



**SERVICE COMMITTEE
MONDAY DECEMBER 7, 2015**

COMMITTEE MEETING:

**PLACE: COUNCIL CHAMBERS
7232 E. MAIN ST, REYNOLDBURG, OH 43068**

President: DOUG JOSEPH

Ward Members: Ward I - Scott A. Barrett
Ward II - Leslie Kelly
Ward III - Cornelius McGrady III
Ward IV - Mel Clemens

At Large Members: Barth R. Cotner
Chris Long
Dan Skinner, Esq.

COMMITTEES:

Community Development: Chmn Kelly, McGrady, Clemens, Cotner, Long, Barrett, Skinner
Safety: Chmn Long, Skinner, Clemens, Kelly, Cotner, Barrett, McGrady
Service: Chmn Clemens, Barrett, Kelly, Cotner, Long, McGrady, Skinner
Finance: Chmn Cotner, Long, Clemens, Kelly, Barrett, McGrady, Skinner

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Agenda is subject to amendment by Committee/Council at the time of the meeting.

All meetings of the Council shall be held in accordance with the general laws of Ohio pertaining to requirements for open meetings of public bodies.

If you wish to speak before City Council concerning a specific topic on the agenda, or about a specific topic not on the agenda, please complete a "Speaker Form" and give to the Clerk of Council. Forms are located in the wooden box on one of the bench seats in the atrium. Copies of the Rules of Discussion are available next to the wooden box.

*April Beggerow
Clerk of Council*

1. Call to Order
2. Approval of Agenda
3. Approval of Minutes
 - a. Service Committee – Committee Meeting – November 2, 2015
4. Discussion
 - a. Liquor Permit Requests: 2016 Blanket Renewals; 1355 Briarcliff Road & Patio
 - b. ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF REYNOLDSBURG, OHIO: Amending Chapter 1131 Definitions; Chapter 1143 Zoning Certificates; Site Plan; Plot-Grade-Utility Plan; Chapter 1155 Enforcement; Penalty; Chapter 1161 Zoning Districts; Chapter 1171 General Regulations for Lots and Yards; and Enacting Chapter 1159 Nonconforming Uses & Structures; and Repealing Chapter 1195 Nonconforming Uses.
 - c. ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF REYNOLDSBURG, OHIO: Amending Chapter 1103 Design Review Board; Chapter 1139 Board of Zoning and Building Appeals; Chapter 1147 Variances; Chapter 1193 “HD” Historic Overlay District and Repealing Chapter 163 Village Commission; and Chapter 1194 Historic Commercial Overlay.
 - d. ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF REYNOLDSBURG, OHIO: Amending Chapter 1111 General Provisions; Chapter 1115 Preliminary Plat; Chapter 1119 Final Plat; Chapter 1127 Standards; Chapter 1355 House Numbering; Chapter 1180 Landscaping and Buffering Standards; and Enacting Chapter 919 Trees; Part 17 Nuisance and Property Maintenance Code: Title 1 Public Nuisance and Title 3 Property Maintenance Code; and Repealing Chapter 543 Trees and Noxious Vegetation; Chapter 1367 Abandoned or Inoperable Service Stations; and Chapter 1369 Nuisance Abatement; Chapter 1389 International Property Maintenance Plan; Practice
 - e. ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF REYNOLDSBURG, OHIO: Amending Chapter 1301 Department of Building Inspection; Chapter 1305 Permits and Fees; Chapter 1325 Residential Code of Ohio for 1,2,And 3 Family Dwellings; Chapter 1335 Flood and Damage Prevention; Chapter 1339 Ohio Building Code; Chapter 1363 Swimming Pools; Chapter 1507 Open Burning; Chapter 1511 Fire Prevention Code; and Enacting Section 153.01 Definitions of Chapter 153 Fire Division; and Chapter 1501 General Provisions; and Repealing Chapter 1307 Appeals and Variances; Chapter 1351 Fences; and Chapter 1395 Multiple Dwellings, Dormitory Rooms, Rooming Houses and Rooming Units. (#7)

- f. ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF REYNOLDSBURG, OHIO: Amending Chapter 174 Procedure for Selection of Design Professionals; Chapter 509 Disorderly Conduct and Peace Disturbance; Chapter 741 Solicitors; Chapter 905 Streets Generally; Chapter 909 Sidewalks; Chapter 913 Private Roadways; Chapter 960 Stormwater Regulations; Enacting Chapter 975 Refuse Collection; and Repealing Chapter 731 Garbage and Refuse Collection; and Chapter 732 Rates for Residential Collection and Disposal of Garbage, Refuse, Recyclables, and Yard Waste.

SERVICE COMMITTEE MONDAY NOVEMBER 2, 2015

COMMITTEE MEETING:

**PLACE: COUNCIL CHAMBERS
7232 E. MAIN ST, REYNOLDBURG, OH 43068**

1. Call to Order

PRESENT: Barrett, Kelly, McGrady III, Clemens, Cotner, Long, Joseph

ABSENT: Skinner

2. Approval of Agenda

Addition of item 4c. Rezoning application 172014 Refugee Road SW

3. Approval of Minutes

a. Service Committee – Committee Meeting – October 19, 2015

Minutes stand approved.

4. Discussion

a. ORDINANCE APPROVING SPECIAL EXCEPTION USE PERMIT - (1729 Brice Road; Proposed Use – Semi Public Use-Church); Applicant, Gwendolyn Williams. (Second Reading 10/26/2015).

RESULT:	REFERRED TO COUNCIL [UNANIMOUS]	Next: 11/9/2015 7:30 PM
MOVER:	Mel Clemens, Ward IV	
SECONDER:	Leslie Kelly, Ward II	
AYES:	Barrett, Kelly, McGrady III, Clemens, Cotner, Long	
ABSENT:	Skinner	

b. ORDINANCE APPROVING SPECIAL EXCEPTION USE PERMIT - (6541-6543 E. Main Street; Proposed Use – Semi Public Use); Applicant, Gary Smith. (Second Reading 10/26/2015).

Minutes Acceptance: Minutes of Nov 2, 2015 7:30 PM (Approval of Minutes)

RESULT:	REFERRED TO COUNCIL [UNANIMOUS]	Next: 11/9/2015 7:30 PM
MOVER:	Mel Clemens, Ward IV	
SECONDER:	Chris Long, At Large	
AYES:	Barrett, Kelly, McGrady III, Clemens, Cotner, Long	
ABSENT:	Skinner	

- c. ORDINANCE TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF REYNOLDSBURG ADOPTED BY ORDINANCE NO. 131-95 ON NOVEMBER 27, 1995 AND AS SUBSEQUENTLY AMENDED – Refugee Road Southwest, Reynoldsburg, Ohio, from Unzoned/Agriculture to AR-3- Multiple Family Residence District, Applicant, Drew McClain.

Chairman Clemens: Dan are you here to speak on this item?

Mr. Havener: Chairman Clemens and members of Council, we have rezoning taking place at Refugee and Old Summit. The area is defined by Old Summit, rerouting of new Summit, and Refugee to the north. The use is for an assisted living facility. The land is currently unzoned and they are applying for an AR-3 which will accommodate the assisted living facility they are proposing to build there. The assisted living facility is going to be 75 units with a possibility of expansion, should it be needed down the road.

Councilman Long: Dan, I have one question. This naturally falls under your purview of economic development, do we have a projection from the company as to the total number of jobs?

Mr. Havener: We do. There will be originally about fifty jobs. The numbers they gave for the proposed income tax is available and I can get those for you.

Councilman Long: That is fine, I was wondering about the number of jobs.

Chairman Clemens: I have a question. If this is rezoned, it will stay at that, and could not be rezoned after we passed it?

Mr. Havener: The eleven acres that are proposed to be rezoned will stay AR-3.

Chairman Clemens: This brings back memories of something. At one time was there discussion, on this piece of ground, for a substation for the police and fire departments, many years ago?

Mr. Harris: Beings I'm old, I haven't seen the paperwork, if you are talking about where the turn is now as you are proceeding north on the right hand side, the original owner of that, Glen Duggar, was the one who handled this. There were plans for a police substation going in there. Maybe next door to it, a gas station/grocery store. They would be commercial. I don't know that there was ever anything written in a contract or just a Gentleman's agreement, Mr. Clemens.

Chairman Clemens: I think that's all it was.

Mr. Harris: That was the original intent. I think at that time they thought there would be three hundred houses out there by now and we all see where that is at. There was never anything written or passed by Council but that was the original intent of it.

Council President Joseph: Chairman, when I was on the Fire Board five years ago, the district looked at that property to put a fire station. There were conversations with the property owner but an agreement was never reached.

Chairman Clemens: I have no problem with this, as I look down the road, we do need an assistant living, the sooner the better really. We do need one.

Mr. Havener: This facility is really top notch. The Mayor, myself, and the Planning Administrator had the opportunity to go to Canal Winchester and review their existing facility that just opened this past summer. It is a very nice facility and they made the comment that if any Council Member, Development personnel, whoever, wanted to tour the facility, we are more than welcome to do that.

Councilwoman Kelly: So, the pictures that were attached in the application, are those pictures of the facility in Canal Winchester?

Mr. Havener: I believe they are. It will look very similar yes.

Councilwoman Kelly: Or is this a mock-up? So, is this the one that is Canal, or is it a mock-up?

Mr. Havener: This is a combination rendering and photograph. It has been modified. I don't think this is the actual photograph of the facility in Canal Winchester.

Councilwoman Kelly: Is this a pretty true drawing of what they anticipate they are going to be building here?

Mr. Havener: Yes.

Chairman Clemens: If we know that is what it is going to be, and is going to look, like and so forth.

Mr. Havener, The picture of the structure itself that you see here, that is basically identical, if not 99% accurate as to what is going to be built here in Reynoldsburg. It is all natural materials. It has stone, wood, slate looking shingles. It is a very nice building.

Councilwoman Kelly: So, as I am looking at the blueprints, do each of the, what looks like mini apartments, do they each have their own fully functional apartment, a kitchen, bathroom, etc...?

Mr. Havener: They vary, they will each have restroom facilities, but in regards to the extent of the kitchen in each room, it will vary per the level of care they are getting.

Councilwoman Kelly: So they have scaffold care? Similar to Wesley Ridge?

Mr. Havener: Correct. Yes, similar to Wesley Ridge.

Chairman Clemens: Do they have a cocktail lounge.

Councilwoman Kelly: You are all set, Mel.

Chairman Clemens: I thought they did because (they) have a happy hour.

Mr. Havener: They do here too.

Chairman Clemens: Are there any other questions?

Councilman McGrady: Dan, I see section c., "no traffic accident study required." So what are the traffic lights? Are they going to put anything out there? What is the plan for that?

Mr. Havener: There is no plan to put any traffic light there. The number of trips that are generated by this use do not warrant a traffic signal. That is up to the engineers to prove. At this point, the numbers they have come up with do not dictate that.

Chairman Clemens: I have seen bigger ones than this and they don't use a traffic signal. I don't think the in and out is it. They don't usually get that much traffic.

Councilman McGrady: I just want to raise the issue that, for considerations, that constituents back there are discussing how the youth are running through the stop signs. So that is why I am asking about traffic light requirements. On Taylor and Main there was no lights requirement until there was a severe accident there.

Council President Joseph: That is true. During school hours, it is really bad through there.

Mr. Havener: I am sure as that area develops, as each property develops there across from the high school, those calculations will need to be considered. As those are developed, I am sure the counts will accelerate to the point that one day the lights will be required to go in there. But the numbers that this is generating now, do not require them to put the light in.

Chairman Clemens: Any other questions? If not, I would like to move onto Council for the first reading.

RESULT:	REFERRED TO COUNCIL [UNANIMOUS]	Next: 11/9/2015 7:30 PM
MOVER:	Mel Clemens, Ward IV	
SECONDER:	Chris Long, At Large	
AYES:	Barrett, Kelly, McGrady III, Clemens, Cotner, Long	
ABSENT:	Skinner	

NOTICE TO LEGISLATIVE
AUTHORITYOHIO DIVISION OF LIQUOR CONTROL
6606 TUSSING ROAD, P.O. BOX 4005
REYNOLDSBURG, OHIO 43068-9005
(614)644-2360 FAX(614)644-3166

TO

4184551			TRFO	JLAMB LLC
PERMIT NUMBER			TYPE	1355 BRIARCLIFF RD & PATIO
02	01	2015	REYNOLDSBURG OH 43068	
ISSUE DATE				
11	18	2015		
FILING DATE				
D5	D6	PERMIT CLASSES		
25	220	B	F15114	
TAX DISTRICT			RECEIPT NO.	

FROM 11/20/2015

17837400005				TRENT COWGILL
PERMIT NUMBER			TYPE	DBA STICKS AND STONES
02	01	2015	1355 BRIARCLIFF RD & PATIO	
ISSUE DATE			REYNOLDSBURG OH 43068	
11	18	2015		
FILING DATE				
D5	D6	PERMIT CLASSES		
25	220			
TAX DISTRICT			RECEIPT NO.	



MAILED 11/20/2015

RESPONSES MUST BE POSTMARKED NO LATER THAN. 12/21/2015

IMPORTANT NOTICEPLEASE COMPLETE AND RETURN THIS FORM TO THE DIVISION OF LIQUOR CONTROL
WHETHER OR NOT THERE IS A REQUEST FOR A HEARING.

REFER TO THIS NUMBER IN ALL INQUIRIES

B TRFO 4184551

(TRANSACTION & NUMBER)

(MUST MARK ONE OF THE FOLLOWING)

WE REQUEST A HEARING ON THE ADVISABILITY OF ISSUING THE PERMIT AND REQUEST THAT
THE HEARING BE HELD ☐ IN OUR COUNTY SEAT. ☐ IN COLUMBUS.WE DO NOT REQUEST A HEARING. ☐

DID YOU MARK A BOX? IF NOT, THIS WILL BE CONSIDERED A LATE RESPONSE.

PLEASE SIGN BELOW AND MARK THE APPROPRIATE BOX INDICATING YOUR TITLE:

(Signature)

(Title)- ☐ Clerk of County Commissioner

(Date)

☐ Clerk of City Council☐ Township Fiscal OfficerCLERK OF REYNOLDSBURG CITY COUNCIL
7232 EAST MAIN STREET
REYNOLDSBURG OHIO 43068

Attachment: 2015-11-18 1355 Briarcliff rd & Patio (1268 : Liquor Permit Requests)

4184551 PERMIT NBR
JLAMB LLC
1355 BRIARCLIFF RD & PATIO
REYNOLDSBURG OH 43068

JOSEPH F LAMB

11/18/2015 ACTIVE

5%VOT5%MEI

PA2-KEY = END SESSION, CLEAR-KEY = END OPTION, ENTER-KEY = TO CONTINUE

Attachment: 2015-11-18 1355 Briarcliff rd & Patio (1268 : Liquor Permit Requests)



**Department
of Commerce**

Division of Liquor Control

John R. Kasich, Governor
Jacqueline T. Williams, Director

**NOTICE TO LEGISLATIVE AUTHORITIES
Re: Permit Renewal Objections**

25-220

NOVEMBER 06, 2015

CLERK OF REYNOLDSBURG CITY COUNCIL
7232 EAST MAIN STREET
REYNOLDSBURG OHIO 43068

Dear Clerk of Legislative Authority:

We are writing to notify you that all permits to sell alcoholic beverages in your political subdivision will expire on February 1, 2016. In order to maintain permit privileges, every permit holder must file a renewal application.

Ohio Revised Code Section 4303.271(B) provides the legislative authority with the right to object to the renewal of a permit and to request a hearing. The hearing may be held in the county seat of the county in which the permit premises is located if that request is made in writing. This will be your only opportunity to object to the renewal of a liquor permit premises which might be a problem in your community.

In order to register a valid objection with this Division and obtain a hearing, the legislative authority must pass a resolution which specifies the problems at the liquor permit premises and the legal grounds for objections as set forth in Ohio Revised Code Section 4303.292(A). It is suggested that a separate resolution be passed for each permit premises. The Chief Legal Officer of your political subdivision must also submit a statement with the resolution that, in the Chief Legal Officer's opinion, the objection is based upon substantial legal grounds within the meaning and intent of Ohio Revised Code Section 4303.292(A). The resolution and Chief Legal Officer's statement must be addressed to the Division of Liquor Control, Attn: Legal Section, 6606 Tussing Road, P.O. Box 4005, Reynoldsburg, Ohio 43068-9005 and postmarked no later than January 4, 2016.

For your convenience, you may access our brochure entitled "How to Object to the Issuance or Renewal of a Liquor Permit" from our website at www.com.ohio.gov/liqr which explains the process in more detail.

You may wish to contact the law enforcement agency for your jurisdiction to determine if it has any information which will aid in your decision whether or not to object and request a hearing. If you wish to obtain a list of permit holders in your jurisdiction, you may now access this list from our website at www.com.ohio.gov/liqr, and under "Liquor Control" click on "Look it up" and under that mega menu please select "Search Permit Holders" "Permit Applicant / Holder Information (types and status)". You will then enter the search criteria for your county / city / township to bring up the issued permits in your jurisdiction. If you do not have access to the internet, this list can be provided by this Division upon written request.

If you have any questions, please contact the Legal Section at (614)644-2489.

Very truly yours,

Cassandra L. Hicks, Chief Of Licensing

Licensing Renewal Section
6606 Tussing Road
PO Box 4005
Reynoldsburg, OH 43068-9005 U.S.A.

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REYNOLDSBURG PLANNING & ZONING DIVISION

STAFF REPORT: PLANNING & ZONING CODE AMENDMENT

CODE SECTION: Chapter 1143 & 1155 – Zoning Certificate Procedures

BACKGROUND: Staff becomes periodically aware of provisions in the Planning and Zoning Code that need revision or the addition of text to make the intent of the Code more clear. Section 1143 primary regulates the zoning/development approval process. Staff's view is that the proposed revision will clarify the process and make it more internally consistent.

SUMMARY OF MAJOR REVISIONS:

1143.01 - Purpose

This chapter explains the rational system of zoning project approval. The sentence discussing the requirements for PGU drafting is not required because the same information is covered in Section 1143.04.

1143.02 - Zoning Certificate

This section contains the primary regulations for the review and issuance of zoning certificates. Staff has revised the section to utilize job titles more consistently and to conform the process to the current practice. This proposed revision will not modify any uses or change any procedure to acquire zoning clearance for a project.

