwelling unit that is also used for work purposes, provided that the "work" component is restricted to limited intensity such as a professional office, artist's workshop, studio, or other similar uses, is located on the street level, and the residential unit is occupied by the owner or manager of the "live" component. The "live" component may be located on the street level (behind the work component) or any other level of the building.
- i. **Loading facility.** An off-street area designed for the temporary parking of commercial vehicles while loading or unloading merchandise or materials.
- j. **Loop street.** A type of local street, each end of which terminates at an intersection with the same arterial or collector street, and whose principal radius points of the 180-degree system of turns are not more than 1,000 feet from said arterial or collector street, nor normally more than 600 feet from each other.

- k. **Lot.** A parcel of land of sufficient size to meet minimum zoning requirements for use, coverage, and area, and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on an improved public street, or on an approved private street, and may consist of:
1. A single lot of record;
 2. A portion of a lot of record;
 3. A combination of complete lots of record, of complete lots of record and portions of lots of record, or of portions of lots of record.
- l. **Lot area.** The area of a lot, measured in the horizontal plane and excluding any portions of a public or private right-of-way.
- m. **Lot coverage.** The amount of a lot covered by buildings and structures, excluding driveways, sidewalks, shared-use paths, and pedestrian paths, expressed as a percentage of the lot area.

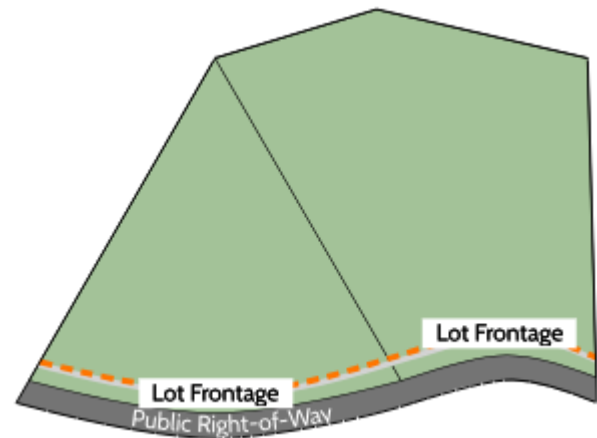
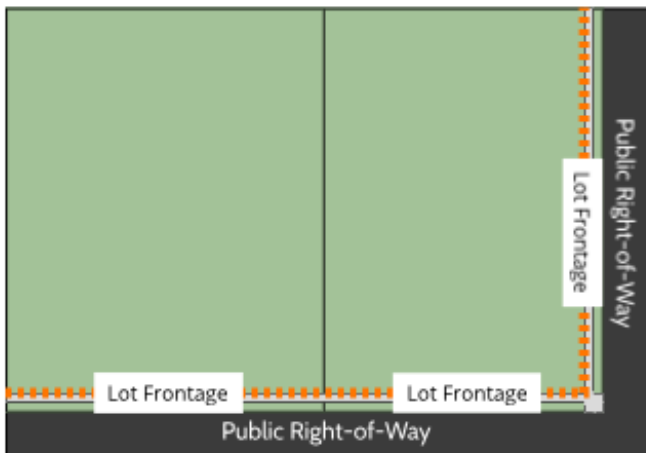
Figure 17.12-1: Lot Coverage



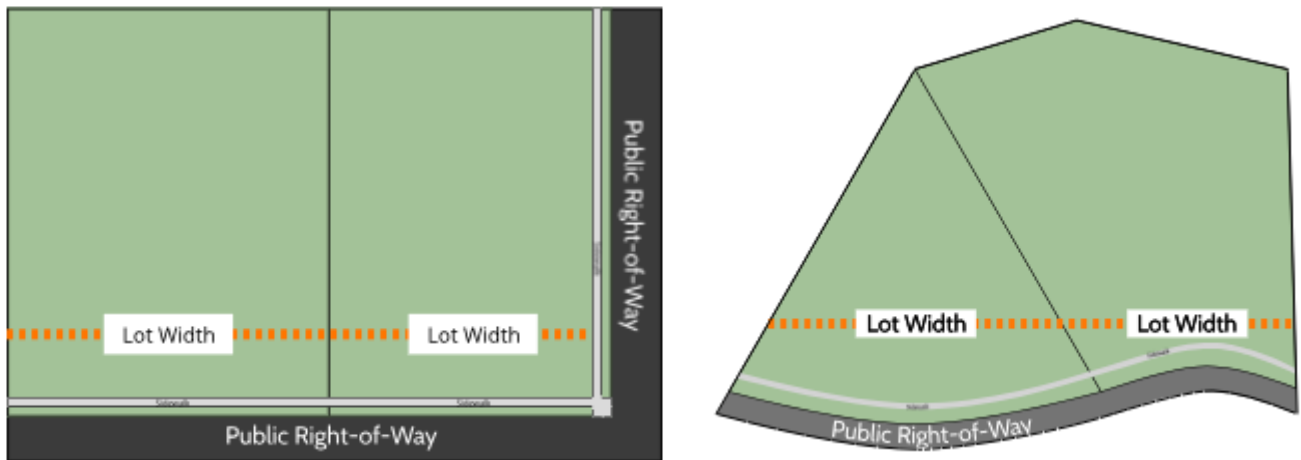
- a. **Lot depth.** The distance between the mid-points of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear. On a corner lot, the lot depth shall be the distance between the mid-point of the shortest front lot line and the mid-point of the rear lot line.