1143.03 - Site Plan & 1143.04 - Plot-Grade-Utility Plan

These sections regulate the process of site plan submission and approval. Staff has reorganized the sections to be clearer as to the purpose of the different site plan types. Staff has revised the subsection listing the various requirements for major site plan review and has grouped the specific requirements under general headings. This will make the submission and review of plans simpler and is a feature that applicants have requested. Staff is also proposing to transfer the review and approval of major site plans from the BZBA to the Planning Commission. This will make the City's development review process more consistent with peer cities, simplify the approval process for projects that do not require variances or special exceptions, and allow the Board of Zoning and Building Appeals to focus its time on reviews of variances, special exception use permits and appeals from the Code. The City's consulting engineer was comfortable with the revision to the PGU requirements which increase flexibility in the submission process.

Section 1155.05 & 1155.06 – Administrative Procedures

This proposed section will standardize the expiration of all zoning certificates and other zoning approvals and provide for a logical connection to the building permit process. This proposed section will not affect special exception use permits and variances, which have a separate expiration procedure. Staff is also proposing to add a section incorporating the Development Handbook by reference in order to better clarify the relationship between the document and the Zoning Code.

CHAPTER 1143 – Zoning Certificates; Site Plan; Plot-Grade-Utility Plan

1143.01 PURPOSE.

Zoning certificates, site plans, and plot-grade-utility plans (also referred to as construction plans) provide a uniform system of application, review, and approval or denial for proposed uses and structures to ensure conformance with this Zoning Code and to document the conditions under which such uses and structure are approved. ~~All plot, grade, utility plans shall be signed and sealed by a licensed professional engineer in the State of Ohio. Guidelines for the submittal and approval process for plot-grade-utility plans are outlined in the City of Reynoldsburg Development Handbook. All requirements and documents included in the Handbook need also be followed and completed.~~

1143.02 ZONING CERTIFICATE.

No use of land, building or structure and no construction or alteration of an existing use, building, or structure shall commence until a zoning certificate is issued by the ~~Zoning Officer~~Planning Administrator certifying that the intended use of the premises has been documented, reviewed, and approved in conformance with the provisions of this Zoning Code. A zoning certificate shall only be issued by the ~~Zoning Officer~~Planning Administrator subsequent to completion of all procedures and approvals required by this Code. No zoning certificate shall be issued to permit any use or construction contrary to the provisions of this Zoning Code, unless in compliance with a duly approved variance.

- (a) Zoning Certificate Required. Unless ~~excepted~~exempted by this Code, a zoning certificate shall be required before:
 - (1) Locating, erecting, constructing, reconstructing, altering, or moving any building or structure, including an accessory building or structure such as a sign or fence;
 - (2) Occupying or using land or a building, or changing the use of land or of a building, in whole or in part, for a different use;
 - (3) Changing a nonconforming use to a different use or extending or expanding a nonconforming use or structure.
- (b) Application for Zoning Certificate. ~~An written~~ application for a zoning certificate shall be submitted to the ~~Zoning Officer~~Planning Administrator ~~on forms provided~~ and shall include:
 - (1) A plan or plans drawn to scale showing:
 - A. The dimensions and the shape of the lot to be used or built upon;
 - B. The sizes and locations of existing structures and uses on the lot;
 - C. The dimensions and locations of proposed structures and uses;
 - D. The heights of existing and proposed structures;
 - (2) A statement ~~signed by the applicant ensuring conformance with all provisions of the Zoning Code; detailing the proposed use, which shall be signed by the applicant;~~
 - ~~— (3) If applicable, application for a site plan, special exception, sign permit, or other application required by this Code;—~~
 - (4) Such other documentation as may be necessary to determine conformance with the provisions of this Code; and

(54) Any fees ~~and deposits~~ as required by this Code;

- (c) ~~Appeal-Denial.~~ When the ~~Zoning Officer~~ Planning Administrator determines that an application for a zoning certificate ~~is in conflict with or~~ does not comply with the provisions or intent of this Code, ~~or that an application does not~~ otherwise comply with the requirements of this Code, then the ~~Zoning Officer~~ Planning Administrator shall deny the application and shall not issue a zoning certificate. issuance of the zoning certificate. The Planning Administrator may refer zoning certificates to the Board of Zoning and Building appeals in conjunction with the provisions of Section 1139.

- (d) ~~Appeal.~~ If requested by the applicant, ~~the denial shall be issued in writing.~~ Within ten (10) days of ~~either verbal or written~~ denial, the applicant ~~shall~~ may submit ~~an~~ written appeal to the Board of Zoning and Building Appeals. Any applicant who does not present an appeal within ten (10) days of the date of denial by the ~~Zoning Officer~~ Planning Administrator shall have waived the right to appeal.

1143.03 SITE PLAN.

(a) Site Plans Required. Site plan review is required prior to the issuance of a zoning certificate for projects and developments that meet the following criteria. Application for a site plan review shall be required in addition to the application for a zoning certificate. Site plans shall be submitted and reviewed as follows:

- (1) Major Site Plan. An application for a major site plan shall be submitted for review ~~and approval by the Board of Zoning and Building Appeals~~ by the Planning Commission prior to issuance of a zoning certificate. ~~The application and review shall conform to the provisions of 1143.03(c).~~ A mMajor site plan review shall be required if a development meets any of the follow criteria: the development meets more than one of the following definitions:
 - A. A development involving any new ~~construction~~ structures other than a one or two-family residential structure, fence or accessory structure under two hundred (200 sf) square feet;
 - B. A development, ~~or a structure or site which involves more than~~ five thousand (5,000sf) square feet of new impervious surface;
 - C. A development impacting or adjacent to an environmentally sensitive feature;
 - D. A development which conflicts with an adopted City plan;
 - E. A development which generates more than fifty (50) peak hour trips ~~(see also the Facility Demand Worksheet in the City of Reynoldsburg Development Handbook); or~~
 - F. Other unusual or unique impacts which, in the professional opinion of the Planning Administrator, warrant public review.
- (2) Minor Site Plan. An application for a minor site plan review shall be submitted for review by the Planning Administrator and other City staff prior to issuance of a zoning certificate. Minor site plan review shall be required for a development, building addition, or site improvement, ~~which does not qualify as a major site plan~~ other than a single or two-family dwelling, fence or accessory structure under

~~two hundred (200) sf, that does not qualify for major site plan review, in a commercial or industrial zoned district, or if in the professional opinion of the Planning Administrator the project warrants review. Fences and accessory structures less than 200 square feet do not require a minor site plan.~~

- (3) Residential Site Plan. An application for residential site plan review shall be submitted for review by the Planning Administrator and other City staff prior to issuance of a zoning certificate. Residential site plan review shall be required for a single family dwelling, a two-family dwelling, and any dwelling within a PD - Planned Development District. The application and review shall conform to the provisions of 1143.03(d).

~~— (b) Site Plans Exempted. The Zoning Officer may issue a zoning certificate without site plan review by the Board for any use and any site provided that the zoning certificate application proposes: a change of use conforming to all requirements of this Zoning Code; and no alterations or only interior alterations to a structure; and no exterior changes or additions to structures or the site. The Zoning Officer may require site plan review by the Board of Zoning and Building Appeals for any zoning certificate application deemed to have potential changes or impacts which may require special consideration or conditions.~~

(b) The Planning Administrator shall not issue a zoning certificate for any development requiring site plan review prior to the completion and approval of a site plan.

(c) Major Site Plan. An written application for a major site plan review shall be submitted to the Zoning Officer on forms provided Planning Administrator and shall include the following information:

- ~~— (1) General Requirements.~~
- ~~— A. Completed major site plan application.~~
 - ~~— B. Six copies of the major site plan submitted on 22" x 34" paper, and three copies submitted on 11" x 17".~~
 - ~~— C. Professional engineer, architect, or landscape architect registered with the State of Ohio must sign and seal all plans.~~
 - ~~— D. The current zoning of the property. In addition, current zoning of adjacent parcels.~~
 - ~~— E. Vicinity map showing the location of the proposed development in relationship to the surrounding area including major thoroughfares.~~
 - ~~— F. Property lines, parcel dimensions and adjoining rights-of-way.~~
 - ~~— G. The names and addresses of all adjoining property within 150 feet of the proposed development.~~
 - ~~— H. Title block for each sheet.~~
 - ~~— I. Location of proposed buildings and structures.~~
 - ~~— J. Wetland limits and size clearly shown, regardless of size.~~
 - ~~— K. One hundred-year flood elevation to be clearly indicated.~~
 - ~~— L. The location of existing water bodies, streams, drainage ditches, stands of trees and other pertinent features within 150 feet of the proposed development.~~
 - ~~— M. The location, width, names, and classification of existing and proposed streets, rights-of-way, and easements, and where pertinent, their designated use within~~

250 feet of the proposed subdivision.

- ~~N. Approximate location of all existing buildings within 150 feet of the proposed development.~~
- ~~O. The approximate location, dimensions, and area of all property proposed to be set aside for parks and open space, and other public or private reservation, with designation of the purpose and proposed ownership thereof.~~
- ~~P. Topography with a maximum contour interval of two feet.~~
- ~~Q. Preliminary proposals for connection to existing water supply and sanitary sewer systems and for the collection and discharge of surface water drainage including the location and size of existing and proposed water mains, sanitary sewers and drainage facilities.~~
- ~~R. Show all existing conditions, including but not limited to: ditches, culverts, waterways, utilities, sidewalks, power poles, easements, building footprint and finish grade, finish grade of adjacent buildings, wetlands and woodlands, etc.~~
- ~~S. Show existing adjacent roads with rights of way.~~
- ~~T. Complete facility demand worksheets as provided by the Planning Administrator.~~
- ~~U. All exterior lighting shall be shown, including parking lot, pedestrian, and building accent lighting. Lighting intensity and installation height shall be indicated.~~
- ~~V. Exterior building design and surface treatments shall be indicated, including building material and color. Color and material samples shall also be made available for inspection.~~
- ~~W. Fees as required by Chapter 1155.~~
- ~~(2) Zoning Standards and Requirements.~~
 - ~~A. Setbacks and building separations shall be noted in accordance with zoning requirements.~~
 - ~~B. Striping for parking lot shall be indicated directly on the plans, and include the spaces required vs. spaces provided.~~
 - ~~C. Loading spaces indicated.~~
 - ~~D. Plantings shown in accordance with zoning requirements. All utilities shall be shown on all planting plans.~~
 - ~~E. Completed zoning certificate and fee.~~

(1) General Requirements.

- ~~A. Completed application form.~~
- ~~B. All plans shall be signed and sealed by a professional engineer, architect, or landscape architect registered with the State of Ohio.~~
- ~~C. Each sheet shall contain a title block.~~
- ~~D. A vicinity map showing the location of the proposed development in relationship to the surrounding area including major thoroughfares.~~

(2) Site Plan. A site plan indicating the following:

- ~~1. The dimensions of property lines, parcel dimensions and adjoining rights-of-way.~~
- ~~2. The names and addresses of all adjoining property within one hundred fifty (150') feet of the proposed development.~~

3. The current zoning of the parcel and all adjacent parcels.
4. The location of proposed buildings and structures.
5. The location of existing water bodies, streams, drainage ditches, stands of trees and other pertinent features within one hundred fifty (150') feet of the proposed development.
6. Setbacks and building separations shall be noted in accordance with zoning requirements.

(3) Environmental/Landscape Plan. An environmental plan that indicates the following.

1. Topography with a maximum contour interval of two (2') feet.
2. The location of all proposed and existing structures with one hundred fifty (150') feet of parcel.
2. The location of existing water bodies, streams, drainage ditches, stands of trees and other pertinent features within one hundred fifty (150') feet of the proposed development.
3. The limits of all wetlands and of the one hundred (100) year flood plain.
4. The approximate location, dimensions, and area of all property proposed to be set aside for parks, open space, and other public or private reservation, with designation of the purpose and proposed ownership thereof.
5. The location of all new landscape material and plantings. Utilities shall be shown on all landscape plans.

(4) Utilities Plan. A basic utilities plan that indicates the following:

1. All existing conditions, including but not limited to: ditches, culverts, waterways, utilities, sidewalks, power poles, easements, building footprint and finish grade, finish grade of adjacent buildings, wetlands and woodlands, etc.
2. Preliminary proposals for connection to existing water supply and sanitary sewer systems and for the collection and discharge of surface water drainage including the location and size of existing and proposed water mains, sanitary sewers and drainage facilities.

(5) Parking/Transportation Plan. A transportation/parking plan that indicates the following:

1. The location, width, names, and classification of existing and proposed streets, rights-of-way, and easements, and where pertinent, their designated use within one hundred fifty (150') feet of the proposed development.
2. Complete facility demand worksheets.
3. The location, typical dimensions, and number of all parking and loading spaces and the number of spaces required by Chapter 1179.
4. The location of all proposed walkways and pedestrian accesses within or to the site.

(6) Lighting Plan. A lighting plan that indicates the following:

1. All exterior lighting shall be shown, including parking lot, pedestrian, and building accent lighting. Lighting intensity and installation height shall be indicated.

2. The styles and method of illumination of all heads and colors of all poles shall be indicated.
- (7) Architectural Plan. An architectural plan that indicates the following:
 1. Exterior building design and surface treatments shall be indicated, including building material and color. Color and material samples shall be made available for inspection.
 2. The location of all service areas or structures and all fences.
- (8) A completed zoning certificate application and fees as required by Chapter 1155.
- (9) Such other information as the Planning Administrator or Planning Commission may require so as to carry out the full intent of the Zoning Code.

~~The Zoning Officer shall distribute copies of the major site plan application to the Service Director and to the Director of Engineering for review and comment and shall schedule the application for review by the Board of Zoning and Building Appeals.~~

~~— Provided that the complete application has been submitted at least twenty-five (25) days earlier, the Board shall review the application at its next regularly scheduled meeting.~~

Any applicant requesting review of a major site plan shall submit to the Planning Administrator an application form and as many copies of the required materials as may be required by the Planning Administrator or the Planning Commission. The Commission shall take action on a site plan application within sixty (60) days unless a continuance of approval is requested by the applicant. The Commission shall act upon the application for major site plan review based upon the adopted regulations, standards, design guidelines of the City.

~~Approval of a major site plan shall expire twelve (12) months from the date of approval unless building permits have been obtained for construction. A single extension, not to exceed six (6) months may be granted by the Commission upon receipt of a written request from the applicant.~~

(d) Minor Site Plan. ~~An application for a minor site plan review shall be submitted for a development, building addition, or site improvement which does not qualify as a major site plan in a commercial or industrial zoned district, or if in the professional opinion of the Planning Administrator the project warrants review. Fences and accessory structures less than 200 square feet do not require a minor site plan. A written application for a minor site plan shall be submitted to the Planning Administrator on forms provided and shall include the following information:~~

- (1) ~~A sketch plan showing boundary information, existing and proposed development, existing and proposed easements, rights-of-way, and utilities, including storm water drainage;~~
- (2) ~~The sketch plan shall indicate buildings, service areas, parking, fencing, landscaping, and all required setbacks;~~
- (3) ~~All parking and loading areas shall be shown, including typical dimensions of parking stalls, aisles and loading spaces;~~
- (4) ~~All driveways and curb cuts shall be indicated, including major aisle ways and service routes. Pedestrian circulation shall also be indicated;~~
- (5) ~~Handling of all waste and refuse materials shall be indicated;~~

- (6) Proposed landscaping shall be shown, as per the zZoning eCode;
- (7) Signage may be required to be shown, as per the zZoning eCode; and
- (8) All exterior lighting shall be shown, including parking lot, pedestrian, and building accent lighting. Lighting intensity and installation height shall be indicated.
- (9) Exterior building design and surface treatments shall be indicated, including building material and color. Color and material samples shall also be made available upon request.
- (10) Such other information as the Planning Administrator may require so as to carry out the full intent of the Zoning Code.

Any applicant requesting ~~approval~~ review of a minor site plan as ~~defined herein~~ shall submit ~~to the Planning Administrator five copies of the application, including the items specified in this division (d).~~ to the Planning Administrator an application form and as many copies of the required materials as he may require. Within thirty (30) days of filing a complete application, the Planning Administrator shall act upon the application for minor site plan review based upon the adopted regulations and standards, design guidelines contained in the Reynoldsburg Code of Ordinances of the City. If the plan is approved, the Planning Administrator shall issue a zoning certificate. ~~The zoning certificate shall be valid for twelve months from the date it is issued.~~ Authority to proceed pursuant to a zoning certificate shall lapse unless the action authorized by the zoning certificate is commenced within twelve months, or if building permits have been obtained for construction. A single extension, not to exceed six months may be granted by the Planning Administrator upon receipt of a written request from the applicant. No more than one application for minor site plan review shall be accepted and approved within a twelve (12) month period. Additional applications for minor site plan review within this period shall require major site plan review.

(e) ~~Residential Site Plan – Application and Review.~~ An application for a residential site plan review shall be submitted to the Planning Administrator and include the following information:

- _____ (1) ~~Locations of all streets, easements, and existing and proposed structures;~~
- _____ (2) ~~Finished floor elevations for first floor, garage floor, and basement; floor area of all floors;~~
- _____ (3) ~~Finished ground elevations at all corners of structures, at midpoints of the walls of structures, at corners of the lot, and at midpoints of the lot lines;~~
- _____ (4) ~~Setbacks;~~
- _____ (5) ~~Drainage features and improvements sufficient to demonstrate positive drainage, including the locations of swales, sump pumps, and yard drains; data describing any special flood hazard areas on the lot;~~
- _____ (6) ~~Existing or proposed sidewalk in the public right of way;~~
- _____ (7) ~~Scale and north arrow;~~
- _____ (8) ~~Identification of the subplot, subdivision, tax parcel number, and address;~~
- _____ (9) ~~Surveyed dimensions and orientations of all lot lines; total area of the lot; seal and signature of the professional surveyor or engineer who prepared the drawing;~~
- _____ (10) ~~Such other information as the Zoning Officer deems necessary to determine compliance of the proposed site with the provisions of applicable city ordinances;~~
- _____ (11) ~~Signature block for approval and date by the Zoning Officer.~~

~~—A residential site plan shall be reviewed and approved or denied by the Zoning Officer in coordination with other city officials prior to the issuance of a zoning certificate.~~

~~—Approval of a residential site plan shall expire twelve (12) months from the date of approval unless building permits have been obtained for construction. A single extension, not to exceed six (6) months may be granted by the Zoning Officer upon receipt of a written request from the applicant.~~

- (1) Surveyed dimensions and orientations of all lot lines; total area of the lot; seal and signature of the professional surveyor or engineer who prepared the drawing;
- (2) Identification of the, subdivision, lot number, tax parcel number, and address;
- (3) Dimensions indicating compliance with all setbacks;
- (4) Locations of all streets, easements, and existing and proposed structures;
- (5) Location of existing or proposed sidewalks in the public right-of-way;
- (6) Finished floor elevations for first floor, garage floor, and basement; floor area of all floors;
- (7) Finished ground elevations at all corners of structures, at midpoints of the walls of structures, at corners of the lot, and at midpoints of the lot lines;
- (8) Drainage features and improvements sufficient to demonstrate positive drainage, including the locations of swales, sump pumps, and yard drains; data describing any special flood hazard areas on the lot;
- (9) A landscape plan indicating the size and types of landscape materials and the location of all street trees; and
- (10) Such other information as the Planning Administrator may require so as to carry out the full intent of the Zoning Code.

Any applicant requesting review of a residential site plan shall submit to the Planning Administrator an application form and as many copies of the required materials as he may require. Within thirty (30) days of filing a complete application, the Planning Administrator shall act upon the application for site plan review based upon the adopted regulations, standards, design guidelines of the City.

(f) Final Grade and Drainage Certification. Before a certificate of occupancy is issued, a final grade and drainage certificate shall be required for a single-family dwelling, a two-family dwelling, and any dwelling within a PD - Planned Development District.

1143.04 PLOT-GRADE-UTILITY PLAN.

(a) A ~~detailed~~ plot-grade-utility plan shall be submitted to the ~~Safety~~/Service Director for review and approval ~~at any time~~ prior to issuance of a zoning certificate for any development that qualifies for site plan review other than a single-family single-family dwelling, two-family dwelling, or development within a PD - Planned Development District with a previously approved plot-grade-utility plan on file. A plot-grade-utility plan shall only be approved subsequent to and in conformance with ~~a site plan approved by the Board of Zoning and Building Appeals~~ an approved site plan.

(b) A plot-grade-utility plan shall be prepared and certified by an engineer duly certified by the State of Ohio. A plot-grade-utility plan shall include at least the following:

- (1) Signature and date blocks for the Service Director, ~~Director of Engineering~~ City Engineer, Water/Waste Water Superintendent, Street Superintendent, Fire Chief, Planning Administrator, Floodplain Administrator;
- (2) Drawings of the proposed elevations of the structure;
- (3) Floor elevations and floor areas of all floors including basements;
- (4) Existing contours;
- (5) Finished grades;
- (6) Existing and proposed drainage features and improvements, including the extent of the property within any designated special flood hazard area;
- (7) Existing and proposed utilities;
- (8) Parking;
- (9) Ingress and egress;
- (10) Public improvements and adjacent rights of way;
- (11) Special flood hazard classification of all parts of the property;
- (12) Special flood hazard limits or restrictions;
- (13) Fees as required by Chapter 1155; ~~and~~
- (14) Calculation of Equivalent Residential Units (ERU) for stormwater utility; and
- (15) Any additional requirements detailed in the City of Reynoldsburg Development Handbook which the Service Director, Director of Engineering, and/or Planning Administrator deem necessary to carry out the full intent of this Code. ~~items that may be required by the Service Director, City Engineer or Planning Administrator in order to carry out the full intent of the Zoning Code.~~

The applicant shall submit one (1) mylar original and as many additional copies as are required by the Service Director. ~~six (6) copies of the plot grade utility plan.~~

CHAPTER 1155 – Administration; Enforcement; Penalty

1155.04 EXPIRATION OF CERTIFICATES AND PERMITS.

(a) Unless otherwise stated by this Code, all zoning certificates, permits or other approvals granted by the Planning Administrator, Planning Commission, Design Review Board or Board of Zoning and Building Appeals, shall be valid for a period of one (1) year from date of approval by the Board or date of issue by the Planning Administrator.

____ (b) Within that period, that applicant must complete the following for the proposed improvement:

____ (1) if required, submit a subsequent zoning application;

____ (2) if required, secure a building permit; and

____ (3) if no other permits are required, construct the proposed improvement.

____ (c) Once a building permit is secured, a zoning certificate, permit or other approval shall be considered to expire when that building permit expires.

____ (d) Any application that is incomplete or otherwise unissued by the Planning Administration shall expire one (1) year from the date of application.

____ (e) One additional period of six (6) months may be granted by the Planning Administrator upon finding that unique circumstances warrant the additional time and that the conditions upon which approval was granted have not changed.

1155.05 ADMINISTRATIVE PROCEDURES; DEVELOPMENT HANDBOOK.

The Planning Administrator, in consultation with the Service Director, City Engineer, Planning Commission, Board of Zoning and Building Appeals, Building Official or any additional City staff shall publish application procedures and additional requirements in a document to be known as the Development Handbook, which shall be incorporated here by reference. The Planning Administrator shall make the most current version of this document available to the public in a manner that is easily accessible.



REYNOLDSBURG PLANNING & ZONING DIVISION

STAFF REPORT: PLANNING & ZONING CODE AMENDMENT

CODE SECTION: Various – General Zoning Regulations

BACKGROUND: Staff becomes periodically aware of provisions in the Planning & Zoning Code that need revision or the addition of text to make the intent of the Code more clear. Chapters 1103, 1139 and 1147 govern the operations and procedures of the Board of Zoning and Building Appeals and Design Review Board. Staff is proposing some revisions to these chapters in order to make various application review procedures consistent across different permit types and to standardized language throughout.

SUMMARY OF MAJOR REVISIONS:

Chapter 1159 - Nonconforming Uses & Structures

Current Chapter 1195 contains the regulations governing non-conform uses. That chapter is in the zoning regulations section of the Planning & Zoning Code. The information in this chapter is primarily used by Staff when enforcing the Code. Staff is proposing to relocate this information new Chapter 1159. This will make the Zoning Code consistent with the codes of many peer cities.

Chapter 1161 - Interpretation

This chapter contains the standards for how the Zoning Code should be interpreted by the Planning Administrator and Board of Zoning and Building Appeals. Staff is proposing to revise Sections 1161.06 and 1161.07 to clarify that interpretation. Proposed Section 1161.07 will assign the R-1 District to any property not otherwise classified. A similar regulation was repealed in 2004, which lead to an ambiguous situation for annexed properties that have never had a classification formally assigned. This regulation will be consistent with the current practice.

1171.04 General Regulations for Lots and Yards

This section establishes the regulation system of lot coverages, structures and accessory structures. Staff is proposing to apply the same regulations for accessory structures to patios, to prevent patios from being located too close to lot lines.

1171.06 Accessory Use, Accessory Structure

This section prescribes the standards for determining and locating an accessory use or structure. Staff is proposing to reduce the setback for accessory structure from a main structure to 10' from 15'. This regulation is one of the most frequently varied regulations in the Zoning Code and often prevents owners of small existing lots from constructing sized accessory structures that are otherwise reasonable in size and scale.

Subsection “C” of this section regulates the erection of fences within the City. Staff is proposing to strike this entire subsection and enacting a new subsection with better defines the various types of fences. Staff is proposing special regulations from agricultural uses, temporary uses, sports/athletic facility uses and fences abutting drainage easements that confirm to the existing practices.

1171.07 Temporary Special Land Use

This section contains the regulation for temporary special land uses, governs where they can locate and prescribes a procedure for issuing permits. Temporary special land uses are only allowed in specific circumstances. Staff is proposing to add a section clarifying how the section applies to festivals and community events.

1131 DEFINITIONS.

Community Activity. An activity that is open to the general public and sponsored by a public, private, nonprofit or religious organization that is educational, cultural, or recreational in nature.

Development Director. The Development Director of the City of Reynoldsburg. All references to the Development Director may be construed as referring to the Development Director or his/her designee.

Fence. A hedge, wall, structure, or partition, whether wood, metal, or of other construction, erected for the purpose of enclosing a piece of land, or to divide a piece of land from adjoining lands or streets, or for privacy screening or decorative purposes. ~~"Fence" includes a~~ Natural growth which forms a contiguous line of foliage from one plant to another for a length in excess of sixteen (16') feet high shall be termed a fence when more than two (2') feet in height. ~~A hedge or other natural growth of two feet or less in height shall not be considered a fence within the meaning of this section.~~ Natural foliage or decorative garden edging under two (2') feet in height shall not be termed a fence.

Patio. A patio is defined as a paved, permanent, impervious surface which is greater than twenty (20sf) square feet and not designed for vehicle access.

Planning Administrator. The public official of the City of Reynoldsburg designated to administer and enforce this Zoning Code. All references to the Zoning Officer and Planning Administrator may be construed as referring to the Development Director or his/her designee

Portable Temporary Storage Units. A transportable unit, ~~of whatever type construction or material,~~ designed and used for the temporary storage of building materials, ~~(before they are utilized for building purposes);~~ household goods; ~~and, waste, or~~ other such materials for use on a limited basis.

Residence. *(See "Dwellings")*

Special Event. A temporary outdoor use of land for the purposes of a gathering, including but not limited to a fair, festival, celebration, or fundraiser.

Zoning Officer. ~~The public official of the City of Reynoldsburg, charged and authorized to administer and enforce the Zoning Code.~~ *(See "Planning Administrator")*

1155.02 ~~ZONING OFFICER~~PLANNING ADMINISTRATOR TO ENFORCE CODE.

It shall be the duty of the ~~Zoning Officer~~Planning Administrator to enforce the provisions of this Zoning Code.

Chapter 1159 - Nonconforming Uses & Structures

1159.01 INTENT OF REGULATIONS FOR EXISTING NONCONFORMING USES.

Within the districts established by this Zoning Code or amendments that may later be adopted, there exist lots, structures, uses of land and structures and characteristics of use which were lawful before this Zoning Code was passed or amended, but which would be prohibited, regulated or restricted under the terms of this Zoning Code or future amendment. It is the intent of this Zoning Code to permit these nonconformities to continue until they are removed, but not to encourage their survival. It is further the intent of this Zoning Code that nonconformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses not permitted elsewhere in the same district.

1159.02 INCOMPATIBILITY OF NONCONFORMING USES.

Nonconforming uses are declared by this Zoning Code to be incompatible with permitted uses in the districts involved. A nonconforming use of a structure, a nonconforming use of land, or a nonconforming use of structure and land in combination, shall not be extended or enlarged after passage of this Zoning Code by attachment on a building or premises of additional signs intended to be seen from off the premises, or by the addition of other uses, of a nature which would not be permitted generally in the district involved.

1159.03 EXISTING NONCONFORMANCE.

To avoid undue hardship, nothing in this Zoning Code shall be deemed to require a change in the plans, construction or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Zoning Code and upon which actual building construction has been carried on diligently. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner. Where excavation or demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such excavation or demolition or removal shall be deemed to be actual construction, provided that work is carried on diligently.

1159.04 NONCONFORMING LOTS OF RECORD.

In any district in which single-family dwellings are permitted, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this Zoning Code notwithstanding limitations imposed by other provisions of this Zoning Code. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district, provided that yard dimensions and requirements other than those applying to area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located, except that the minimum side yards may be reduced ten percent (10%) of the width of the lot, provided that no side yard shall be less than three (3') feet. Variance of yard requirements shall be obtained only through action of the Board of Zoning

1159.05 NONCONFORMING LOTS OF RECORD IN COMBINATION.

If two or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this Zoning Code, and if

all or part of the lots do not meet the requirements established for lot width and area, the lands involved shall be considered to be an undivided parcel for the purpose of this Zoning Code, and no portion of such parcel shall be used or sold in a manner which diminishes compliance with lot width and area requirements established by this Zoning Code, nor shall any division of any parcel be made which creates a lot width or area below the requirements stated in this Zoning Code.

1159.06 CONTINUANCE OF NONCONFORMING USES OF LAND.

Where, at the time of passage of this Zoning Code, lawful use of land exists which would not be permitted by the regulations imposed by this Zoning Code, the use may be continued so long as it remains otherwise lawful; provided:

- (a) No such nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Zoning Code.
- (b) No such nonconforming use shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such use at the effective date of adoption or amendment of this Zoning Code.
- (c) If any such nonconforming use of land ceases for any reason for a period of more than two (2) years, any subsequent use of such land shall conform to the regulations specified by this Zoning Code for the district in which such land is located.
- (d) No additional structure not conforming to the requirements of this Zoning Code shall be erected in connection with such nonconforming use of land.

1159.07 CONTINUANCE OF NONCONFORMING STRUCTURES.

Where a lawful structure exists at the effective date of adoption or amendment of Ordinance 37-69 (passed May 12, 1969) that could not be built under the terms of this Zoning Code by reason of restrictions on area, lot coverage, height, yards, its location on the lot or other requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

- (a) 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.
- (b) When such nonconforming structure or nonconforming portion of the structure is destroyed by any means to an extent of more than sixty percent (60%) of its replacement cost at time of destruction, it shall not be reconstructed except in conformity with the provisions of this Zoning Code.
- (c) When such structure is moved for any reason, it shall conform to the regulations for the district in which it is located after it is moved.

1159.08 CONTINUANCE OF NONCONFORMING USES OF STRUCTURES OR OF STRUCTURES AND PREMISES IN COMBINATION.

If lawful use of a structure, or of structure and premises in combination, exists at the effective date of adoption or amendment of this Zoning Code that would not be allowed in the district under the terms of this Zoning Code, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

- (a) No existing structure devoted to a use not permitted by this Zoning Code in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved or structurally altered, except in changing the use of the structure to a use permitted in the district in which it is located.
- (b) Any nonconforming use may be extended throughout any of the parts of a building which were manifestly arranged or designated for such use at the time of adoption or amendment of this Zoning Code, but no such use shall be extended to occupy any land outside such building.
- (c) If no structural alterations are made, any nonconforming use of a structure, or structure and premises, may, be approved as a special exception for change to another nonconforming use by the Board of Zoning and Building Appeals, provided the Board, either by general rule or by making findings in the specific case finds that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change, the Board may require appropriate conditions and safeguards in accordance with the provisions of this Zoning Code.
- (d) Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district, and the nonconforming use may not thereafter be resumed.
- (e) When a nonconforming use of a structure, or of a structure and premises in combination, is discontinued or abandoned for twenty-four (24) consecutive months except when government action impedes access to the premises, the structure, or structure and premises in combination, shall not thereafter be used except in conformity with the regulations of the district in which it is located.
- (f) Where nonconforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land. Destruction for the purpose of this subsection is defined as damage to an extent of more than sixty percent (60%) of the replacement cost at the time of destruction.

1159.09 RESTORATION; REPAIRS AND MAINTENANCE.

Nothing in this Zoning Code 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, upon order of such official.

1159.10 SPECIAL EXCEPTIONS NOT NONCONFORMING.

Any use which is permitted as a special exception in a district under the terms of this Zoning Code, other than a change through the Board of Zoning and Building Appeal's action from a nonconforming use to another use not generally permitted in the district, shall not be deemed a

nonconforming use in such district, but shall, without further action, be considered a conforming use. (Ord. 37-69. Passed 5-12-69.)

1159.11 CERTIFICATE REQUIRED FOR NONCONFORMING USE.

(a) Section 1195 of Ordinance 37-69 (passed May 12, 1969) established requirements for certificates for those lawful nonconforming uses which were established prior to the effective date of that ordinance. The adoption of this Zoning Code shall not repeal or diminish those requirements or rights which were applicable to the lawful nonconforming uses which were subject to Ordinance 37-69.

(b) Uses and structures established subsequent to the effective date of Ordinance 37-69 shall have been established in conformance with the provisions of that ordinance and its subsequent amendments in order to be deemed lawful.

(c) Any lawfully existing use or structure existing on the effective date of this Zoning Code, which use or structure does not conform with one or more of the provisions of this Zoning Code, shall be deemed a nonconforming use or structure under the provisions of this Zoning Code. Provided that such nonconforming use or structure was established in conformance with the zoning provisions in effect prior to adoption of this Zoning Code, and provided that such use or structure was established under authorization of and in conformance with a permit or other authorization issued by the City, then such use or structure shall be a lawful nonconforming use or structure and shall be permitted to continue under the provisions of this Zoning Code.

1161.06 INTERPRETATION OF BOUNDARY LINES ON THE MAP.

(i) All zoning designations applied to lots adjacent to streets, alleys or other public ways shall be interpreted as extending to the centerline of that street, alley or other public way. Whenever any street, alley or other public way is vacated by official action of Council, the zoning district adjoining each side of such street, alley or public way shall be automatically extended to the centerline of such vacation, and all area included in the vacation shall then and hence forth be subject to all appropriate regulations of the extended district or districts.

1161.07 ANNEXED LANDS.

- (a) When a lot developed with an agricultural use or one (1) single family dwelling is attached to City via annexation, it shall be classified as R-1 Single Family Residence District upon passage of the ordinance accepting the annexation.
- (b) When a lot developed with a use other than agriculture or one (1) single family dwelling is attached to the city via annexation, the applicant may file for a district amendment within one (1) year from the date of the passage of the accepting ordinance without assessment of a fee. The applicant may request the zoning classification be changed to the zoning district that most closely matches the property's current use as determined by the Planning Commission. Otherwise, the lot shall be classified as R-1 Single Family Residence District upon adoption of the ordinance accepting the annexation.
- (c) When a lot owned by any public authority is attached to City via annexation, it shall be classified as S-1 Special District upon adoption of the ordinance accepting the annexation.
- (d) Any land within the City not designated or otherwise included within another zoning district shall be included in the R-1 Single Family Residence District.

1171.04 GENERAL REGULATIONS FOR LOTS AND YARDS .

(h) Patios shall be subject to the same rear and side yard setback requirements as accessory structures and subject to maximum lot coverage requirements applicable to structures. Walkways with a width of four (4') feet or less and pervious surfaces are exempt from lot coverage requirements but shall be subject to side and rear yard setbacks.

1171.06 ACCESSORY USE, ACCESSORY STRUCTURE.

(a) General.

(1) An accessory use or accessory structure shall be permitted in any district provided that:

- A. It is incidental to and customarily found in connection with the main use or main building permitted in the district;
- B. It is subordinate to and serves the main use or building;
- C. It is subordinate to the main use or building in ground area, floor area, extent, and purpose;
- D. It is located on the same lot as the main building or main use which it serves; and
- E. It contributes to the comfort, convenience, or necessity of occupants, business, or industry of the main use or main building served.

(2) Except as otherwise provided by this Zoning Code, a use or structure which is interpreted by the Zoning Official ~~Planning Administrator~~ or by the Board of Zoning and Building Appeals to be an accessory use or accessory structure may only be established or constructed on a lot having a legally existing main use or main building.