Figure 17.12-2: Lot Depth

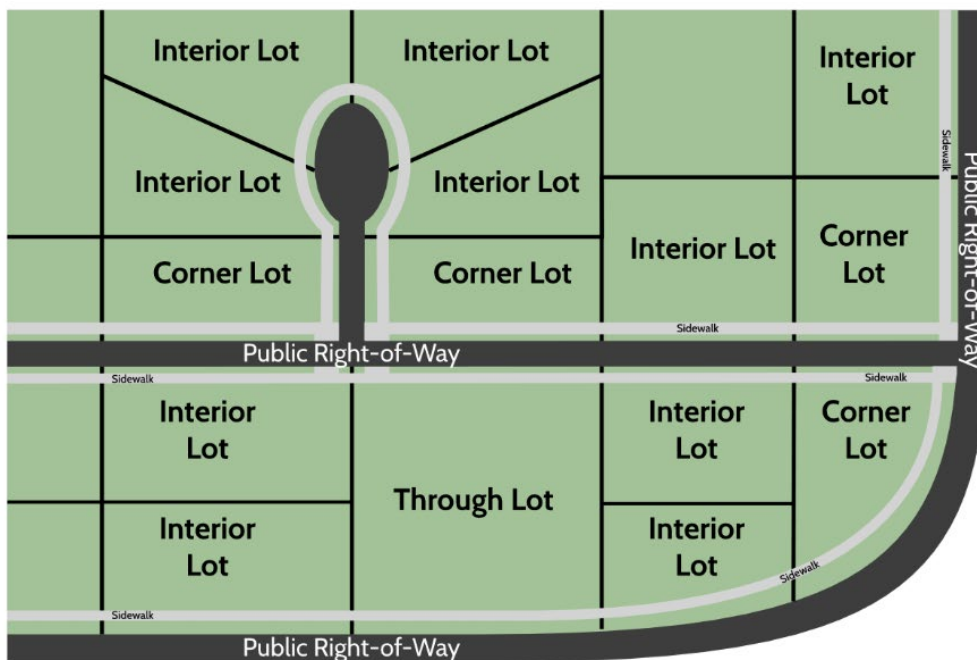
- b. **Lot frontage.** The dimension of a lot line, measured in a single plane, which abuts a public right-of-way or public space. A corner or through lot shall have two lot frontages.

Figure 17.12-3: Lot Frontage

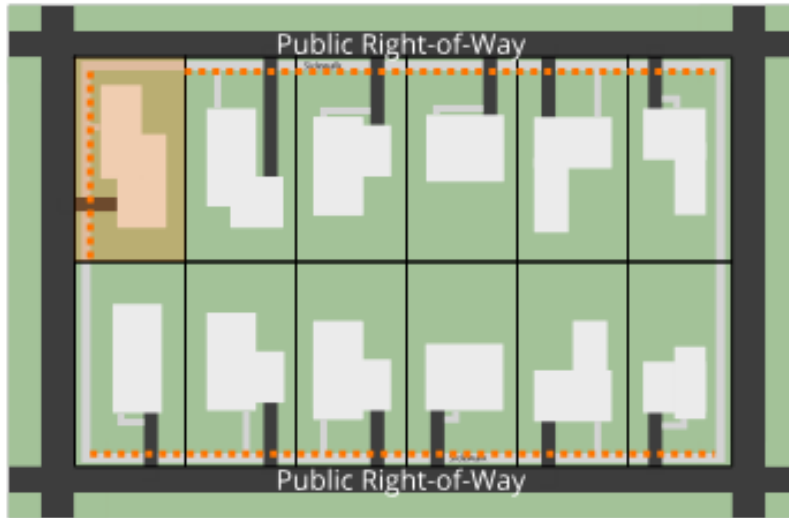
- c. **Lot of record.** A lot which is part of a subdivision recorded in the office of the County Recorder, or a lot or parcel described by metes and bounds, the description of which has been so recorded.
- d. **Lot width.** The distance between the two side lot lines connecting to the front lot line measured at the minimum front lot setback line. On a corner lot, the distance between the longer front lot line and the side setback connecting a shorter front lot line measured at the minimum front setback.

Figure 17.12-4: Lot Width

- e. **Lot, corner.** A lot located at the intersection of two or more streets; or, a lot abutting on a curved street or streets where straight lines connecting from the foremost point of the lot to the front corners of the lot meet at an interior angle of less than 135 degrees.

Figure 17.12-5: Lot Classifications

- f. **Lot, interior.** A lot with only one frontage on a street.
- g. **Lot, reversed frontage.** A lot on which frontage is at right angles to the general pattern in the area. A reversed frontage lot may also be a corner lot.

Figure 17.12-6: Reversed Frontage Lot

- h. **Lot, through.** A lot other than a corner lot with frontage on more than one street. Through lots abutting two streets may be referred to as double frontage lots.

1117.13. "M" Terms.

- a. **Manufactured home.** A structure, constructed on or after June 15, 1976, according to the rules of the United States Department of Housing and Urban Development, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, or, when erected on-site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems. All references in this article to manufactured housing or manufactured home(s) shall be references to HUD-code manufactured housing, unless otherwise specified. This use does not include mobile homes.
- b. **Manufactured home park.** Any lot upon which two or more manufactured homes are located for residential use, either free of charge or for revenue purposes, including any roadway, building, structure, vehicle, or enclosure used or intended to be used as a part of the facilities of such park.
- c. **Marginal access street.** A local or collector roadway, parallel and adjacent to an arterial or collector roadway, providing access to abutting properties and protection from the arterial or collector roadway. This term is also referred to as a Frontage Street.

- d. **Massing.** The three-dimensional bulk of a structure, defined by its height, width, and depth, and the relationship of these volumes to one another and to the surrounding context.
- e. **Medical office.** A place used for the care, diagnosis and treatment of sick, ailing, infirmed, or injured persons, and those who need medical and surgical attention, but who are not provided with board or room or kept overnight on the premises. This term includes medical or dental laboratories.
- f. **Mobile business.** A temporary use which utilizes a vehicle such as a truck or trailer, to prepare and/or show merchandise for sale. Typically, a mobile business locates at one location for a temporary time and is available to leave and re-locate to another location in a short period of time.
- g. **Mobile home park.** Any site, or tract of land under single ownership, upon which three or more mobile homes used for habitation are parked, either free of charge or for revenue purposes; including any roadway, building, structure, vehicle, or enclosure used or intended for use as a part of the facilities of such park.
- h. **Mobile home.** A structure constructed before June 15, 1976, transportable in one or more sections which, in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, or, when erected on-site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems. Mobile homes shall not be used as dwelling units within the corporate limits of the city.
- i. **Multi-unit dwelling.** A detached dwelling arranged, intended or designed to consist of five or more dwelling units on one lot.
- j. **Municipal Separate Storm Sewer System (MS4).** A conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains):
 - 1. Owned or operated by the City;
 - 2. Designed or used for collecting or conveying storm water;
 - 3. Which is not a combined sewer; and
 - 4. Which is not part of a Publicly Owned Treatment Works (POTW) as defined by Title 40 Code of Federal Regulations Part 122.2 (40 CFR 122.2).