(3) Except as otherwise provided in this Zoning Code, an accessory structure:

- A. Shall not be located closer to any public right-of-way than the main building and shall not be located in the required front yard;
- B. Shall not be located closer than six feet (6') to any rear lot line and not closer than three feet (3') to any side lot line;
- C. Shall not be located closer than ten feet (10') ~~fifteen feet (15')~~ to a main building;
- D. Shall not occupy more than twenty percent (20%) of the required rear yard;
- E. ~~If located on a lot with a dwelling, shall not have a floor area greater than the combined cover fifty percent (50%) of the residential floor area of the dwelling;~~ In residential districts, the lot coverage of accessory structures shall not be more than fifty percent (50%) of the main structure unless the lot has an approved agricultural use;
- F. Shall not contain facilities for dwelling purposes;
- G. Shall not exceed fifteen feet (15') in height.

(4) For the purposes of this section, a storage building equal to or less than one hundred (100sf) square feet in area not permanently attached to the ground, is not considered a structure. Only one such storage building equal to or less than one hundred (100sf) square feet may be placed on the lot without a zoning certificate. Any additional buildings shall be considered accessory structures as defined by this code and subject to the provisions of this section. Storage buildings equal to or under one hundred (100sf) square feet shall be located behind the main structure.

(c) Fences. Fences shall be permitted as accessory structures in all districts subject to the following requirements:

- ~~(1) No fence shall be erected closer to a right-of-way line of any street than the setback~~

for buildings and accessory buildings established in Section 1175.06, except that a decorative fence, no higher than thirty-six inches (36") and no longer than thirty-six feet (36'), may be installed no closer than five feet (5') to a right-of-way. A decorative fence shall be of open design, not solid, as approved by the Zoning Officer.

- ~~———— (2) A chain link fence shall not be permitted closer than the front setback abutting any street in any district. Guard rails shall not be installed as fences. Fences which are electrically charged or which include barbed wire or other potentially hazardous material or construction shall not be permitted.~~
- ~~———— (3) Fences in rear yards and side yards not abutting streets shall not exceed six feet (6') in height in residential districts or eight feet (8') in height in commercial and industrial districts.~~
- ~~———— (4) No fence shall be installed in a manner or location which obstructs or alters the drainage of the lot on which it is located or of the abutting lot.~~
- ~~———— (5) No fence shall be erected, constructed, altered, relocated, or rebuilt until an application has been filed with the Building Department and the permit approved by the Zoning Officer.~~
- ~~———— (6) A fence shall only be erected or installed subsequent to and in conformance with the provisions of a fence permit issued by the Zoning Officer. For the purposes of approving a fence in conformance with this Code, a fence permit shall have the same effect as a zoning certificate.~~
- ~~———— (7) Fees for fence permits shall be as established in Chapter 1155 of this Code.~~
- ~~———— (8) Fences shall be inspected by the Zoning Officer for compliance with the provisions of this Zoning Code. If any fence is installed, erected, constructed or maintained in violation of any of the terms of this chapter, the Zoning Inspector shall notify the owner or lessee thereof in writing to alter such fence so as to comply with this chapter or to remove it.~~
- ~~———— (9) The applicant shall submit drawings and specifications indicating the location, materials, full dimensions, manner of support, and manner of fastening of the fence. The applicant shall also complete an application form, provided by the Zoning Officer, signed by the owner or tenant of the lot on which the fence will be installed, and by the contractor who will erect the fence. Sufficient information shall be provided to enable the Zoning Officer and the Building Inspector to determine compliance with all applicable regulations.~~

(1) Rear Fences.

- A. A rear fence is defined as a fence constructed between the front facade of the main structure and the rear lot line of a parcel.
- B. Rear fences shall be no higher than six (6') feet in residential districts and eight (8') feet in commercial and industrial districts.
- C. Corner lot setback lines established in section 1175.06(e) shall also apply to fences.

(2) Front Fences.

- A. A front fence is defined as a fence constructed between the front facade of the main structure and the right-of-way.
- B. Between the front facade of the main structure and the setback line for

structures established in section 1175.06, front fences shall be no higher than four (4') feet.

- C. Between the setback line for structures established in section 1175.06 and the right-of-way line, front fences shall be no higher than three (3') feet and shall not be longer than fifty (50') feet in residential districts. Fences of longer distances may be permitted if approved as part of major or minor site plans subject to the reviews of Section 1143.
- D. Front fences shall be no closer to the right-of-way than five (5') feet.
- E. Front fences shall be constructed of an open design, which is defined as at least fifty percent (50%) open. For picket fences, the distance between pickets shall be no less than the width of the pickets themselves.

(3) Fence Materials.

- A. Fences shall be constructed of materials that match or compliment any existing structures on a lot. This includes but is not limited to, painted or treated lumber, vinyl, wrought iron, painted aluminum, brick, and stone. All lumber fences shall be constructed so that the finished boards hide the vertical and horizontal posts when viewed from adjacent lots unless the fence is constructed in such a manner that the finished look of both sides of the fence is the same.
- B. No fence shall be constructed of materials such as highway guardrails, corrugated metal, metal wire or plastic mesh, or other such materials that are not designed for use as fencing material or are not sufficiently weather resistant and durable.
- C. No fence shall be constructed which is electrically charged, includes any material which is potentially hazardous such as spikes or barbed wire, or is otherwise designed to injure except as provided for in this chapter.
- D. Chain link fences shall only be permitted as rear fences. All chain link fences will include a horizontal rail between each set of vertical posts. Chain link fences in commercial districts must have a painted black, brown, or green finish unless another treatment is approved as part of a site plan review.
- E. Chain link fences may not be utilized as a means of support for wooden privacy fences.

(4) Special Provisions for Agricultural Uses.

- A. Fences containing barbs or charged with electricity may be erected to enclose areas used to contain domestic livestock in association with an approved agricultural use.
- B. The Planning Administrator shall only grant a fence permit for a fence of this type after determining that the nature and location of the fence is not a danger to the public or intended to injury persons engaged in lawful activity.

(5) Special Provisions for Industrial Districts.

- A. Fences containing barbs may be erected as rear fences to secure properties in industrial districts. The Planning Administrator shall only grant a fence permit for a fence of this type after determining that the nature and location of the fence is not a danger to the public or intended to injury persons engaged in lawful activity.

(6) Temporary Fences.

- A. Temporary fences may be constructed without a permit for the following reasons:
 - i. As required due to an unsafe building, right-of-way or utility maintenance emergency.
 - ii. A construction fence in conjunction with a site that has active building permits.
 - iii. In conjunction with an approved temporary special land use permit or any special event approved through the Parks and Recreation Department. Temporary fences of this nature may only be maintained for the length of the approved permit or through the duration of the special event.
 - iv. Temporary horticultural fences are permitted as temporary fences within the area designated for rear fences. Temporary horticultural fences shall be of an open design, shall not exceed four (4') ft in height, and not enclose an area larger than five hundred (500sf) square feet.
- B. Temporary fences may be constructed of materials or in a manner not consistent with the provisions of this chapter.
- C. In the event a temporary fence exists for a period of thirty (30) days or more, and the Planning Administrator determines that it is a hazard to public safety, the Planning Administrator may require a fence permit or that the fence comply with any provision of this chapter.

(7) Fence Regulations.

- A. All fences, unless specifically exempt by this chapter, shall require a fence permit from the Planning Administrator. No fence shall be erected, constructed, altered, relocated or rebuilt prior to obtaining a fence permit. An existing fence that requires new vertical posts to be set shall be considered an altered fence, and subject to a new permit. For the purposes of this chapter, a fence permit shall have the same effect as a zoning certificate in proving conformance with the Zoning Code.
- B. Fences shall only be constructed in conformance with the provisions of this chapter and of the fence permit issued by the Planning Administrator.
- C. No fence shall be installed in a manner or location which obstructs or alters the drainage of the lot on which it is located or of any abutting lot. All fences that are constructed abutting or across drainage easements shall be subject to the following additional regulations:
 - i. Shadow box fences and fences of an open design, which is defined as at least fifty percent (50%) open will be the preferred fence styles. For picket fences, the distance between pickets shall be no less than the width of the pickets themselves.
 - ii. Privacy fences shall provide a gap between the vertical boards and the ground of no less than two (2") inches.
- D. Lots in the S-1 Special district or lots with approved recreation facility uses may be permitted to be construct chain link fences no higher than twenty (20') feet high that do not enclose an area greater than thirty-five thousand

- (35,000sf) square feet and are customarily associated with athletic facilities.
- E. Fences may be inspected for compliance with the provisions of this Zoning Code. If any fence is installed, erected, constructed or maintained in violation of any of the provisions of this chapter, the Planning Administrator may notify the owner or lessee of the fence in question to repair or replace the fence so as to comply with this chapter or to remove it.

1171.07 TEMPORARY SPECIAL LAND USE PERMITS.

(a) ~~The Zoning Official, or his designee,~~Planning Administrator shall have the power to grant permits authorizing temporary special land uses for the following types of temporary sales: Tent sales, sidewalk sales, or seasonal sales of produce, plants, firewood, or Christmas trees. ~~will be permitted under the following conditions:~~

- (1) Zoning districts where permitted. Temporary special land uses for ~~tent sales, sidewalk sales, or seasonal sales of produce, firewood or Christmas trees~~ tent sales, sidewalk sales, or seasonal sales of produce, plants, firewood, or Christmas trees shall only be permitted in the Community Commerce District (CC) and the Community Services District (CS).
- (2) Application and fee; ~~submission of plot plan.~~ Every person, firm or corporation desiring to obtain a temporary special land use permit, as required by this section, shall file a ~~written~~ an application with the ~~City of Reynoldsburg Zoning Department~~Planning Administrator on a designated form provided by the Department, together with an application fee as specified in Table 1155.

(b) The application for a temporary special land use permit shall be accompanied by plans and specifications, ~~including a plot plan (in duplicate), drawn to scale, showing the following as required by the Planning Administrator.~~ This includes but is not limited to, plans that show the following:

- (1) The shape, location, and dimensions of the lot, including the shape, size, location, and use of all buildings or other structures already on the lot, and the off-street parking layout.
- (2) The materials to be utilized in and the shape, size, and location of all buildings and structures to be erected or moved onto the lot, including all tents, tables, stands or display racks.
- (3) The anticipated automobile traffic flow to and from the lot and any adjacent thoroughfares, loss of off-street parking space, if any, as well as the anticipated flow of pedestrian traffic upon lot sidewalks.

(c) Time limitations.

- (1) A temporary special use permit for a tent or sidewalk sale shall ~~by its terms~~ be effective for no longer than seven (7) days. No more than three (3) temporary special land use permits for tent sales or sidewalk sales shall be issued for a given location within a single calendar year. Temporary special use permits for tent sales or sidewalk sales shall not be issued for any given location for consecutive time periods except in the HD - Historic Commercial Overlay District. ~~Historic Overlay District (see Chapter 1193).~~
- (2) A temporary special land use permit for the sale of Christmas trees shall be its

~~terms~~ be effective for no longer than thirty (30) days. No more than one (1) temporary special land use permit for the sale of Christmas trees shall be issued for any given location within a single calendar year.

- (3) A temporary special use permit for ~~a vegetable, fruit, or produce stand, or for the sale of firewood, shall by its terms, be effective for no longer than two (2) months.~~ seasonal sales of produce, plants, or firewood shall be effective for a period no longer than ninety (90) days. No more than one (1) temporary special land use permit for ~~a vegetable, fruit or produce stand, or for the sale of firewood~~ seasonal sales of produce, plants, or firewood shall be issued for any given location within a single calendar year.

- (4) The Board of Zoning and Building appeals shall have the power to vary these periods and add other conditions to an approved permit as deemed necessary by the Planning Administrator or the Board in order to further the goals and principles of the Zoning Code.

(d) Regulations.

- (1) A temporary special use permit shall only be granted if the ~~Zoning Official, or his designee,~~ Planning Administrator determines that the proposed use, including the erection of any temporary building or structure, will:
- Provide adequate light and ventilation between buildings and structures.
 - Provide adequate automobile and pedestrian traffic flow.
 - Provide adequate off-street parking.
 - Will meet the intent of ~~this zoning ordinance~~ the Zoning Code or otherwise not interfere with the protection of public health, safety, and general welfare.
 - Not be incompatible with, or otherwise adversely affect, the physical character of the community and, in particular, the surrounding area within a distance of one thousand (1,000) feet.
 - No temporary special use shall be permitted if it reduces the parking on a lot by greater than twenty-five percent (25%).
- (2) When the proposed temporary special use is to be conducted on an otherwise vacant or unused lot, the use shall comply with all applicable zoning regulations for the district ~~in which the temporary special use is to be located, including all requirements pertaining to lot size, height, setback, maximum percentage of covered lot area, and off-street parking.~~
- (3) ~~No temporary special use shall be permitted if it reduces the parking by greater than twenty-five percent (25%).~~ Tents and other temporary structures are subject to building permits and other regulation by the Building Division.
- (4) ~~A building permit is obtained from the City of Reynoldsburg Building Department.~~
- (4) The Board of Zoning and Building appeals shall have the power to vary the time periods of and add other conditions to an approved permit as deemed necessary by the Planning Administrator or the Board in order to further the intent of the Zoning Code or otherwise protect the public health, safety, and general welfare.

(e) Special Events and Community Activities.

- (1) A temporary special land use permit shall not be required for special event or community activity permitted or organized through the Parks and Recreation

Department or Public Safety Department.

(2) A temporary special land use permit shall not be required for a special event or community activity associated with a permitted semi-public use in the S-1 Special district provided that the special event or festival meets the following conditions:

A. The special event or festival takes place entirely on the lot or parcel associated with the existing approved semi-public use.

B. The special event or festival is no longer than three (3) consecutive days and that there are no more than two (2) such events or festivals at a given location within a calendar year.

(3) A temporary special land use permit shall not be required for a special event or community activity conducted on a commercial parcel that is organized by a by non-profit or charitable organization. No more than two (2) such events shall be conducted by the same organization at the same location within a calendar year.

(4) The Planning Administrator may require temporary special land use permit for any other type of special event.

(5) Tents and other temporary structures for festivals and special events are subject to building permits and other regulation by the Building Division.

CHAPTER 1195—Nonconforming Uses

~~1195.01 INTENT OF REGULATIONS FOR EXISTING NONCONFORMING USES.~~

~~Within the districts established by this Zoning Code or amendments that may later be adopted, there exist lots, structures, uses of land and structures and characteristics of use which were lawful before this Zoning Code was passed or amended, but which would be prohibited, regulated or restricted under the terms of this Zoning Code or future amendment. It is the intent of this Zoning Code to permit these nonconformities to continue until they are removed, but not to encourage their survival. It is further the intent of this Zoning Code that nonconformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses not permitted elsewhere in the same district.~~

~~1195.02 INCOMPATIBILITY OF NONCONFORMING USES.~~

~~Nonconforming uses are declared by this Zoning Code to be incompatible with permitted uses in the districts involved. A nonconforming use of a structure, a nonconforming use of land, or a nonconforming use of structure and land in combination, shall not be extended or enlarged after passage of this Zoning Code by attachment on a building or premises of additional signs intended to be seen from off the premises, or by the addition of other uses, of a nature which would not be permitted generally in the district involved.~~

~~1195.03 EXISTING NONCONFORMANCE.~~

~~To avoid undue hardship, nothing in this Zoning Code shall be deemed to require a change in the plans, construction or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Zoning Code and upon which actual building construction has been carried on diligently. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner. Where excavation or demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such excavation or demolition or removal shall be deemed to be actual construction, provided that work is carried on diligently.~~

~~1195.04 NONCONFORMING LOTS OF RECORD.~~

~~In any district in which single family dwellings are permitted, a single family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this Zoning Code notwithstanding limitations imposed by other provisions of this Zoning Code. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district, provided that yard dimensions and requirements other than those applying to area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located, except that the minimum side yards may be reduced ten percent of the width of the lot, provided that no side yard shall be less than three feet. Variance of yard requirements shall be obtained only through action of the Board of Zoning.~~

~~1195.05 NONCONFORMING LOTS OF RECORD IN COMBINATION.~~

If two or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this Zoning Code), and if all or part of the lots do not meet the requirements established for lot width and area, the lands involved shall be considered to be an undivided parcel for the purpose of this Zoning Code, and no portion of such parcel shall be used or sold in a manner which diminishes compliance with lot width and area requirements established by this Zoning Code, nor shall any division of any parcel be made which creates a lot width or area below the requirements stated in this Zoning Code.

~~1195.06 CONTINUANCE OF NONCONFORMING USES OF LAND.~~

~~Where, at the time of passage of this Zoning Code, lawful use of land exists which would not be permitted by the regulations imposed by this Zoning Code, the use may be continued so long as it remains otherwise lawful; provided:~~

- ~~(a) No such nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Zoning Code.~~
- ~~(b) No such nonconforming use shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such use at the effective date of adoption or amendment of this Zoning Code.~~
- ~~(c) If any such nonconforming use of land ceases for any reason for a period of more than two (2) years, any subsequent use of such land shall conform to the regulations specified by this Zoning Code for the district in which such land is located.~~
- ~~—(d) No additional structure not conforming to the requirements of this Zoning Code shall be erected in connection with such nonconforming use of land.~~

~~1195.07 CONTINUANCE OF NONCONFORMING STRUCTURES.~~

~~Where a lawful structure exists at the effective date of adoption or amendment of Ordinance 37-69 (passed May 12, 1969) that could not be built under the terms of this Zoning Code by reason of restrictions on area, lot coverage, height, yards, its location on the lot or other requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:~~

- ~~(a) 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.~~
- ~~(b) When such nonconforming structure or nonconforming portion of the structure is destroyed by any means to an extent of more than sixty percent of its replacement cost at time of destruction, it shall not be reconstructed except in conformity with the provisions of this Zoning Code.~~
- ~~(c) When such structure is moved for any reason, it shall conform to the regulations for the district in which it is located after it is moved.~~

~~1195.08 CONTINUANCE OF NONCONFORMING USES OF STRUCTURES OR OF STRUCTURES AND PREMISES IN COMBINATION.~~

~~If lawful use of a structure, or of structure and premises in combination, exists at the effective date of adoption or amendment of this Zoning Code that would not be allowed in the~~

district under the terms of this Zoning Code, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

- ~~(a) No existing structure devoted to a use not permitted by this Zoning Code in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved or structurally altered, except in changing the use of the structure to a use permitted in the district in which it is located.~~
- ~~(b) Any nonconforming use may be extended throughout any of the parts of a building which were manifestly arranged or designated for such use at the time of adoption or amendment of this Zoning Code, but no such use shall be extended to occupy any land outside such building.~~
- ~~(c) If no structural alterations are made, any nonconforming use of a structure, or structure and premises, may, be approved as a special exception for change to another nonconforming use by the Board of Zoning and Building Appeals, provided the Board, either by general rule or by making findings in the specific case finds that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change, the Board may require appropriate conditions and safeguards in accordance with the provisions of this Zoning Code.~~
- ~~(d) Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district, and the nonconforming use may not thereafter be resumed.~~
- ~~(e) When a nonconforming use of a structure, or of a structure and premises in combination, is discontinued or abandoned for twenty-four consecutive months except when government action impedes access to the premises, the structure, or structure and premises in combination, shall not thereafter be used except in conformity with the regulations of the district in which it is located.~~
- ~~(f) Where nonconforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land. Destruction for the purpose of this subsection is defined as damage to an extent of more than sixty percent of the replacement cost at the time of destruction.~~

~~1195.09 RESTORATION; REPAIRS AND MAINTENANCE.~~

~~Nothing in this Zoning Code 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, upon order of such official.~~

~~1195.10 SPECIAL EXCEPTIONS NOT NONCONFORMING.~~

~~Any use which is permitted as a special exception in a district under the terms of this Zoning Code, other than a change through the Board of Zoning and Building Appeal's action from a nonconforming use to another use not generally permitted in the district, shall not be deemed a nonconforming use in such district, but shall, without further action, be considered a conforming use.~~

~~1195.11 CERTIFICATE REQUIRED FOR NONCONFORMING USE.~~

~~(a) Section 1195 of Ordinance 37-69 (passed May 12, 1969) established requirements for certificates for those lawful nonconforming uses which were established prior to the effective date of that ordinance. The adoption of this Zoning Code shall not repeal or diminish those~~

~~requirements or rights which were applicable to the lawful nonconforming uses which were subject to Ordinance 37-69.~~

~~(b) Uses and structures established subsequent to the effective date of Ordinance 37-69 shall have been established in conformance with the provisions of that ordinance and its subsequent amendments in order to be deemed lawful.~~

~~(c) Any lawfully existing use or structure existing on the effective date of this Zoning Code, which use or structure does not conform with one or more of the provisions of this Zoning Code, shall be deemed a nonconforming use or structure under the provisions of this Zoning Code. Provided that such nonconforming use or structure was established in conformance with the zoning provisions in effect prior to adoption of this Zoning Code, and provided that such use or structure was established under authorization of and in conformance with a permit or other authorization issued by the City, then such use or structure shall be a lawful nonconforming use or structure and shall be permitted to continue under the provisions of this Zoning Code.~~

1 & 2

ORDINANCE NO. _____

PASSED: _____

ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF REYNOLDSBURG, OHIO: Amending Chapter 1131 Definitions; Chapter 1143 Zoning Certificates; Site Plan; Plot-Grade-Utility Plan; Chapter 1155 Enforcement; Penalty; Chapter 1161 Zoning Districts; Chapter 1171 General Regulations for Lots and Yards; and Enacting Chapter 1159 Nonconforming Uses & Structures; and Repealing Chapter 1195 Nonconforming Uses.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF REYNOLDSBURG, OHIO:

SECTION 1. That Chapter 1131 Definitions; Chapter 1143 Zoning Certificates; Site Plan; Plot-Grade-Utility Plan; Chapter 1155 Enforcement; Penalty; Chapter 1161 Zoning Districts; Chapter 1171 General Regulations for Lots and Yards; of the Code of Ordinances of the City of Reynoldsburg be and are hereby amended to read as follows:

See Exhibit "A" attached hereto and incorporated herein.

SECTION 2. That existing Chapters 1131; 1143; 1155, 1161 and 1171 be and are hereby repealed and replaced.

SECTION 3. That Chapter 1159 Nonconforming Uses & Structures of the Codified Ordinances be and is hereby enacted to read as set forth in Exhibit A attached hereto and incorporated herein.

SECTION 4. That Chapter 1195 Nonconforming Uses; is hereby repealed.

SECTION 5. That upon adoption by Council this ordinance shall be in effect thirty days following signature by the Mayor.

Doug Joseph, President of Council

ATTEST: _____
April L. Beggerow, Clerk of Council

APPROVED: _____ DATE _____
Bradley L. McCloud, Mayor

CERTIFICATE

I, April L. Beggerow, Clerk of Council, City of Reynoldsburg, Ohio do hereby certify the foregoing to be a true and correct copy of Ordinance No. ____ as passed by Council of said City on the ____ day of ____ and as recorded in the Record of Proceedings of said Council.

April L. Beggerow, Clerk of Council
Filed with Mayor: _____ Published: _____

Attachment: Amend Zoning Codes part 1 & 2 (1258 : Amendments to the Zoning Code)



REYNOLDSBURG PLANNING & ZONING DIVISION

STAFF REPORT: PLANNING & ZONING CODE AMENDMENT

CODE SECTION: Chapter 1103, 1139 & 1147 – Board of Zoning and Building Appeals & Design Review Board administrative procedures

BACKGROUND: Staff becomes periodically aware of provisions in the Planning & Zoning Code that need revision or the addition of text to make the intent of the Code more clear. Chapters 1103, 1139 and 1147 govern the operations and procedures of the Board of Zoning and Building Appeals and Design Review Board. Staff is proposing some revisions to these chapters in order to make various application review procedures consistent across different permit types and to standardized language throughout.

SUMMARY OF MAJOR REVISIONS:

CHAPTER 1103 - Design Review Board

This section establishes the Design Review Board as well as prescribes the process for certificate of appropriateness application, review and approval. Staff has standardized some of the language for internal consistency and has better defined the design review districts of the City in Section 1103.04. Staff has clarified the instances when a certificate of appropriateness is required in Section 1103.10. Staff is proposing to repeal the prohibition against compensation of the Board members because this is already prohibited by the Charter.

SECTION 1139.02 QUORUM; VOTING.

This section provides a process for BZBA meetings and voting procedures. Staff is proposing to remove the list of items under subsection “c” because a list of the Board’s powers and duties is already enumerated in Section 1139.03 of this chapter. There is no reason to restate the Board’s duties here.

1139.05 APPLICATION PROCEDURES

Staff is proposing to standardize all application procedures for the various Boards and the proposed change is consistent with the current practice. In order to maintain consistency between different types of permits and approvals, Staff is proposing to add a statement in Section 1139.05 that states the BZBA will render all decisions within 60-days from the original hearing on the item unless requested by the applicant.

1147.04 ACTION BY BOARD

This section prescribes a 60-day time limit for review of variances. The purpose of such limitation is to encourage the Board to review variances and make a decision in a timely manner. Since Staff is proposing to add a statement in Section 1139.05 that states

the BZBA will render all decisions within 60-days from the original hearing on the item unless requested by the applicant, this provision will not be needed.

1147.08 REAPPLICATION

Staff is requesting extending the reapplication period to 12 months to be consistent with the current special exception use permit process.

CHAPTER 1103 - Design Review Board

1103.01 ESTABLISHMENT.

There is hereby established a Design Review Board whose responsibility is to discharge the design review procedures defined subsequent herein. Such Board shall be composed of seven members, consisting of the following:

- (a) A member of the Planning Commission.
- (b) ~~City~~ Service Director.
- (c) Three ~~resident freeholders~~ residents of the City.
- (d) Two ~~additional members shall be~~ design professionals selected from the following disciplines:
 - (1) An architect, registered to practice in the State.
 - (2) A professional engineer, licensed to practice in the State.
 - (3) A landscape architect, registered to practice in the State.
 - (4) A graphic designer, experienced in exterior graphic design and/or signage.

1103.02 APPOINTMENT OF MEMBERS.

The ~~at-large~~ resident members shall be appointed by City Council. Design professionals shall be appointed by the Mayor. Nothing shall prevent an individual who is qualified as a design professional from serving on the Design Review Board as an ~~at-large~~ resident member.

1103.03 TERM OF OFFICE.

The term of all members of the Design Review Board shall be three years except that for the first Board, the term of one at-large member shall be one year, the term of one at-large member and one design professional shall be two years, and the term of one at-large member and one design professional shall be three years. Following expiration of original terms, successors to members originally appointed shall thereafter be appointed for terms of three years. Appointed members are eligible for reappointment at the discretion of the appointing authority.

~~1103.04 COMPENSATION.~~

~~Members of the Design Review Board shall receive no compensation. (Ord. 96-94. Passed 7-25-94.)~~

1103.04 SUBJECT LOTS AND SITES.

The design review districts shall consist of lots and sites in the following location:

- (a) The HD – Historic Overlay District, as defined by Chapter 1193 of the Zoning Code.
- (b) The Community Commercial Overlay, as defined by Section 1196.03 of the Zoning Code.
- (c) All other parcels in the City designated as commercial or industrial districts as defined by the Official Zoning Map.

1103.05 DUTIES AND RESPONSIBILITIES.

(a) It shall be the responsibility of the Design Review Board to evaluate the design and planning, including signage, for each new, renovated or expanded ~~commercial or industrial structure or overall development proposed for a site located within the Reynoldsburg Design Review Districts, defined as all current industrial and commercial zones as shown on the official Zoning Map within the design review districts.~~ In reviewing such plans, the Board shall examine:

- (1) Building design to include building massing and general architectural character, exterior surface treatments, fenestration, composition of all building elevations and the overall building color scheme.
- (2) Site development to include arrangement of buildings and structures on the site, use of signage, means of integrating parking and drives, points of access to public streets, internal access drive patterns and placement, variety, quantity and size of landscape materials.
- (3) Overall impact of the proposed project or development on the surrounding properties to determine the effect the project or development will have upon the appearance and environment of the district.

(b) In evaluating the design and planning for each new, renovated or expanded structure or development, the Board shall endeavor to assure that exterior appearance and environment of such buildings, structures and spaces shall:

- (1) Enhance the attractiveness and desirability of the district.
- (2) Encourage the orderly and harmonious development in a manner in keeping with the overall character of the district.
- (3) Improve residential amenities in any adjoining residential neighborhood.
- (4) Enhance and protect the public and private investment in the value of all land and improvements within the district.

(c) The ~~Design Review~~ Board may develop and implement design review standards and propose changes to those standards subject to the approval of Council.

1103.06 OPERATION.

The Design Review Board shall choose its own officers, adopt its own rules and/or regulations and maintain a record of its proceedings and actions. A quorum shall be considered as a majority of the authorized members of the Board for the purpose of transacting the business of the Board.

1103.07 REVIEW OF BOARD ACTIONS.

The City Council is hereby designated to hear all appeals of individuals who are directly affected by a decision of the Design Review Board when such appeal is properly and timely filed as required by ~~City ordinance~~ this Chapter.

1103.08 CERTIFICATE OF APPROPRIATENESS; APPLICATION.

Written application for a certificate of appropriateness shall be submitted to the ~~Chief Zoning Officer~~ Planning Administrator, who shall review ~~such~~ the application for proper form and content, and process it for review by the Board. ~~Upon acceptance of the application, the Zoning Officer shall process the application in accordance with the provisions of this chapter.~~

1103.09 FEE.

Application fee for a certificate of appropriateness shall be in accordance with the fee schedule provided by City Council in Section 1155 of the Zoning Code. ~~twenty-five dollars (\$25.00) for the basic review fee plus ten dollars (\$10.00) for each 1,000 square feet or fraction thereof of gross floor area contained within the proposed structure. No floor area fee shall be~~

~~charged for applications which do not involve new or additional gross floor area.~~

1103.10 CERTIFICATE REQUIRED.

(a) A certificate of appropriateness must be obtained prior to commencing new construction or any exterior remodeling, reconstruction or other exterior building modifications which would come within the jurisdiction of the Design Review Board, of structures within the design review districts. The Planning Administrator shall not issue a zoning certificate prior to the Board's review and approval of a certificate of appropriateness in accordance with the provisions of this chapter. Such certificate

(b) A certificate of appropriateness shall not be required in the case of normal and customary building maintenance activities that do not make changes to building material types or exterior colors.

(c) A certificate of appropriateness may not be required for projects in the design review districts that involve no changes to structures and qualify for minor site plan review under Section 1143. Projects of this type must not add any additional building material types or exterior colors.

(d) Signs on parcels within the design review districts shall be subject to the certificate of appropriateness requirements of Section 1181 of the Zoning Code.

1103.11 DESIGN REVIEW BOARD ACTION.

(a) The responsibility of review and approval or denial of the application for a certificate of appropriateness shall rest with the Design Review Board. All applications for a certificate of appropriateness shall be made to the Zoning Officer by the third Friday of every month. Planning Administrator at least 30 (days) prior to a regularly scheduled meeting of the Board. The applicant shall submit with his an application form, drawings, materials, sketches and proposed exterior of any new or existing building or structure within the District City limits. renderings as required by the Planning Administrator or the Board.

(b) The Design Review Board shall review each application and approve, approve with modifications or conditions or disapprove such application within forty-five days of the meeting. The Board shall render a decision on all applications within sixty (60) days from the original hearing of the Board unless additional time is requested by the applicant. Upon approval by the Board, the Zoning Officer/Planning Administrator shall issue a certificate of appropriateness to the applicant. within fifteen days thereafter. Upon disapproval by the Board, the Zoning Officer shall not issue a certificate of zoning compliance for such project.

1103.12 STANDARDS FOR DESIGN REVIEW.

(a) The Design Review Board shall review an application for a certificate of appropriateness to determine if proposed new construction or alteration to an existing commercial or industrial structure promotes, preserves and enhances the overall architectural character and integrity of the Design Review District in which the structure is proposed to be located and to endeavor to assure that the proposed structure or alteration would not be at variance with existing commercial or industrial structures within the Design Review District.

(b) In conducting this review, the Board shall examine and consider the design elements of the proposed structure including but not limited to the following:

- (1) Building height.
- (2) Building massing or the relationship of the building width to its height and depth and its relationship to the viewer's and pedestrian's visual perspective.
- (3) Fenestration to include the size, shape and materials of individual windows or door units and the overall harmonious relationship of window, door or other openings within the building facade.
- (4) Exterior detail and relationships which shall include all projecting and receding elements of the building exterior including but not limited to the horizontal or vertical expression and composition which is conveyed by these elements.
- (5) Roof shape which shall include form and material.
- (6) Exterior materials which shall include consideration of material compatibility among various elements of the structure, the texture and color of each material and the visual impact that the materials, when considered as a whole, will have upon the viewer's visual perspective.
- (7) Landscape design and plant materials which shall include the site lighting and use of landscaping features such as plant material, mounding, fencing or other details to highlight architectural features or screen and soften undesirable views.
- (8) Pedestrian environment which shall include the provision of features which enhance pedestrian movement and environment and which relate to the pedestrian's visual perspective.
- (9) Vehicle environment which shall include those provisions which enhance vehicle movement onto, within and off the site and which serve to separate vehicular and pedestrian movement.
- (10) Signage and graphics to include building and site graphic displays.

1103.13 VARIANCES AND SITE PLAN REVIEW REQUIRED.

(a) An application for a certificate of appropriateness in which the design under consideration would require a variance granted by the Board of Zoning and Building Appeals or a site plan review by the Planning Commission prior to construction shall not be considered until a final determination has been made on all required ~~or requested~~ variances or site plan reviews. If during the course of a review, the Board determines that a zoning variance will be required in order to implement the proposal under consideration, it shall suspend further action on the application until such time as the variance has been approved by the Board of Zoning and Building Appeals or the application has been amended to eliminate the need for the variance.

(b) The Design Review Board shall not have the authority or power to grant a variance to any zoning regulation of the City ~~nor shall the Board have the power or authority to grant an exception to any section of the Ohio Basic Building Code~~ during the course of any review conducted under the provisions of this chapter.

1103.14 ACTION ON APPLICATIONS TO BE RECORDED.

The Design Review Board shall maintain a record of all applications for a certificate of appropriateness including all action taken on each application.

1103.15 APPEAL OF DENIED APPLICATIONS.

~~— In the event an application for a certificate of appropriateness is denied by the Design Review Board, the applicant may, within twenty calendar days of the date of denial, file a written appeal with the Clerk of the City Council.~~

(a) Council shall have the power to hear and determine an appeal from the refusal by the Design Review Board to issue a certificate of appropriateness.

(b) An applicant refused such certificate shall appeal in writing to Council within thirty (30) days of the date of refusal by the Board. The Council shall set a date for a hearing on the appeal and render a decision on the appeal within thirty (30) days of the receipt of such written request. An ordinance stating the decision shall be introduced and passed at the next regular meeting following the hearing.

1103.99 PENALTY.

Any person, firm, partnership, corporation or ~~syndicate~~organization in violation of this chapter ~~may be fined not more than fifty dollars (\$50.00).~~shall be subject to the penalties provided in Section 1155.99 of the Zoning Code. Each day the violation ~~continues or occurs~~occurs or continues to occur may be considered a separate and new offense.

CHAPTER 1139 - Board of Zoning and Building Appeals

1139.01 MEETINGS.

Meetings of the Board of Zoning and Building Appeals shall be held as provided by the Charter and at such other times as the Board may determine. Each meeting of the Board shall be open to the public.

1139.02 QUORUM; VOTING.

(a) Three members present shall constitute a quorum of the Board of Zoning and Building Appeals.

(b) All action taken by the Board shall be initiated by motion and shall be recorded in the minutes. The Board shall keep minutes of its proceedings showing the vote of each member upon each question, or, if a member is absent or fails to vote, the minutes shall indicate such fact, and all minutes shall be a public record.