- k. **Museum, gallery, or library.** A facility used for the display, preservation, study, lending, and exhibition of objects, art, books, or similar materials of historical, cultural, scientific, or artistic value.

1117.14. "N" Terms.

- a. **Net density.** The number of dwelling units per acre of land when the acreage involved includes only the land devoted to residential uses.
- b. **Nonconformity.** A lot, building, structure, use, parking facility, sign, or some combination thereof lawfully existing at the time of enactment of this Code or its amendments which do not conform to the regulations of the zoning district in which they are situated, and are therefore incompatible but legally allowed to remain.
- c. **Nursing home.** A use as defined in O.R.C. § 3721.01(A)(6) and Ohio Admin. Code § 3701-16-01(W), as amended.

1117.15. "O" Terms.

- a. **O.R.C.** The Ohio Revised Code.
- b. **ODNR.** The Ohio Department of Natural Resources.
- c. **ODOT.** The Ohio Department of Transportation.
- d. **Off-street loading space.** Space logically and conveniently located for bulk pickups and deliveries, scaled to delivery vehicles expected to be used, and accessible to such vehicles when required off-street parking spaces are filled. Required off-street loading space is not to be included as an off-street parking space when calculating the total required off-street parking spaces.
- e. **One-unit dwelling.** A detached dwelling arranged, intended or designed to consist of one dwelling unit on one lot.
- f. **Open space.** An area substantially open to the sky which may be on the same lot with a building. The area may include, along with the natural environmental features, water areas, swimming pools, and tennis courts, any other recreational facilities that the approving authority deems permissive. This term does not include public or private streets, parking areas, structures for habitation, and the like.
- g. **Outdoor dining.** An accessory dining space reserved for customers and patrons at a restaurant, brewery, hotel, or mixed-use building.
- h. **Outdoor display.** The outdoor arrangement of goods, materials, products, or other equipment on a lot for consumer sales.

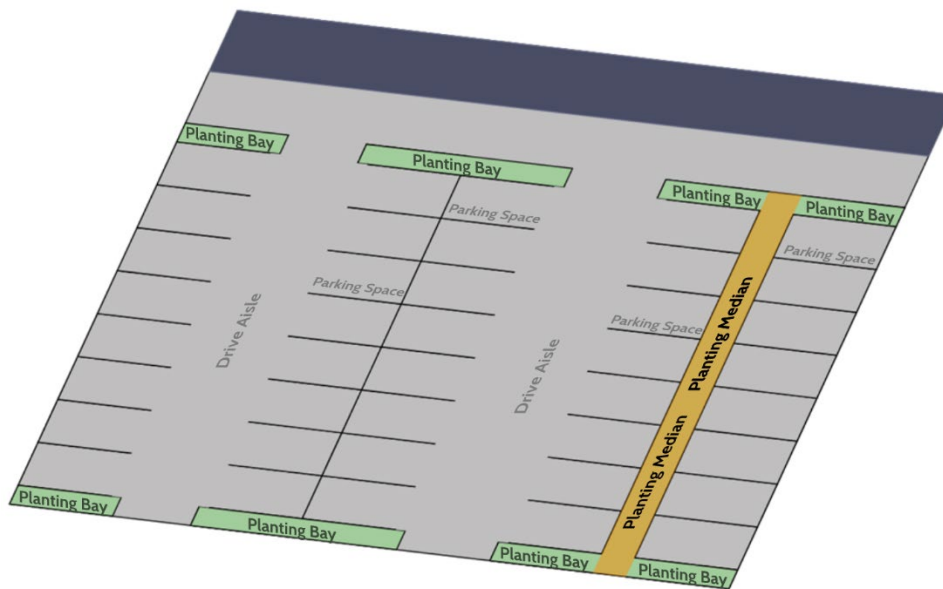
- i. **Outdoor storage.** The outdoor keeping of goods, materials, products, containers, or other equipment on a lot.
- j. **Overlay District.** A district described by the Official Zoning Map or this Code which imposes additional regulations and requirements given the unique or special designation of the area that apply in addition to those of the underlying districts.

1117.16. "P" Terms.