(c) Three affirmative votes shall be required for the passage of any motion, which:

- ~~(1) Approves or denies a site plan;~~
- ~~(2) Grants a variance or exception to the provisions of this Zoning Code;~~
- ~~(3) Establishes conditions precedent to the approval of a site plan, for the granting of a variance or exception to the provisions of this Zoning Code, or for approval of a special exception;~~
- ~~(4) Sets forth an interpretation of a provision of this Zoning Code or of the Zoning Map;~~
- ~~(5) Grants or denies a zoning certificate referred to it by the Zoning Officer or brought forth on appeal from an applicant;~~
- ~~(6) Overrules or amends any official action of the Zoning Officer;~~
- ~~(7) Recommends amendment of this Zoning Code;~~
- ~~(8) Takes any other official action consistent with the powers, duties, or authorities of the Board as set forth by the provisions of the Charter and of this Zoning Code.~~

1139.03 POWERS AND DUTIES.

The powers and duties of the Board of Zoning and Building Appeals shall be as follows:

~~—(a) To review and approve or deny approval of a site plan, as provided in Chapter 1143;~~

~~—(b)~~ (a) To permit exceptions to and variances from the provisions of this Zoning Code, as provided in Chapter 1147;

~~—(c)~~ (b) To authorize or deny a special exception, including the determination of similar uses, as provided in Chapter 1145;

~~—(d)~~ (c) To establish such reasonable conditions, regulations, and standards in the approval of a site plan, special exception, variance or exception, or other official action as necessary to ensure that the design, construction, and operation of the use or structures subject to such

approval are carried out consistent with the purpose and intent of this Zoning Code and of the ordinances of the city;

—~~(e)~~ (d) To make interpretations, upon request of the ~~Zoning Officer-Planning Administrator~~ or upon appeal from any property owner of the city, of the meaning and application of the provisions and illustrations of this Zoning Code and of the Zoning Map of the city including:

- (1) Determination of the exact boundary lines of districts (*See 1161.06*);
- (2) Determination of the meanings of the permitted uses and special exceptions as listed in the districts;
- (3) Determination of the rules applicable to the filing of applications, review procedures, and permit issuances; except that the Board shall not make such interpretations as the City Attorney may determine should be a matter of legislative action by City Council;

—~~(f)~~ (e) To grant or deny a zoning certificate when the question of the issuance of such certificate is referred to it by the ~~Zoning Officer-Planning Administrator~~, or when the provisions of this Zoning Code indicate that the Board shall consider such question;

—~~(g)~~ (f) To overrule or amend any official action of the ~~Zoning Officer-Planning Administrator~~ when an applicant makes an appeal for such relief and when the Board determines that such action has been contrary to the intent and spirit of this Zoning Code. For such purpose, the Board may make null and void any zoning certificate issued or any action taken by the ~~Zoning Officer-Planning Administrator~~ by notifying the ~~Zoning Officer-Planning Administrator~~ and the principal interested party or parties in writing;

—~~(h)~~ To recommend to City Council amendment of the Zoning Code or of the Zoning Map;~~(g)~~ To hear appeals from the Property Maintenance Code as provided for in that code; and

—~~(i)~~ (h) Such other official action consistent with the powers, duties, or authorities of the Board as set forth by the provisions of the Charter ~~and of this Zoning Code~~ or assigned by City Council.

1139.04 POWER OF COUNCIL ON APPEALS.

(a) Council shall have the power to hear and determine an appeal from the refusal by the Board of Zoning and Building Appeals to issue a ~~site plan approval~~, zoning certificate, variances or exception, or a special exception.

(b) An applicant refused such approval, exception, certificate or variance shall appeal in writing to Council within thirty (30) days of the date of refusal by the Board ~~of Zoning and Building Appeals~~. The ~~President of Council~~ shall set a date for a hearing on the appeal and ~~Council shall~~ render a decision on the appeal within thirty (30) days of the receipt of such written request. An ordinance stating the decision shall be introduced and passed at the next regular meeting following the hearing.

1139.05 ~~CONCURRENT APPLICATIONS~~APPLICATION PROCEDURES.

- (a) The application deadline for appeals of denied zoning certificates or administrative appeals shall be ten (10) days prior to each regularly scheduled meeting of the Board.
- (b) Unless otherwise stated by this Code, the deadlines for all other applications to the Board of Zoning and Building Appeals will be thirty (30) prior to each regularly scheduled meeting of the Board.
- (c) In the interest of timely and efficient administration of the provisions of this Code, applicants may submit, and the Board may take action upon, concurrent applications for special exceptions, ~~site plans~~, variances, and other matters on which the Board is granted authority by this Code. All such concurrent applications shall be submitted in conformance with the applicable provisions of this Code. The Board shall not take such concurrent action if it determines that such concurrent action is not in the best interest of the city.
- (d) Unless otherwise prescribed by this code or requested by the applicant, the Board shall render a decision on all applications within sixty (60) days from the original hearing.

1147.01 AUTHORITY OF THE BOARD.

The Board of Zoning and Building Appeals may vary the strict application of the provisions of this Zoning Code where, owing to special characteristics of a property, a literal enforcement of the provisions would result in unnecessary hardship or practical difficulty, and where such variance will be in harmony with the general purpose and intent of this Code and in accordance with the specific rules contained in this chapter.

1147.02 REQUEST FOR VARIANCE.

A property owner seeking a variance shall submit a written request for variance on forms provided by the ~~Zoning Officer~~Planning Administrator. Such request shall include the following:

- (a) Name, address, and telephone number of the property owner(s) and owner's agent(s);
- (b) Legal description, address, tax district and parcel number of the property;
- (c) Description of the nature of the variance requested and a statement demonstrating the extent to which the requested variance conforms to the standards for variance in this Code;
- (d) Statement of the hardship;
- (e) Such other information and exhibits as may be appropriate to establish the facts of the appeal and the grounds for relief;
- (f) A fee as required by this Code.

1147.04 ACTION BY BOARD.

~~Within sixty (60) days after the public hearing, the Board of Zoning and Building Appeals shall either approve or disapprove the request for a variance.~~ If the Board determines to approve the requested variance, it shall, after specifying such conditions as it deems necessary, direct the ~~Zoning Officer~~Planning Administrator to issue a zoning certificate describing the variance and the conditions, subject to all other applicable provisions of this Code.

1147.08 ~~RENEWAL OF APPEAL~~REAPPLICATION.

~~The Board shall not, within six (6) months of its decision to deny a request, accept the same request for variance for reconsideration.~~

The Board shall not accept a new application for a variance that has been previously denied within twelve (12) months of denial.



REYNOLDSBURG PLANNING & ZONING DIVISION

STAFF REPORT: PLANNING & ZONING CODE AMENDMENT

CODE SECTION: Chapter 1193 & 1194 – Historic Overlay District/Historic Commercial Overlay

BACKGROUND: Staff becomes periodically aware of provisions in the Planning & Zoning Code that need revision or the addition of text to make the intent of the Code more clear. Chapter 1193 was originally enacted in 1996, and contained some basic procedures to help protect the Historic District from destruction by suburban style development. Chapter 1194, which was enacted in 2009, added additional design guidelines to the commercially zoned properties within that district. Due to the manner in which the chapters were written, the second overlay was actually placed over the original overlay in a manner that was sometimes confusing for individuals that were not familiar with the Code.

Staff is proposing this Code amendment package to unify both overlays into one overlay with two sub-areas which take into account the different needs of commercial and residential properties within Olde Reynoldsburg.

SUMMARY OF MAJOR REVISIONS:

163.01 VILLAGE COMMISSION

For a period in the early 1980's, the City developed and implemented a voluntary historic preservation program in Olde Reynoldsburg with the assistance of the Reynoldsburg-Truro Township Historical Society. Neither Staff nor the Society can confirm when the program was ended but the efforts of this program would have been superseded by the implementation of the Historic Overlay District in 1996. Staff had contact with the Society's leadership and they are comfortable with this Commission being officially removed from the Codified Ordinances.

1193.01 INTRODUCTION

The introduction sections have been combined into one section that reduces the background information, which is available from other sources, and provides a better description of the type of site design that is acceptable in the Historic District.

1193.02 DEFINITIONS.

The definitions section from 1194 has been retained and will now clearly apply to both proposed sub-areas.

1193.03 OVERLAY SUB-AREAS.

Currently, the Historic District regulations consist of the original HD Overlay with the HCO placed on top of it. This “overlaid overlay” is confusing and members of the public often have a hard time understanding the regulatory structure. Staff is proposing to retain the original HD - Historic Overlay District and create the Historic Commercial and Historic Neighborhood sub-areas within that district. All of the existing regulations will apply within each sub-area, but purpose of each sub-area will be better defined.

1193.04 APPLICABILITY AND EXTENT.

This section combines the sections from both previous overlays that the state what activities are subject to review. No activities have been added or subtracted.

1193.05 PERMITTED USES.

This section combines the sections from both previous overlays that provide for a different set of uses for the historic district properties.

1193.06 SITE ORIENTATION.

This section contains the primary regulations on how buildings may locate and is retained from current Section 1194.

1193.07 EXTERIOR DESIGN STANDARDS.

This section contains the primary regulations on how building exteriors must appear. The majority of the section is retained from current Section 1194, but staff has clarified provisions that only apply to structures with a commercial base zoning.

1193.08 PARKING AND CIRCULATION STANDARDS.

This section contains the primary regulations on where parking must be located and how it should be designed with in the district and is retained from current Section 1194. The parking regulations contained in current section 1193.04 stated the same basic information.

1193.09 PEDESTRIAN AMENITIES.

This section contains the primary regulations on when and how pedestrian amenities must be provided for and is retained from current Section 1194. Current Section 1193 contained no provisions for this. Staff added text to clarify that this does not apply to single family homes.

1193.10 LIGHTING.

This section contains the primary regulations on how lighting systems should be designed and located and is retained from current Section 1194.

1193.11 DRIVE-THRU USES AND STANDARDS.

This section contains the primary regulations on how drive-thru uses should be designed and located and is retained from current Section 1194. Current Section 1193 contained no provisions for this.

1193.12 GRAPHICS.

This section contains the primary regulations on how signage should be designed and located and is retained from current Section 1194. Staff is not proposing to change any of these regulations.

1193.13 APPLICATION AND REVIEW PROCEDURES.

This section contains a requirement to obtain a certificate of appropriateness from the Design Review Board for exterior changes within the district. This section has been retained from current section 1193 but is now clarified to apply to the entire district. Staff deleted some text that created minor procedural differences and added text to state that the design review procedures of 1103 would apply.

1193.14 STANDARDS FOR DESIGN REVIEW.

This section contains the standards Design Review Board must use to evaluate applications for certificates of appropriateness from within the district. This section has been retained from current section 1193 but is now clarified to apply to the entire district.

~~163.01 ESTABLISHED; POWERS AND DUTIES.~~

- ~~—(a) The Reynoldsburg Village Commission is hereby established. The Commission shall consist of three individuals, recommended by the Reynoldsburg Truro Historical Society and appointed by the Mayor. The Mayor shall serve as ex officio member of the Commission. Each term of service shall be one year beginning on January 15 and ending on January 14. The Commission shall determine its own organization, bylaws and rules and shall comply with the City Charter and where applicable, the laws of the State.~~
- ~~—(b) Structures which are eligible to participate in the Commission's preservation program are located in Old Reynoldsburg Village, the perimeters of which shall be more fully described by the Commission; also included, are other historically significant properties located within and adjacent to the boundaries of the City.~~
- ~~—(c) The Commission will attempt to make known its voluntary guidelines for participation of structures in Reynoldsburg and adjacent areas and solicit owners to preserve and maintain their structures in accordance with architectural styles and exterior colors recommended by the Commission.~~
- ~~—(d) The Commission shall keep a record book of structures participating in the preservation program and record items of historical significance on each of the structures, if known. The record book shall be kept at the Reynoldsburg Truro Historical Society Museum and shall be open for public inspection during the open hours of the Museum.~~

CHAPTER 1193—"HD" Historic Overlay District

1193.01 DISTRICT ESTABLISHED.

There is hereby established a "Reynoldsburg Historic District" having boundaries as described in Exhibit "A" of Ordinance 87-96 (Passed June 24, 1996) and as shown on the Zoning Map.

1193.02 PURPOSE.

The purposes of the Historic District shall be: to retain the Historic District scale and character; to provide guidelines for the consistent development for all new and existing uses; to improve the physical appearance of streets, public right-of-way areas and buildings; to preserve, protect and retain the historical and architectural heritage of the City; to maintain single-family dwellings of different sizes, but similar in appearance; to encourage the development of dwellings and offices over street level shops and offices within the commercial land use overlay; and to provide for a mixture of residential, commercial, retail uses along with small office and professional service establishments.

1193.03 PERMITTED USES.

The following uses shall be permitted uses in the HD Historic Overlay District:

(a) Any use legally existing on the effective date of Ordinance 87-96 on a site within the boundaries of the Historic Overlay District as established by Ordinance 87-96;

(b) Within the area(s) of the Historic Overlay District designated on the Zoning Map for Residential Use:

- (1) Multiple family dwellings;
- (2) Public parks or playgrounds;
- (3) Public and/or private schools;
- (4) Single family dwellings.

(c) Within the area(s) of the Historic Overlay District designated on the Zoning Map for Commercial Use:

- (1) Residential uses if not at the street level on Main Street.
- (2) General merchandise, consisting of:
 - A. Specialty shops;
 - B. Dry goods and general merchandise; and
 - C. Miscellaneous apparel and accessory stores.
- (3) Food sales, consisting of:
 - A. Specialty food stores;
 - B. Dairy or bakery products;
 - C. Miscellaneous food stores; and
 - D. Grocery, meat, fish, fruit and vegetable sales.
- (4) Home Furnishings, consisting of:
 - A. Paint and wallpaper sales;
 - B. Radio, television and music stores;
 - C. Interior decorating and upholstery shops; and
 - D. Furniture, home furnishings and equipment stores.
- (5) Personal Services, consisting of:
 - A. Barber and beauty shops;
 - B. Shoe and garment repair;

- ~~C. Public and private parking lots and spaces;~~
- ~~D. Radio, television or small appliance repair;~~
- ~~E. Banks, savings and loans, and credit agencies;~~
- ~~F. On-premises duplicating and reproduction services;~~
- ~~G. Eating and drinking establishments, but not including restaurants with drive-thru facilities;~~
- ~~H. Eating establishments which include outdoor dining areas (not within the public right-of-way) shall be encouraged; and~~
- ~~I. Offices for professional services such as architects, consultants, dentists, engineers, insurance agents, landscape architects, lawyers, physicians and real estate agents.~~
- ~~(6) Retail Sales, consisting of:~~
 - ~~A. Jewelry;~~
 - ~~B. Florists;~~
 - ~~C. Drug stores;~~
 - ~~D. Optical goods;~~
 - ~~E. Sporting goods;~~
 - ~~F. Hardware stores;~~
 - ~~G. Automobile parts;~~
 - ~~H. Books and newspapers;~~
 - ~~I. Gift or antique stores; and~~
 - ~~J. Other retail stores which conform to the purpose and intent of the District.~~
- ~~(7) Similar uses as special exceptions, determined in conformance with the provisions of this Code.~~

1193.04 PARKING PROVISIONS.

~~Parking facilities shall be provided for uses established in the Historic District consistent with the requirements of Chapter 1179: Parking and Loading, except that the parking facilities required for any use in the HD Historic District may be supplied by on- or off-street facilities provided for any other business use, as long as the conditions set forth below are met:~~

- ~~(a) The majority (over 50%) of the parking shall be off-street.~~
- ~~(b) The building or use for which the application is being made to utilize the on- or off-street parking facilities provided by another building or use shall be located within seven hundred feet (700') of such parking facilities.~~
- ~~(c) The applicant shall substantiate that there is not significant conflict in the principal hours of parking demand of the two (2) buildings or uses for which joint uses of on- or off-street parking is proposed. Such calculations shall be performed according to procedures specified by the Zoning Officer.~~
- ~~(d) A properly drawn and executed legal instrument for joint use; including a site plan, of on- or off-street parking facilities, shall be filed with the Zoning Officer. Joint use parking privilege shall continue in effect only so long as such an instrument, binding on all parties, remains in force. If such instrument becomes legally ineffective, then off-street parking must be provided as otherwise required by the City.~~

1193.05 REVIEWS REQUIRED, STANDARDS FOR REVIEW.

~~The following procedures and development standards shall be required in order to guide property~~

and business owners, as well as the City, in the preservation and enhancement of the unique architectural and landscape architectural character of the HD Historic Overlay District.

(a) ~~Activities Subject to Review.~~ The following changes within the Historic District shall be subject to the certificate of appropriateness application and review procedures and standards of this Chapter:

- ~~(1) Change in use;~~
- ~~(2) Demolition or removal or addition to any existing structure;~~
- ~~(3) Any exterior work requiring a building permit;~~
- ~~(4) Landscape architectural changes including:~~
 - ~~A. Exterior lighting;~~
 - ~~B. Outdoor storage/service areas;~~
 - ~~C. Landscaping and site maintenance;~~
 - ~~D. Exterior walks, patios and terraces; and~~
 - ~~E. Parking lot or parking space development including interior and perimeter landscaping.~~
- ~~(5) Exterior architectural changes including:~~
 - ~~A. Building lighting;~~
 - ~~B. Architectural awnings;~~
 - ~~C. Demolition of a structure;~~
 - ~~D. Construction of a new structure, including an accessory structure;~~
 - ~~E. Addition to an existing structure;~~
 - ~~F. Any change in building materials or building color; and~~
 - ~~G. Any change in building doors or windows, including storm doors or windows.~~

(b) ~~Standards for Review.~~ The following standards shall be applied in reviewing an application for a certificate of appropriateness:

- ~~(1) Revitalization Plan.~~ All reviews shall be based on the guidelines established in the Olde Reynoldsburg Main Street Revitalization Plan as adopted by Resolution No. 48-96.
- ~~(2) Demolition or Removal.~~ In reviewing an application for demolition or removal of a structure, the Board shall issue a certificate when at least one of the following conditions prevails:
 - ~~A. The structure contains no features of architectural or historic significance to the character of the area within which it is located.~~
 - ~~B. Deterioration has progressed to the point where it is not economically feasible to restore the structure and there exists no reasonable economic use for the structure as it exists or as it might be restored, and that there exists no feasible and prudent alternative to demolition.~~
- ~~(3) New Uses and New Construction.~~ Properties being developed for new uses shall meet the guidelines of permitted uses as outlined in 1193.03, in both Residential and Commercial overlays. Construction and design should be consistent with the character of the surrounding area and be consistent with the objectives of the Historic District.
- ~~(4) Exterior Changes.~~ Whenever feasible, historic features shall be repaired rather than replaced. When severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.

~~1193.06 APPLICATION AND REVIEW PROCEDURES.~~

(a) ~~Application and Certificate Required.~~ Before making any changes which are subject to the

provisions of this Chapter, the owner of a lot within the Historic District shall submit to the Zoning Officer an application for a certificate of appropriateness. The application shall be on a form provided by the Zoning Officer. The owner is encouraged to meet with the Zoning Officer to review the proposed work and the requirements of this Code prior to submitting the application.

(b) ~~Review of Application.~~ The Reynoldsburg Design Review Board shall review all applications for certificates of appropriateness. The application shall be reviewed in a public meeting, with advertisement in a newspaper of local circulation and notice to the applicant at least ten (10) days prior to the meeting. The applicant (or agent) and any other person having interest in the application shall have opportunity to give testimony to the Design Review Board. The Design Review Board shall vote to approve, approve with modifications or disapprove the application.