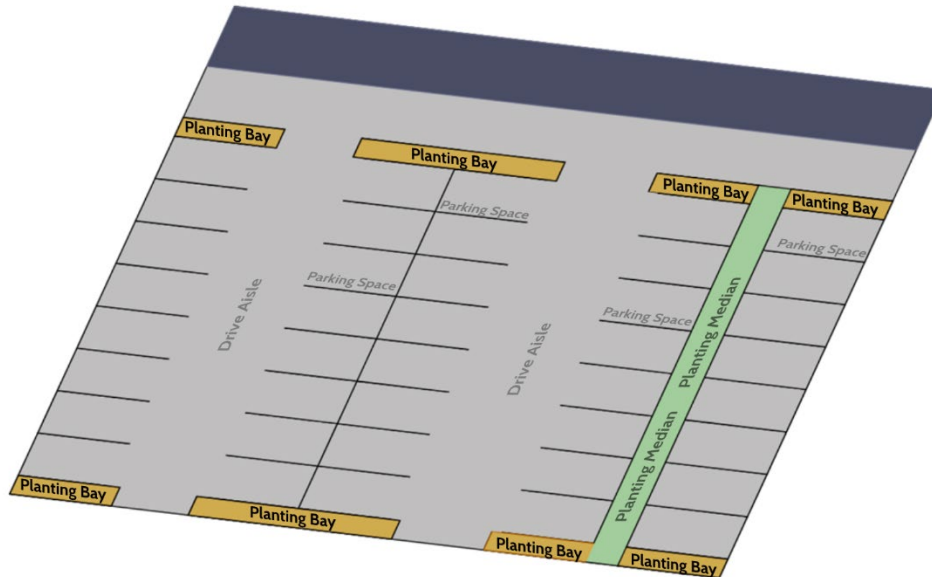
- a. **Parking facility.** A building, structure, or area used for temporary storage of automobiles, including surface parking lots.
- b. **Parking facility, accessory.** An unenclosed parking facility on the same lot as a principal use or on an abutting lot, which is designed and intended to serve the parking needs of such principal use.
- c. **Parking facility, principal.** A lot, or portion thereof, used primarily as a parking facility for the temporary storage of motor vehicles for a fee or as a public service, which is not subordinate to or serving another principal use on the same site.
- d. **Parking facility, garage.** An enclosed parking facility, either above-grade or below-grade, designed for the temporary storage of motor vehicles, where parking spaces are provided on one or more levels within the structure.
- e. **Parking Plan.** A plan pursuant to § 1114.11. of this Code.
- f. **Parking space.** An area adequate for the parking of an automobile with room for opening doors on both sides, together with properly related access to a public street or alley and maneuvering room, but shall be located totally outside of any street or alley right-of-way.
- g. **Party wall.** A fire-resistant wall dividing two properties, the ownership of which is shared between the owners of such properties.
- h. **Passive park / recreational facility.** Parks and recreational pursuits that take advantage of geological, biological, or scenic resources. This term includes nature preserves, trail systems, and interpretive programs.
- i. **Pedestrian path.** A public or private way designed for pedestrian use only, whether along the side of a road or through a lot.
- j. **Performance bond or surety bond.** An agreement by a property owner or developer with the City for the amount of the estimated construction cost guaranteeing the completion of physical improvements according to plans and specifications within the time prescribed by the property owner or developer's agreement.

- k. **Personal services.** Establishments that are primarily engaged in providing services generally involving the care of the person or person's possessions. Personal services may include, but are not limited to, laundry and dry-cleaning services, barber shops, beauty salons, music schools, informational and instructional services, tanning salons, and portrait studios.
- l. **Planning and Zoning Commission.** The Planning and Zoning Commission of the City of Powell, Ohio.
- m. **Plant nursery.** Land, building, structure, or combination thereof for the storage, cultivation, transplanting of live trees, shrubs, or plants offered for retail sale on the premises including products used for gardening or landscaping.
- n. **Planting bay.** A raised or protected area within a parking facility placed at the end of a row of parking spaces and parallel to the long dimension of the adjacent space.

Figure 17.16-1: Planting Bay



- o. **Planting median.** A raised or protected area within a parking facility placed between two individual rows of parking spaces that constitute a double-loaded row of parking spaces.

Figure 17.16-2: Planting Median

- p. **Portable storage unit (PSU).** A transportable unit designed and used primarily for temporary storage of building materials, household goods, and other such materials for use on a limited temporary basis. This definition does not include dumpsters designed for the storage and removal of refuse.
- q. **Principal structure.** See "Structure, principal."
- r. **Principal use.** See "Use, principal."
- s. **Professional office.** A use or structure where business or professional activities are conducted and/or business or professional services are made available to the public, including, but not limited to, tax preparation, accounting, architecture, legal services, medical professionals, psychological counseling, real estate and securities brokering, and professional consulting services.
- t. **Public service facility.** The erection, construction, alteration, operation, or maintenance of buildings, power plants, or substations, sewage disposal or pumping plants and other similar public service structures by a public utility, by a railroad, whether publicly or privately owned, or by a municipal or other governmental agency, including the furnishing of electrical, gas, rail transport, communication, public water and sewage services.
- u. **Public way.** An alley, avenue, boulevard, bridge, channel, ditch, easement, expressway, freeway, highway, land, parkway, right-of-way, road, sidewalk, street, subway, tunnel, viaduct, walk, bicycle path; or other ways in which the general public or a public entity have a right, or which are dedicated, whether improved or not.

1117.17. "Q" Terms.

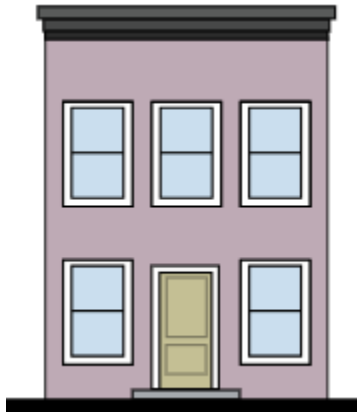
- a. Reserved.

1117.18. "R" Terms.

- a. **Real estate sales office.** The temporary use of a building, trailer, or dwelling unit for the marketing and sale of residential or commercial units within a subdivision. This includes model homes for residential subdivisions.
- b. **Recreational structure.** A detached accessory structure designed and intended for active or passive leisure activities. This term includes, but is not limited to, playgrounds, play equipment, gazebos, pavilions, pergolas, trellises, picnic shelters, and treehouses.
- c. **Regional flood.** Large floods which have previously occurred or which may be expected to occur on a particular stream because of like characteristics. The regional flood generally has an average frequency of the 100-year recurrence interval flood.
- d. **Research and development.** A building, structure, or land use primarily engaged in industrial, biological, automotive, aeronautical, biotechnological, or similar scientific research, including the development of prototypes.
- e. **Restaurant.** An establishment where food and drink are prepared, sold to customers, and may be consumed on the premises. A restaurant may include the incidental sales and service of alcoholic beverages for on-site consumption. Such uses include but are not limited to cafes, coffee shops, delicatessen, sit-down dining, and fast food.
- f. **Retail store.** A building in which the sale of goods, products, or merchandise is sold directly to the consumer. Typical uses include but are not limited to clothing stores, department stores, electronics and appliance stores, bike shops, bookstores, hobby shops, jewelry stores, furniture stores, pet supply stores, shoe stores, antique shops, secondhand stores, record shops, CBD/smoke shops, sporting goods stores, variety stores, musical instrument stores, medical supply sales, office supplies, convenience stores, and beauty supply shops.
- g. **Right-of-way, private.** A strip of land held by fee simple ownership or easement for the exclusive use of one or more private parties. While it may function similarly to a public thoroughfare and may provide access to emergency services or utilities, it is not dedicated to the public, is not maintained by a governmental entity, and access may be restricted to specific property owners or their invitees through covenants or private agreements.
- h. **Right-of-way, public.** A strip of land taken or dedicated for use as a public way. In addition to the roadway, this term normally incorporates the curbs, lawn strips, sidewalks, lighting, and drainage facilities, and may include special features such as grade separation, landscaped areas, viaducts, and bridges.

- i. **Roadside sales stand.** A temporary structure designed or used for the display or sale of agricultural and related products.
- j. **Roadway.** The full width between property lines bounding every public way with a part thereof to be used for vehicular traffic.
- k. **Roadway, arterial.** Any roadway with a major arterial or minor arterial functional classification as identified in the Thoroughfare Plan.
- l. **Roadway, collector.** Any roadway with a major collector or minor collector functional classification as identified in the Thoroughfare Plan.
- m. **Roadway, local.** Any roadway without a freeway, major arterial, minor arterial, major collector, or minor collector functional classification as identified in the Thoroughfare Plan.
- n. **Roof, flat.** A roof that is horizontal or nearly horizontal in appearance, typically having a slight slope for drainage purposes.

Figure 17.18-1: Flat Roof



- o. **Roof, mansard.** A four-sided gambrel-style hip roof characterized by two slopes on each of its sides, where the lower slope is much steeper than the upper slope and is often pierced by dormer windows.

Figure 17.18-2: Mansard Roof



- p. **Roof, pitched.** A roof other than a mansard roof or shed roof having a slope designed to shed snow or rain.

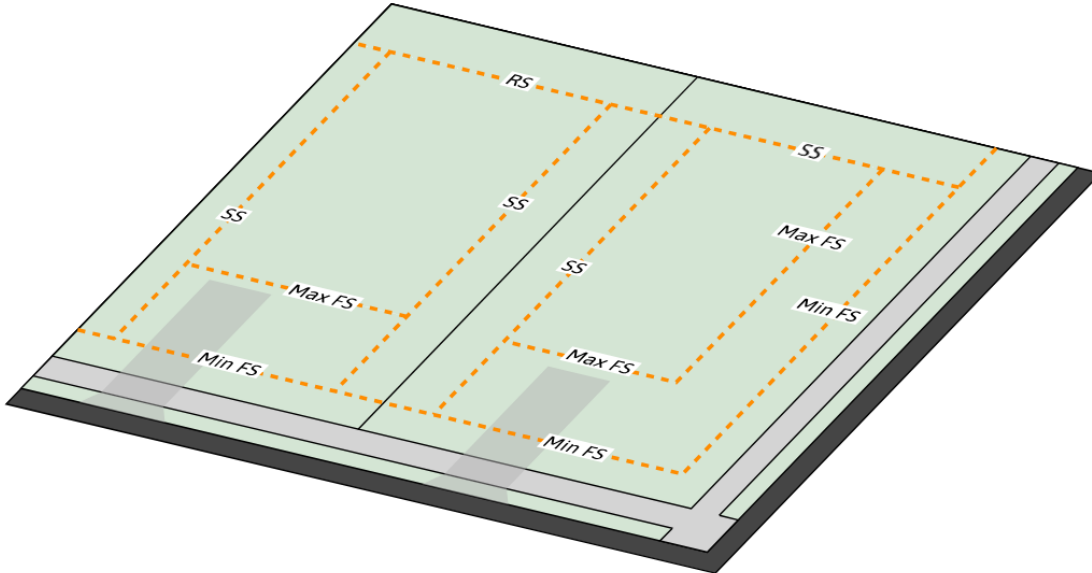
Figure 17.18-3: Pitched Roof



- q. **Roof, shed.** A roof consisting of a single sloping surface which does not slope in multiple directions and does not meet another roof plane at a ridge.

Figure 17.18-4: Shed Roof**1117.19. "S" Terms.**

- a. **Satellite signal receiver.** Dish-type satellite signal-receiving antennas, "earth stations" or "ground stations," whether functioning as part of a basic service system, direct broadcast satellite system, or multipoint distribution service system, shall mean one, or a combination of two or more of the following:
 - 1. A signal-receiving device such as a dish antenna whose purpose is to receive communications or signals from earth-orbiting satellites or similar sources.
 - 2. A low-noise amplifier (LNA) whose purpose is to boost, magnify, store, transfer or transmit signals.
 - 3. A coaxial cable whose purpose is to convey or transmit signals to a receiver.
- b. **School.** A public, private, or charter institution providing primary or secondary education, but not higher education.
- c. **Screening.** A visual or physical barrier, such as a fence, wall, or dense vegetative planting, intended to shield or obscure a structure or land use from another or to mitigate impacts such as light, noise, or unsightly views.
- d. **Seasonal sale.** The temporary display and sale of goods or products in relation to a specific season, holiday, or time of year.
- e. **Self-storage facility.** A building or group of buildings consisting of individual, self-contained spaces that are leased or owned for the storage of business goods, household goods, or contractor supplies.
- f. **Senior person.** See "Elderly Person."
- g. **Setback.** The distance between a specific lot line and the nearest portion of the applicable structure or use area, as measured in a straight line along a horizontal plane.