(c) ~~Issuance of Certificate.~~ Subsequent to approval by the Design Review Board, the Zoning Officer shall issue a Certificate of Appropriateness. No building permit shall be issued prior to approval of a certificate of appropriateness. Any certificate of appropriateness which approves new construction, demolition, or alteration of an existing structure shall become void if the work which is the subject of the approval is not commenced within nine (9) months after the approval. An extension may be requested by the applicant and granted by the Reynoldsburg Design Review Board.

(d) ~~Appeal of Denial.~~ An applicant denied a certificate of appropriateness by the Reynoldsburg Design Review Board may appeal to City Council by filing a written appeal with the Clerk of Council within ten (10) days of denial by the Design Review Board. Council shall hear and decide the appeal within thirty (30) days after the written appeal is filed.

CHAPTER 1194
Historic Commercial Overlay

1194.01 INTRODUCTION.

(a) In the mid 1990's the historic area of Olde Reynoldsburg was becoming increasingly threatened by suburban style, strip development that had taken place along East Main Street since the 1950's. This led to the City funding and subsequently adopting the Olde Reynoldsburg Main Street Revitalization Plan and Chapter 1193 "HD" Historic Overlay District of the Reynoldsburg Code of Ordinances in 1996 (Ord. 87-96). This plan and zoning overlay set a path to protect the historic, pedestrian friendly character of the area, and encourage high quality development and redevelopment that complimented the unique historic character of the area.

(b) New development has not occurred at a significant rate, and the commercial economy of Olde Reynoldsburg is not currently in a state of highest and best use for the area. One of the discouraging factors that has steered away new investment in the area is the current zoning code. The code does not accommodate or encourage the unique architectural character typical of older, commercial centers. Therefore a Commercial Design Guidelines Committee was established to develop an overlay for Olde Reynoldsburg that would impose alternative urban development standards – the Historic Commercial Overlay (HCO).

(c) The purpose of the Historic Commercial Overlay (HCO) is to regulate development in order to protect, reestablish and retain the unique architectural and aesthetic characteristics of an older, historic commercial corridor while accommodating new investment in the area. This corridor is characterized by pedestrian oriented architecture, building setbacks ranging from zero to fifteen feet, rear parking lots, commercial land uses with a variety of lot sizes, supported by a grid street system with alleyways. The provisions of the HCO are intended to encourage pedestrian oriented development featuring retail display windows, reduced building setbacks, rear parking lots, and other pedestrian oriented site design elements.

1194.02 DEFINITIONS.

This section contains many commonly used terms found within this chapter of the code. In addition to the definitions listed herein, all definitions from Chapter 1131 shall also apply.

Building Frontage. The side, or facade, of a building closest to and most nearly parallel to an abutting street.

Build to Line. The point from a primary or secondary street at where the front of the building is to be located.

Building Frontage, Primary. A building frontage that abuts a street listed as a primary street.

Building Frontage, Secondary. A building frontage that abuts an alley or a street not listed as a primary street.

Building, Rear. The wall or plane opposite the primary building frontage. For a building on a

corner lot, the building rear is the wall or plane opposite the wall or plane containing the principal building entrance.

Facade. A side of the exterior of a building, especially the front, but also sometimes the sides and rear.

Footcandles. A unit of light intensity that is equal to the amount of light falling on one square foot area from a one candela light source at a distance of one foot.

Gable. The triangular section of a wall at the end of a pitched roof, occupying the space between the two slopes of the roof, or the whole end wall of a building or wing having a pitched roof.

Parapet Wall. A low wall barrier at the edge of a roof or structure which may serve to prevent falls over the edge or serve as a stylistic feature.

Primary Street. A primary street as referred to in this section includes Main Street, Graham Road, Waggoner Road, and Lancaster Avenue.

Pedestrian Zone. An area between a main building and a public street utilized for pedestrian access and amenities.

Pedestrian Amenity. Elements of individual developments that directly affect the quality and character of the public domain.

Redevelopment. The reconstruction of any developed property or building gross floor area, or combination thereof by more than fifty percent (50%) over a seven year period.

Routine Maintenance. Work that is planned and performed on a routine basis to maintain and preserve the condition of the building or site including but not limited to painting, addition of awnings, roof repair, parking rehabilitation, and window replacement and treatment.

Stacking Space. Area where cars are permitted to wait in a resting state to access a use, or at a traffic signal or sign.

Traditional and Natural Materials. Consists of clay bricks (full or thin set, if thin set corners must have full brick appearance), stone, cultured stone (samples must be provided), wood or fiber-cement board siding.

Tree Lawn. A small area, often planted with trees and grass, between a street and the sidewalk of that street.

1194.03 OVERLAY AREAS.

The Reynoldsburg Historic Commercial Overlay (HCO) shall apply to all commercially zoned properties within the Historic District, as established in Ordinance 87-96 (passed June 24, 1996).

1194.04 PERMITTED USES.

The following uses shall be permitted in the Historic Commercial Overlay.

(a) Within the area(s) of the HCO designated on the zoning map for residential use:

- ~~(1) Single family dwellings;~~
- ~~(2) Public parks and playgrounds;~~
- ~~(3) Public and or private schools;~~
- ~~(4) Semi-public uses;~~
- ~~(5) Public parking lots owned and operated by the municipality; and~~
- ~~(6) Multiple family dwellings as a planned development.~~
- ~~(b) Within the area(s) of the HCO designated on the zoning map for commercial use:~~
 - ~~(1) Retail stores;~~
 - ~~(2) Administrative and business offices;~~
 - ~~(3) Business services;~~
 - ~~(4) Professional activities;~~
 - ~~(5) Personal services;~~
 - ~~(6) Mortuaries;~~
 - ~~(7) Eating and drinking establishments;~~
 - ~~(8) Public and semi-public uses;~~
 - ~~(9) Items displayed for sale outdoors within five feet of the primary building frontage;~~
 - ~~—(10) Organizations and associations; and~~
 - ~~—(11) Residential uses not at the street level.~~
- ~~(c) Special exceptions which have a special exception permit.~~

~~1194.05 APPLICABILITY AND EXTENT.~~

~~The standards contained in the HCO are in addition to the regulations of the underlying zoning districts. Where the provisions of this chapter conflict with those of the underlying zoning district or other provisions of this Zoning Code, the most restrictive provision applies. The standards and requirements of the HCO apply as follows:~~

- ~~(a) On a commercially-zoned or commercially-used property within the HCO:~~
 - ~~(1) The placement, construction, or reconstruction of a principal building is subject to all standard requirements of this Overlay;~~
 - ~~(2) The expansion or redevelopment of a building's gross floor area by more than fifty percent (50%) over a seven year period shall subject the entire building/site to the provisions herein;~~
 - ~~(3) The extension or expansion of a building towards a public street is subject to all the provisions herein; and~~
 - ~~(4) Exterior alteration of a primary or secondary building frontage is subject to all provisions herein;~~
- ~~(b) The construction or installation of parking lots, fences and other accessory structures on commercially-zoned or commercially-used properties shall comply with Sections 1194.06, 1194.07, 1194.08;~~
- ~~(c) The installation of new on-site lighting must comply with Section 1194.09;~~
- ~~(d) Routine maintenance and in-kind replacement of materials are exempt from the standards and requirements of this chapter; and~~
- ~~(e) The HCO shall be exempt from the Stream Corridor Protection Zone as long as best management practices are used to maintain the quality of the surrounding watersheds.~~

~~1194.06 SITE ORIENTATION.~~

~~(a) The build to line is ten feet. A minimum of fifty percent (50%) of the building must be sited at the build to line. Other portions of a building beyond the fifty percent (50%) may be set back farther than the build to line; or in advance of the build to line up to five feet.~~

(b) ~~The minimum setback for parking lots on a primary street is ten feet.~~

(c) ~~Parking lots and accessory buildings shall be located at the rear of the main building. Where access to the rear of the property is not possible from a public alley or street, up to fifty percent (50%) of the parking may be located at the side of the main building, with proper screening.~~

(d) ~~A rear yard setback shall not be required for parcels adjacent to an alley or street containing a rear access agreement with adjacent parcels, a minimum twenty rear setback shall apply to other parcels. There shall be no required side yard setback.~~

1194.07 DESIGN STANDARDS.

(a) ~~A primary building frontage shall incorporate at least one main entrance door. At a building corner where two primary building frontages meet, one main entrance door may be located so as to meet the requirement for the entrance on both building frontages.~~

(b) ~~A building frontage that exceeds a width of fifty feet shall include vertical piers or other vertical visual elements to break the plane of the building frontage. The vertical piers or vertical elements shall be spaced at intervals of fifteen feet to thirty five feet along the entire building frontage.~~

(c) ~~For each primary building frontage, at least fifty percent (50%) of the building materials on the facade excluding window glass shall consist of traditional and natural materials.~~

(d) ~~For each primary building frontage, at least sixty percent (60%) of the area between the height of two and ten feet above the nearest sidewalk grade shall be clear/non-tinted window glass permitting a view of the building's interior to a minimum depth of four feet. For a secondary building frontage, the pattern of window glass shall continue from the primary frontage a minimum distance of ten feet (Low-E is an acceptable glass material).~~

(e) ~~Upper story windows (any story above ground) create a repeated pattern for unity and are an integral part of the building design. Upper story windows should be smaller than storefront windows at street level, should be spaced at regular intervals, and give scale and texture to the street edge formed by building facades.~~

(f) ~~For any new installation or replacement of upper story windows, the new/replacement windows must be clear/non-tinted glass.~~

(g) ~~Windows must not be blocked, boarded, or reduced in size, unless otherwise required for securing a vacant structure.~~

(h) ~~At least twenty five percent (25%) of the second and third floor building frontages (as measured from floor to ceiling) must be window glass. This requirement may be waived if historic documentation (e.g. historic photos) from when the building was first constructed can be provided that shows a different percentage of window glass was used on the second and third floor building frontages. In such cases, the historic percentage must be maintained.~~

(i) ~~All roof mounted mechanical equipment shall be screened to the height of the equipment. The design, colors and materials used shall be architecturally compatible with the rooftop and the aesthetic~~

character of the building.

~~(j) Dumpsters and all ground-mounted mechanical equipment shall be screened from public view to the height of the dumpster/equipment.~~

~~(k) Fences, with or without masonry piers, shall be decorative and constructed of ornamental metal tubes or solid metal bars. Fences may not exceed a height of four feet. Chain-link fences are not permitted.~~

~~(l) Roof materials shall be of traditional appearance, any shingle roofing shall be decorative (at minimum dimensional shingling shall be used).~~

~~(m) When a property is redeveloped all overhead utilities shall be placed underground.~~

~~(n) Masonry or stone walls may be used for screening, sitting, or used as independent architectural elements. Walls may not exceed a height of four feet, and shall not exceed two feet in pedestrian zone.~~

1194.08 PARKING AND CIRCULATION STANDARDS.

~~(a) Parking, stacking and circulation aisles are not permitted between a public street right-of-way line and a principal building.~~

~~(b) A parking lot shall be located at the rear of the main building; however, where access to the rear of the property is not possible from a public alley or street, up to fifty percent (50%) of the parking may be located at the side of the main building, with proper screening consisting of a decorative, masonry wall or fence (excluding chain link), or a continuous row of shrubs no less than three feet in height at the time of establishment.~~

~~(c) Parking requirements set forth in Chapter 1179 may be reduced by up to fifty percent (50%) if the additional required parking is available on street or in public lots, or through shared parking agreements with adjacent properties if the property is within 750 feet of the primary structure.~~

~~(d) Parking should be consolidated into shared or public parking lots (behind buildings). Parking lots should be interconnected to encourage traffic flow among buildings and to reduce the overall paved area. Written shared access agreements with adjoining lots will be required at the time of development or expansion of any parking lot within the HCO if a reduction in parking requirements is sought.~~

~~(e) Bicycle parking is required for all commercial uses at a rate of one bicycle parking space per ten parking spaces. A bicycle parking space shall be an area not less than two by six feet, and have a secured locking post or mechanism as approved by the Planning Administrator.~~

~~(f) Residential dwellings shall not be required to have enclosed parking, but all other parking provisions shall apply.~~

~~(g) The Board of Zoning and Building Appeals may reduce or eliminate the required number of loading spaces in conjunction with a major site plan approval after giving due consideration to the following factors:~~

- ~~(1) Frequency and time of deliveries;~~
- ~~(2) Necessary size and nature of delivery vehicles;~~

- ~~(3) Impact on adjoining streets or alleys; and~~
 - ~~(4) Neighborhood character.~~
- ~~(Ord. 80-08. Passed 12-8-08.)~~

~~1194.09 PEDESTRIAN AMENITIES.~~

~~Pedestrian amenities serve as informal gathering places for socializing, resting and outdoor enjoyment of Olde Reynoldsburg. Any new improvement to a commercial property as outlined in Section 1194.05 must provide pedestrian amenities as outlined below.~~

- ~~(a) One pedestrian amenity must be provided for every 2,000 square feet of gross floor area that is new or improved.~~
 - ~~(b) No less than one pedestrian amenity shall be required for any improvements over 1,000 square feet.~~
 - ~~(c) The pedestrian amenity must be installed or constructed within the pedestrian zone.~~
 - ~~(d) The following are an approved list of pedestrian amenities to be installed:~~
 - ~~(1) A plaza or courtyard that is accessible and designed for public use with a minimum area of 250 square feet;~~
 - ~~(2) Sitting space (e.g. dining area, benches, or ledges). Recommended dimensions for sitting areas are a minimum of sixteen inches in height and forty eight inches in width;~~
 - ~~(3) Public art;~~
 - ~~(4) Permanent planters;~~
 - ~~(5) Permanent fountains or other water features;~~
 - ~~(6) Decorative waste receptacles; and~~
 - ~~(7) Decorative pedestrian lighting.~~
- ~~(Ord. 80-08. Passed 12-8-08.)~~

~~1194.10 LIGHTING.~~

~~Exterior lighting must be designed, located, constructed, and maintained to minimize light trespass and spill over off the subject property. To achieve this objective, the following are mandatory site-lighting requirements:~~

- ~~(a) Area lighting fixtures must be decorative low light fixtures;~~
- ~~(b) The height of any parking lot light pole/fixture must not exceed eighteen feet above grade;~~
- ~~(c) Exterior building light fixtures must not generate excessive light levels, cause glare, or direct light beyond the facade onto neighboring property, streets, or the night sky. Strobe or flashing lights are not permitted; and~~
- ~~(d) Security lighting must be from full cut-off type fixtures, shielded and aimed so that the light is directed to the area that is being protected by light.~~

~~1194.11 DRIVE THRU USES AND STANDARDS.~~

~~(a) Drive thru pickup windows and coverings are prohibited on primary and secondary frontages and shall be attached to the rear or side of the principal building.~~

~~(b) Drive thru windows shall be designed as an integral part of the structure they serve and building materials including canopies, awnings, support posts, etc. shall match the materials and color scheme of the building they are serving.~~

~~1194.12 GRAPHICS.~~

~~Next to the streetscape development guidelines, business identification signage can be the singular most effective element that visually contributes or detracts from the overall image of the district. The~~

quality of a business sign is most often indicative of the character of a business. The following are general requirements for all businesses in the HCO:

(a) ~~General Standards:~~

- (1) ~~All signs shall be on the premises of a business they identify.~~
- (2) ~~The following sign types are appropriate for the identification of businesses in the HCO:~~
 - A. ~~Ground signs;~~
 - B. ~~Projecting signs; and~~
 - C. ~~Wall signs (which may include letters on an awning).~~
- (3) ~~Wall signs consisting of individual letters shall not be permitted.~~
- (4) ~~All signs shall be of a professional character. No homemade lettered signs shall be permitted.~~
- (5) ~~Where businesses occur behind other businesses off of a primary street a sign shall be permitted for direction to that business.~~
- (6) ~~Businesses shall be permitted one wall or awning sign, as well as one ground or projecting sign.~~
- (7) ~~Directional signs which may include the words "entrance"/"exit", "in/out" shall be permitted if they are not over two square feet in area and do not constitute a traffic hazard. Such signs shall not be illuminated.~~
- (8) ~~Certain signs are not permitted because they involve materials, colors and designs that would not have been used historically in the area. Such signs include:~~
 - A. ~~Billboards;~~
 - B. ~~Plastic or vinyl signs;~~
 - C. ~~Marquee signs;~~
 - D. ~~Off premise graphic;~~
 - E. ~~Mobile or portable signs with the exception of sandwich boards not to exceed ten square feet;~~
 - F. ~~Interior illuminated signs;~~
 - G. ~~Blinking, flashing, moving, or vibrating signs;~~
 - H. ~~No sign colors of fluorescent or "day glow" orange;~~
 - I. ~~Signs mounted on the top of building or on the roof; and~~
 - J. ~~Signs extending above the wall of any structure to which they are attached.~~
- (9) ~~Face changes in existing cabinet style signs are required to be approved by the DRB.~~

(b) ~~Building Unit Number:~~

- (1) ~~Street numbers shall be required for all buildings and/or uses. When an applicant applies for a sign permit they shall demonstrate that the site should be identified by a street address number on either the building or on a permitted sign.~~
- (2) ~~Business address numbers shall be a minimum of four inches.~~
- (3) ~~Where possible building/business address numbers shall be integrated into the building/business identification sign.~~
- (4) ~~If incorporated into the sign the area for the building or business number should not be counted as a part of the sign area.~~

(c) ~~Sign Types and Sizes.~~ The following maximum areas of business identification signs are permitted:

- (1) ~~Ground signs up to eighteen square feet;~~
- (2) ~~Projecting signs up to eighteen square feet;~~
- (3) ~~Wall signs up to twenty square feet;~~
- (4) ~~A wall sign should project no more than one foot from the face of the building;~~
- (5) ~~The maximum height for all free standing and signs should be six feet;~~

- ~~(6) A window sign consisting of individual letters shall occupy no more than twenty five percent (25%) of the total window area; and~~
- ~~(7) Lettering on an awning for business identification shall be permitted and shall be no larger than eight inches.~~
- ~~(d) Sign Locations. The following standards are made for the location of signs in the HCO:~~
 - ~~(1) No signs shall be mounted on the top of a building or roof;~~
 - ~~(2) No sign shall conceal any windows, doors, transoms or other architectural features;~~
 - ~~(3) All business identification signs shall be located near the building/business entrance they identify;~~
 - ~~(4) All signs other than wall signs shall be perpendicular to the street; and~~
 - ~~(5) Signs for storefront type buildings shall be permitted within the right-of-way, only if they are wall hung and/or projecting signs and the bottom of the sign is no lower than eight feet, and do not impede pedestrian or vehicular flow of traffic.~~
- ~~(e) Sign Materials.~~
 - ~~(1) All signs shall be constructed of natural materials.~~
 - ~~(2) Sign materials should complement the primary structure.~~

CHAPTER 1193 - HD - Historic Overlay District

1193.01 INTRODUCTION.

The purpose of the Historic Overlay District (HD) is to regulate development in order to protect, reestablish and retain the unique architectural and aesthetic characteristics of Olde Reynoldsburg while accommodating new investment in the area. This corridor is characterized by pedestrian-oriented architecture, a mixture of residential, commercial, retail uses along with small office and professional service establishments, building setbacks ranging from zero (0') to fifteen (15') feet, rear parking lots, and a variety of lot sizes supported by a grid street system with alleyways. The provisions of the HD District are intended to encourage pedestrian-oriented development featuring retail display windows, reduced building setbacks, rear parking lots, and other pedestrian-oriented site design elements and to protect the character of Olde Reynoldsburg from the degradation caused by suburban style development.