Figure 17.19-1: Setback Classifications

- h. **Setback, maximum front.** The maximum distance required by the underlying district between a front lot line and at least 80 percent of all front-facing walls, as measured in a straight line along a horizontal plane.
- i. **Setback, minimum front.** The minimum distance required by the underlying district between a front lot line and the nearest portion of the applicable structure or use area, as measured in a straight line along a horizontal plane.
- j. **Setback, minimum rear.** The minimum distance required by the underlying district between a rear lot line and the nearest portion of the applicable structure or use area, as measured in a straight line along a horizontal plane.
- k. **Setback, minimum side.** The minimum distance required by the underlying district between a side lot line and the nearest portion of the applicable structure or use area, as measured in a straight line along a horizontal plane.
- l. **Sewer, central or group.** An approved sewage disposal system which provides a collection network and disposal system and central sewage treatment facility for a single development, community, or region.
- m. **Sewer, on-site.** A sewage treatment installation on an individual lot for the elimination of sewage which provides for the proper and safe disposal of the effluent, subject to the approval of health and sanitation officials having jurisdiction.
- n. **Sexually oriented business.** As defined by O.R.C. § 2907.40(A)(15).

- o. **Shared use path.** A public or private way designed for a mix of pedestrians and cyclists, whether along the side of a road or through a lot.
- p. **Shrub.** A planting material listed as a deciduous or evergreen shrub on a Selected Ohio Native Plants list published by the ODNR.
- q. **Sidewalk.** The portion of a street right-of-way containing a pedestrian path which runs approximately parallel to the street.
- r. **Sign.** Any visual communication display, object, device, graphic, structure, or part, situated indoors or outdoors, or attached to, painted on, or displayed from a building or structure, in order to direct or attract attention to, or to announce or promote, an object, person, service, product, event, location, organization or the like, by means of letters, words, designs, colors, symbols, fixtures, images, or illuminations.
- s. **Sign area.** As defined in § 1106.03.a. through § 1106.03.c. of this Code.
- t. **Sign face.** The portion of a sign designed to display a message, logo, or advertisement to viewers, excluding any structural supports.
- u. **Sign face height.** As defined in § 1106.03.d. of this Code.
- v. **Sign height.** As defined in § 1106.03.e. of this Code.
- w. **Sign illumination, external.** A light source located outside the sign structure and directed onto the sign face.
- x. **Sign illumination, internal.** A light source contained within a sign cabinet, sign face, or individual sign elements where the light is visible through a translucent or opaque material, including signs consisting entirely of LED lights and screens.
- y. **Sign Permit.** A zoning approval issued pursuant to § 1114.12. of this Code.
- z. **Sign, awning.** A sign attached to an integral part of an awning, canopy, or similar architectural feature.
- aa. **Sign, blade.** A sign mounted so that the sign face is approximately perpendicular to the face of the building.
- bb. **Sign, freestanding.** A sign not affixed to a building.
- cc. **Sign, joint identification.** A freestanding sign containing multiple panels capable of being interchanged.
- dd. **Sign, permanent.** A sign erected with the intent on using it for permanent identification of a building, site or use.

- ee. **Sign, portable.** A sign that is not permanent, including banners, A-frame, stick-type, billboards or air activated attraction devices.
- ff. **Sign, temporary.** A sign, banner, or similar display which is not anchored to the ground or a building and is intended to be displayed for a limited period of time.
- gg. **Sign, wall.** A sign which is attached to or painted on the exterior wall of a structure with the display surface of the sign approximately parallel to the building wall.
- hh. **Sign, window.** A sign located affixed to the transparent area of or visible from the exterior side of a window.
- ii. **Sketch Plan.** A zoning review pursuant to § 1114.13. of this Code.
- jj. **Slope.** The degree of deviation of a surface from the horizontal, usually expressed as a percentage. It shall be calculated by dividing the vertical distance by the horizontal distance, then multiplying by 100.
- kk. **Small domestic animal.** An animal kept solely for personal enjoyment as a companion such as a dog, cat, bird, or small reptile, commonly kept in the home with the occupant.
- ll. **Sport Court.** A dedicated hard surfaced area intended for recreational use including basketball, tennis, and other similar sporting activities.
- mm. **Stacking space.** A dedicated off-street area designated for the temporary queuing of automobiles awaiting service at a drive-through facility, automated teller machine (ATM), or similar point of service.
- nn. **Stop Work Order.** An enforcement directive issued by an approving authority or the Zoning Administrator compelling the indefinite suspension of all construction activities on a site.
- oo. **Stormwater.** Water resulting from precipitation including rain, snowmelt, or ice melt that flows across the land surface, into a drainage system, or is otherwise intercepted by the built environment.
- pp. **Story.** That part of a building between the surface of a floor and the top of the ceiling immediately above.
- qq. **Structural alteration.** Any change in the supporting members of a building such as bearing walls, columns, beams, or girders.
- rr. **Structure.** Anything constructed or erected, the use of which requires location on the ground, or attachment to something having a fixed location on the ground. Among other things, structures include buildings, mobile homes, walls, fences, and billboards.

- ss. **Structure, accessory.** A structure constructed or installed on, above, or below the surface of a lot containing a principal use, and which is subordinate, customarily incidental to, or serves the principal use, object, or structure. An accessory structure is subordinate in area and impact to the principal use, object, or structure. Among other things, this term includes anything of a subordinate nature attached to or detached from a principal structure or use, such as fences, walls, sheds, garages, parking places, decks, and pools.
- tt. **Structure, principal.** A structure, or group of structures, in which the principal use of the lot on which the structure is located is conducted.
- uu. **Subdivision.** The division of a lot, tract, or parcel into two or more lots, tracts, parcels, or other divisions of land for sale, development, or lease.
- vv. **Supply yard.** A commercial establishment storing and offering for sale building supplies, steel supplies, coal, heavy equipment, feed and grain, and similar goods.
- ww. **Swimming pool.** A structure filled or capable of being filled with water and designed to be used for swimming or recreational water use.

1117.20. "T" Terms.

- a. **Telecommunication facility.** Any unmanned facility established for the purpose of transmitting, receiving, and relaying voice, data, image, or video signals. This term encompasses all structural and electronic components, including the following.
 - 1. A large-scale facility consisting of antennas and related equipment mounted on existing tall structures or dedicated ground-based towers such as monopoles, lattice towers, or guyed towers.
 - 2. A small-scale, low-powered facility that meets the following criteria.
 - A. The facility is mounted on existing or new structures in the public right-of-way or on private property such as a utility pole, lighting fixture, or building façade.
 - B. Each antenna is located inside an enclosure of no more than six cubic feet in volume or similar volumetric limit established by the Federal Communications Commission.
 - C. All other wireless equipment associated with the facility is cumulatively no more than 28 cubic feet in volume.
 - 3. Equipment such as cabinets, optical converters, power meters, grounding equipment, and concealment elements.

- b. **Temporary construction access.** An access drive or roadway which provides for access to a property under construction only during the term of its construction, then is removed when a permanent access drive is created.
- c. **Temporary sales and services.** A temporary use located on a nonresidential lot and conducting retail sales or personal services for predetermined period of time.
- d. **Temporary Use Permit.** A zoning approval issued pursuant to § 1114.14. of this Code.
- e. **Thoroughfare Plan.** The portion of the Comprehensive Plan or other transportation related plan associated with the Comprehensive Plan adopted by the City indicating the general location and characteristics recommended for arterial, collector, and local streets or thoroughfares.
- f. **Three-unit dwelling.** A detached dwelling arranged, intended or designed to consist of three dwelling units on one lot.
- g. **Townhouse.** A dwelling that is part of a structure containing three or more dwelling units, each designed and constructed for occupancy by one household, with each dwelling unit attached by a common wall, in which each dwelling unit is located on individual lots.
- h. **Transitional buffer.** A planted area located along a lot line which serves to physically or visually separates uses having incompatible facilities, activities, or differing intensities of use. For the purposes of buffer yard regulations
- i. **Tree, evergreen.** A planting material listed as an evergreen tree on a Selected Ohio Native Plants list published by the ODNR.
- j. **Tree, large.** A planting material listed as a deciduous tree on a Selected Ohio Native Plants list published by the ODNR and reaching an average height of no less than 50 feet at maturity.
- k. **Tree, medium.** A planting material listed as a deciduous tree on a Selected Ohio Native Plants list published by the ODNR and reaching an average height of no less than 30 but less than 50 feet at maturity.
- l. **Tree, small.** A planting material listed as a deciduous tree on a Selected Ohio Native Plants list published by the ODNR and reaching an average height of less than 30 feet at maturity.
- m. **Two-unit dwelling.** A detached dwelling arranged, intended or designed to consist of two dwelling units on one lot.
- n. **Type A family day-care home.** As defined by ORC § 5104.01(XX), as amended. In the administration of this Code, a type A family day-care home shall be considered a home occupation.

- o. **Type B family day-care home.** As defined by ORC § 5104.01(YY), as amended. In the administration of this Code, a type B family day-care home shall be considered a home occupation.

1117.21. "U" Terms.

- a. **Use.** The specific purposes for which land or a building is designated, arranged, intended, or for which it is or may be occupied or maintained.
- b. **Use, accessory.** A use established on, above, or below the surface of a lot containing a principal use, and which is subordinate to or serves the principal use, object, or structure, is subordinate in area to the principal use, object, or structure, and is customarily incidental to the principal use, object, or structure. This term includes any use classified as an accessory use by Table 04.02-1.
- c. **Use, agricultural.** Any use classified as an agricultural use by Table 04.02-1.
- d. **Use, automotive.** Any use classified as an automotive use by Table 04.02-1.
- e. **Use, commercial.** Any use classified as a commercial use by Table 04.02-1.
- f. **Use, industrial.** Any use classified as an industrial use by Table 04.02-1.
- g. **Use, principal.** The primary or predominant activity for which a lot, building, or structure, or portion thereof, is designed, maintained, or used.
- h. **Use, public and institutional.** Any use classified as a public and institutional use by Table 04.02-1.
- i. **Use, residential.** Any use classified as a residential use by Table 04.02-1.
- j. **Utilities.** The infrastructure, equipment, and services necessary for the distribution of water, sewer, electricity, gas, and telecommunications. This term shall encompass both public infrastructure and private service providers such as regulated monopolies and private carriers.

1117.22. "V" Terms.

- a. **Variance.** A modification of the strict terms of the relevant regulations where such modification will not be contrary to the public interest and where owing to conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of the regulations would result in unnecessary and undue hardship issued pursuant to § 1114.15. of this Code
- b. **Vehicle service station.** Facilities and equipment arranged, designed, used, or intended to be used for the primary purpose of dispensing gasoline, oil, diesel fuel, or electricity at retail direct to on-premises vehicles. Such services include fueling pumps, charging

stations, and the like. This use does not include charging stations situated on residential properties since those facilities are for the property owner's or tenants' personal use.

- c. **Vehicle storage.** The long-term keeping of automobiles, vehicles, and heavy equipment other than junk vehicles in a designated area.
- d. **Vertical mixed use.** A multi-story building with two or more different uses such as residential, office, retail store, public, or entertainment uses. No residential use shall be allowed on the ground floor of a Vertical Mixed-Use Building. Example floor space configurations include but are not limited to:
 - 1. Ground floor retail store, restaurant, or office storefronts with second floor apartment lofts; and
 - 2. A three-floor building with a retail store on the ground floor, office on the second floor, and apartment/condo units on the third floor."
- e. **Veterinarian facility.** A facility where animals or pets are given medical or surgical treatment and are cared for during the time of such treatment. This use may include an accessory kennel that is limited to short-term boarding incidental to the veterinarian facility.
- f. **Vicinity map.** A drawing located on the plat which sets forth by dimensions or other means, the relationship of the proposed subdivision or use to other nearby developments or landmarks and community facilities and services within the general area in order to better locate and orient the area in question.
- g. **Violation.** Any act or omission that fails to comply with the provisions, requirements, or conditions of this Code, including the failure to obtain necessary permits or the breach of any condition of approval.

1117.23. "W" Terms.

- a. **Walk-up window.** An opening or dedicated service counter designed to allow for the transaction of goods or services directly to pedestrian customers.
- b. **Warehousing.** A building, structure, or portion of land used primarily for the storage, distribution, and handling of goods, merchandise, equipment, or materials.
- c. **Wholesale and distribution.** A facility or area for the storage of goods, and the sale of goods to other firms for resale, including activities involving significant storage and movement of products or equipment. This use does not involve manufacturing or production. Examples include but are not limited to: carting, cold storage, distribution facilities, dry goods wholesale, express crating, hauling, feed locker plants, fulfillment centers that combine storage with call centers, hardware storage, merchant wholesalers

(such as restaurant supply sales), warehouse or produce/fruit/food storage and wholesale structures, wholesale sale of paper supplies, shoes, sporting goods, professional and commercial equipment and supplies, and otherwise preparing goods for transportation. Distribution means the intake of goods and merchandise, individually or in bulk, the short-term holding or storage of such goods or merchandise, and/or the breaking up into lots or parcels and subsequent shipment off-site of such goods and merchandise. Distribution may be provided to an entity with an identity of interest with the facility or to businesses and individuals unrelated to the distributor. The term distribution also includes a transshipment facility for the temporary holding, storage and shipment of goods or vehicles.

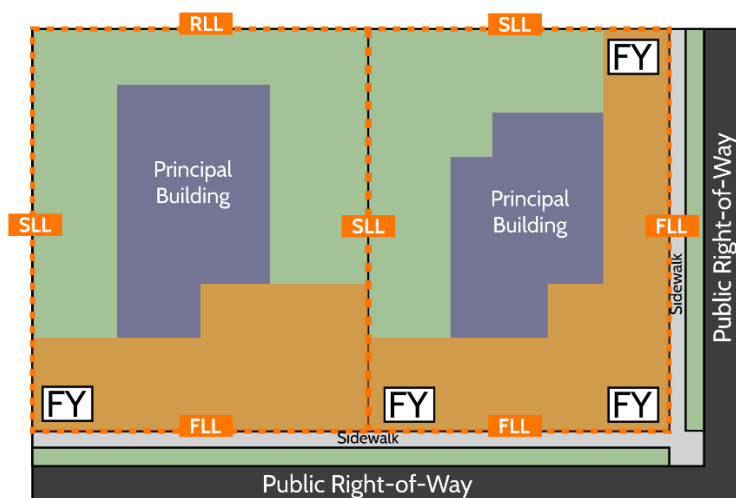
1117.24. "X" Terms.

- a. Reserved.

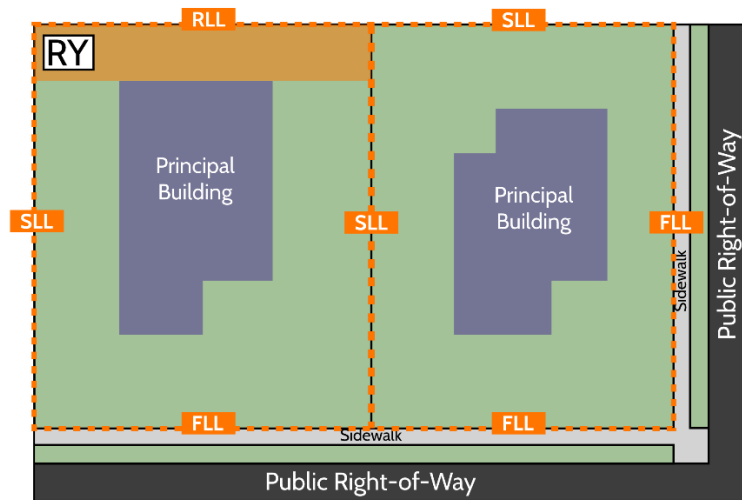
1117.25. "Y" Terms.

- a. **Yard.** An open space unoccupied and unobstructed by any structure or portion of a structure from three feet above the general ground level of the graded lot upward. Accessory structures, ornaments, and furniture may be permitted in any yard, subject to height limitations and requirements limiting obstruction of visibility.
- b. **Yard, front.** A yard extending the full width of a lot between the front lot line and the front-facing façade.

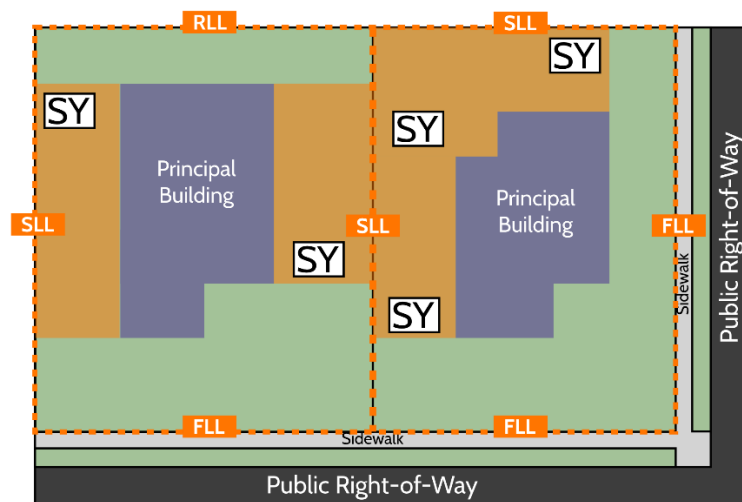
Figure 17.25-1: Front Yard



- c. **Yard, rear.** A yard extending the full width of a lot between the rear lot line and the rear-facing façade.

Figure 17.25-2: Rear Yard

- d. **Yard, side.** A yard extending between the front yard and rear yard lot between the side lot line and the side-facing façade.

Figure 17.25-3: Side Yard

1117.26. "Z" Terms.

- Zoning Administrator.** The approving authority designated by the City Manager to administer and enforce this Code and related regulations or their designee.
- Zoning Amendment.** A formal legislative change to the text of this Code or the Official Zoning Map issued pursuant to § 1114.16. of this Code.
- Zoning Approval.** A decision or determination issued by an approving authority on an application, permit, or plan which demonstrates compliance with this Code.
- Zoning Permit, General.** A zoning approval issued pursuant to § 1114.08. of this Code.