1193.02 DEFINITIONS.

This section contains many commonly used terms found within this chapter. In addition to the definitions listed herein, all definitions from Chapter 1131 shall also apply.

Building Frontage. The side, or facade, of a building closest to and most nearly parallel to an abutting street.

Build-to-Line. The point from a primary or secondary street at where the front of the building is to be located.

Building Frontage, Primary. A building frontage that abuts a street listed as a primary street.

Building Frontage, Secondary. A building frontage that abuts an alley or a street not listed as a primary street.

Building, Rear. The wall or plane opposite the primary building frontage. For a building on a corner lot, the building rear is the wall or plane opposite the wall or plane containing the principal building entrance.

Facade. A side of the exterior of a building, especially the front, but also sometimes the sides and rear.

Footcandles. A unit of light intensity that is equal to the amount of light falling on one square foot area from a one candela light source at a distance of one foot.

Gable. The triangular section of a wall at the end of a pitched roof, occupying the space between the two slopes of the roof, or the whole end wall of a building or wing having a pitched roof.

Parapet Wall. A low wall barrier at the edge of a roof or structure which may serve to prevent falls over the edge or serve as a stylistic feature.

Primary Street. A primary street as referred to in this section includes Main Street, Graham Road, Waggoner Road, and Lancaster Avenue.

Pedestrian Zone. An area between a main building and a public street utilized for pedestrian access and amenities.

Pedestrian Amenity. Elements of individual developments that directly affect the quality and character of the public domain.

Redevelopment. The reconstruction of any developed property or building gross floor area, or combination thereof by more than fifty percent (50%) over a seven (7) year period.

Routine Maintenance. Work that is planned and performed on a routine basis to maintain and preserve the condition of the building or site including but not limited to painting, addition of awnings, roof repair, parking rehabilitation, and window replacement and treatment.

Stacking Space. Area where cars are permitted to wait in a resting state to access a use, or at a traffic signal or sign.

Traditional and Natural Materials. Consists of clay bricks (full or thin set, if thin set corners must have full brick appearance), stone, cultured stone (samples must be provided), wood or fiber cement board siding.

Tree Lawn. A small area, often planted with trees and grass, between a street and the sidewalk of that street.

1193.03 OVERLAY SUB-AREAS.

The Historic Overlay District shall have the boundaries established by Ordinance 87-96 (passed June 24, 1996). There shall be two sub-areas: the Historic Commercial Overlay Subarea (HCO), which shall consist of all lots with the base zoning district of CC – Community Commerce or CS – Community Services and the Historic Neighborhood Overlay Subarea (HNO) which shall consists of all other lots with the boundaries established by Ordinance 87-96.

1193.04 APPLICABILITY AND EXTENT.

The standards contained in the Historic Overlay District are in addition to the regulations of the underlying zoning districts. Where the provisions of this chapter conflict with those of the underlying zoning district or other provisions of this Zoning Code, the most restrictive provision applies. The standards and requirements of the HD District apply as follows:

(a) Routine maintenance and in-kind replacement of materials are exempt from the standards and requirements of this chapter.

(b) Activities Subject to Review. The following changes within the Historic Overlay District shall be subject to a certificate of appropriateness:

- (1) Demolition, removal or addition to any existing structure;
- (2) Any exterior work requiring a building permit;
- (3) Landscape architectural changes including:
 - A. Exterior lighting;
 - B. Outdoor storage/service areas;
 - C. Landscaping and site maintenance;
 - D. Exterior walks, patios and terraces; and
 - E. Parking lot or parking space development including interior and perimeter landscaping.
- (4) Exterior architectural changes including:
 - A. Building lighting;
 - B. Architectural awnings;
 - C. Demolition of a structure;
 - D. Construction of a new structure, including an accessory structure;
 - E. Addition to an existing structure;
 - F. Any change in building materials or building color; and
 - G. Any change in building doors or windows, including storm doors or windows.

(c) Within in the Historic Commercial Overlay (HCO):

- (1) The placement, construction, or reconstruction of a principal building is subject to all standard requirements of this Overlay;
- (2) The expansion or redevelopment of a building's gross floor area by more than fifty percent (50%) over a seven (7) year period shall subject the entire building/site to the provisions herein;

- (3) The extension or expansion of a building towards a public street is subject to all the provisions herein; and
- (4) Exterior alteration of a primary or secondary building frontage is subject to all provisions herein.
- (d) The construction or installation of parking lots, fences and other accessory structures shall comply with Sections 1193.06, 1193.07, 1193.08.
- (e) The installation of new on-site lighting must comply with Section 1193.10.
- (f) The HCO shall be exempt from the Stream Corridor Protection Zone as long as best management practices are used to maintain the quality of the surrounding watersheds.

1193.05 PERMITTED USES.

The following uses shall be permitted in the Historic Overlay District (HD). Uses listed under this Section as permitted shall otherwise exempt from the special exception review process.

- (a) Within the Historic Neighborhood Overlay (HNO):
 - (1) Single family-dwellings;
 - (2) Public and Semi-public uses;
 - (3) Multiple family dwellings as a planned development.
- (b) Within the Historic Commercial Overlay (HCO):
 - (1) Retail stores;
 - (2) Administrative and business offices;
 - (3) Business services;
 - (4) Professional activities;
 - (5) Personal services;
 - (6) Mortuaries;
 - (7) Eating and drinking establishments;
 - (8) Public and semi-public uses;
 - (9) Items displayed for sale outdoors within five feet of the primary building frontage;
 - (10) Organizations and associations;
 - (11) Residential uses not at the street level; and
 - (12) Similar uses as special exceptions, determined according to the provisions of this Code.

1193.06 SITE ORIENTATION.

(a) The build-to-line is ten (10') feet. A minimum of fifty percent (50%) of the building must be sited at the build to line. Other portions of a building beyond the fifty percent (50%) may be set back farther than the build-to line; or in advance of the build to line up to five (5') feet.

(b) The minimum setback for parking lots on a primary street is ten (10') feet.

(c) Parking lots and accessory buildings shall be located at the rear of the main building. Where access to the rear of the property is not possible from a public alley or street, up to fifty percent (50%) of the parking may be located at the side of the main building, with proper screening.

(d) A rear yard setback shall not be required for parcels adjacent to an alley or street containing a rear access agreement with adjacent parcels, a minimum twenty (20') foot rear setback shall apply to other parcels. There shall be no required side yard setback.

1193.07 DESIGN STANDARDS.

(a) A primary building frontage shall incorporate at least one main entrance door. At a building corner where two primary building frontages meet, one main entrance door may be located so as to meet the requirement for the entrance on both building frontages.

(b) A building frontage that exceeds a width of fifty (50') feet shall include vertical piers or other vertical visual elements to break the plane of the building frontage. The vertical piers or vertical elements shall be spaced at intervals of fifteen (15') feet to thirty-five (35') feet along the entire building frontage.

(c) For each primary building frontage, at least fifty percent (50%) of the building materials on the facade excluding window glass shall consist of traditional and natural materials.

(d) For each primary building frontage on a structure in the Historic Commercial Overlay (HCO), at least sixty percent (60%) of the area between the height of two (2') feet and ten (10') feet above the nearest sidewalk grade shall be clear/non-tinted window glass permitting a view of the building's interior to a minimum depth of four feet. For a secondary building frontage, the pattern of window glass shall continue from the primary frontage a minimum distance of ten feet (Low E is an acceptable glass material).

(e) Upper story windows (any story above ground) create a repeated pattern for unity and are an integral part of the building design. Upper story windows should be smaller than storefront windows at street level, should be spaced at regular intervals, and give scale and texture to the street edge formed by building facades.

(f) For any new installation or replacement of upper story windows, the new/replacement windows must be clear/non-tinted glass.

(g) Windows must not be blocked, boarded, or reduced in size, unless otherwise required for securing a vacant structure.

(h) At least twenty-five percent (25%) of the second and third floor building frontages (as measured from floor to ceiling) must be window glass. This requirement may be waived if historic documentation (e.g. historic photos) from when the building was first constructed can be provided that shows a different percentage of window glass was used on the second and third floor building frontages. In such cases, the historic percentage must be maintained.

(i) All roof-mounted mechanical equipment shall be screened to the height of the equipment. The design, colors and materials used shall be architecturally compatible with the rooftop and the aesthetic character of the building.

(j) Fences, with or without masonry piers, shall be decorative and constructed of ornamental metal tubes or solid metal bars. Fences may not exceed a height of four (4') feet. Chain-link fences are not permitted.

(k) Roof materials shall be of traditional appearance, any shingle roofing shall be decorative (at minimum dimensional shingling shall be used).

(l) When a property is redeveloped all overhead utilities shall be placed underground.

(m) Masonry or stone walls may be used for screening, sitting, or used as independent architectural elements. Walls may not exceed a height of four (4') feet, and shall not exceed two (2') feet when adjacent to pedestrian walkways.

1193.08 PARKING AND CIRCULATION STANDARDS.

(a) Parking, stacking and circulation aisles are not permitted between a public street right-of-way line and a principal building.

(b) A parking lot shall be located at the rear of the main building; however, where access to the rear of the property is not possible from a public alley or street, up to fifty percent (50%) of the parking may be located at the side of the main building, with proper screening consisting of a decorative, masonry wall or fence (excluding

chain link), or a continuous row of shrubs no less than three feet in height at the time of establishment.

(c) Parking requirements set forth in Chapter 1179 may be reduced by up to fifty percent (50%) if the additional required parking is available on-street or in public lots, or through shared parking agreements with adjacent properties if the property is within seven hundred fifty (750') feet of the primary structure.

(d) Parking should be consolidated into shared or public parking lots (behind buildings). Parking lots should be interconnected to encourage traffic flow among buildings and to reduce the overall paved area. Written shared access agreements with adjoining lots will be required at the time of development or expansion of any parking lot within the Historic Commercial Overlay (HCO) if a reduction in parking requirements is sought.

(e) Bicycle parking is required for all commercial uses at a rate of one bicycle parking space per ten parking spaces. A bicycle parking space shall be an area not less than two (2') feet by six (6') feet, and have a secured locking post or mechanism as approved by the Planning Administrator.

(f) Residential dwellings shall not be required to have enclosed parking, but all other parking provisions shall apply.

(g) The Planning Commission may reduce or eliminate the required number of loading spaces in conjunction with a major site plan approval after giving due consideration to the following factors:

- (1) Frequency and time of deliveries;
- (2) Necessary size and nature of delivery vehicles;
- (3) Impact on adjoining streets or alleys; and
- (4) Neighborhood character.

1193.09 PEDESTRIAN AMENITIES.

Pedestrian amenities serve as informal gathering places for socializing, resting and outdoor enjoyment of Olde Reynoldsburg. Any new improvement to a property other than a single family dwelling must provide pedestrian amenities as outlined below.

(a) One pedestrian amenity must be provided for every two thousand (2,000sf) square feet of gross floor area that is new or improved.

(b) No less than one pedestrian amenity shall be required for any improvements over one thousand (1,000sf) square feet.

(c) The pedestrian amenity must be installed or constructed within the pedestrian zone.

(d) The following are an approved list of pedestrian amenities to be installed:

- (1) A plaza or courtyard that is accessible and designed for public use with a minimum area of two hundred fifty (250sf) square feet;
- (2) Sitting space (e.g. dining area, benches, or ledges). Recommended dimensions for sitting areas are a minimum of sixteen (16") inches in height and forty-eight (48") inches in width;
- (3) Public art;
- (4) Permanent planters;
- (5) Permanent fountains or other water features;
- (6) Decorative waste receptacles; and
- (7) Decorative pedestrian lighting.

1193.10 LIGHTING.

Exterior lighting must be designed, located, constructed, and maintained to minimize light trespass and spill over off the subject property. To achieve this objective, the following are mandatory site lighting requirements:

(a) Area lighting fixtures must be decorative low-light fixtures;

- (b) The height of any parking lot light pole/fixture must not exceed eighteen (18') feet above grade;
- (c) Exterior building light fixtures must not generate excessive light levels, cause glare, or direct light beyond the facade onto neighboring property, streets, or the night sky. Strobe or flashing lights are not permitted; and
- (d) Security lighting must be from full cut-off type fixtures, shielded and aimed so that the light is directed to the area that is being protected by light.

1193.11 DRIVE-THRU USES AND STANDARDS.

(a) Drive-thru pickup windows and coverings are prohibited on primary and secondary frontages and shall be attached to the rear or side of the principal building.

(b) Drive-thru windows shall be designed as an integral part of the structure they serve and building materials including canopies, awnings, support posts, etc. shall match the materials and color scheme of the building they are serving.

1193.12 GRAPHICS.

Next to the streetscape development guidelines, business identification signage can be the singular most effective element that visually contributes or detracts from the overall image of the district. The quality of a business sign is most often indicative of the character of a business. The following are general requirements for all businesses in the Historic Commercial Overlay (HCO).

(a) General Standards.

- (1) All signs shall be on the premises of a business they identify.
- (2) The following sign types are appropriate for the identification of businesses in the HCO:
 - A. Ground signs;
 - B. Projecting signs; and
 - C. Wall signs (which may include letters on an awning).
- (3) Wall signs consisting of individual letters shall not be permitted.
- (4) All signs shall be of a professional character. No homemade lettered signs shall be permitted.
- (5) Where businesses occur behind other businesses off of a primary street a sign shall be permitted for direction to that business.
- (6) Businesses shall be permitted one wall or awning sign, as well as one ground or projecting sign.
- (7) Directional signs which may include the words "entrance"/"exit", "in/out" shall be permitted if they are not over two square feet in area and do not constitute a traffic hazard. Such signs shall not be illuminated.
- (8) Certain signs are not permitted because they involve materials, colors and designs that would not have been used historically in the area. Such signs include:
 - A. Billboards;
 - B. Plastic or vinyl signs;
 - C. Marquee signs;
 - D. Off premise graphic;
 - E. Mobile or portable signs with the exception of sandwich boards not to exceed ten square feet;
 - F. Internally-illuminated signs;
 - G. Blinking, flashing, moving, or vibrating signs;
 - H. No sign colors of fluorescent or "day glow" orange;
 - I. Signs mounted on the top of building or on the roof; and
 - J. Signs extending above the wall of any structure to which they are attached.
- (9) A certificate of appropriateness will be required for all refaced cabinet style signage.

(b) Building Unit Number.

- (1) Street numbers shall be required for all buildings and/or uses. When an applicant applies for a sign permit they shall demonstrate that the site should be identified by a street address number on either

- the building or on a permitted sign.
- (2) Business address numbers shall be a minimum of four (4') inches.
 - (3) Where possible building/business address numbers shall be integrated into the building/business identification sign.
 - (4) If incorporated into the sign the area for the building or business number should not be counted as a part of the sign area.
- (c) Sign Types and Sizes. The following maximum areas of business identification signs are permitted:
- (1) Ground signs up to eighteen (18sf) square feet;
 - (2) Projecting signs up to eighteen (18sf) square feet;
 - (3) Wall signs up to twenty (20sf) square feet;
 - (4) A wall sign should project no more than one (1') foot from the face of the building;
 - (5) The maximum height for all free standing and signs should be six (6') feet;
 - (6) A window sign consisting of individual letters shall occupy no more than twenty-five percent (25%) of the total window area; and
 - (7) Lettering on an awning for business identification shall be permitted and shall be no larger than eight (8") inches.
- (d) Sign Locations. The following standards are made for the location of signs in the HCO:
- (1) No signs shall be mounted on the top of a building or roof;
 - (2) No sign shall conceal any windows, doors, transoms or other architectural features;
 - (3) All business identification signs shall be located near the building/business entrance they identify;
 - (4) All signs other than wall signs shall be perpendicular to the street; and
 - (5) Signs for storefront type buildings shall be permitted within the right-of-way, only if they are wall hung and/or projecting signs and the bottom of the sign is no lower than eight feet, and do not impede pedestrian or vehicular flow of traffic.
- (e) Sign Materials.
- (1) All signs shall be constructed of traditional and natural materials.
 - (2) Sign materials should complement the primary structure.

1193.13 APPLICATION AND REVIEW PROCEDURES.

(a) Application and Certificate Required. Before making any changes which are subject to the provisions of this chapter, the owner of a lot within the Historic District shall submit to the Planning Administrator an application for a certificate of appropriateness.

(b) Review of Application. The Design Review Board shall review all applications for certificates of appropriateness in accordance with the provisions of this chapter and Chapter 1103.

1193.14 STANDARDS FOR DESIGN REVIEW.

The following review standards shall apply in order to guide property and business owners, as well as the City, in the preservation and enhancement of the unique historical and architectural character of the Historic Overlay District.

(a) Standards for Review. In addition to the standards of Chapter 1103, the following standards shall be applied in reviewing an application for a certificate of appropriateness in the Historic Overlay District:

- (1) Demolition or Removal. In reviewing an application for demolition or removal of a structure, the Board shall issue a certificate when at least one of the following conditions prevails:
 - A. The structure contains no features of architectural or historic significance to the character of the area within which it is located.
 - B. Deterioration has progressed to the point where it is not economically feasible to restore the structure and there exists no reasonable economic use for the structure as it exists or as it might be restored, and that there exists no feasible and prudent alternative to demolition.
- (2) New Uses and New Construction. Properties being developed for new uses shall be consistent

with the character of the surrounding area and be consistent with the objectives of the Historic District.

- (3) Exterior Changes. Whenever feasible, historic features shall be repaired rather than replaced. When severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.

3 & 4

ORDINANCE NO. _____

PASSED: _____

ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF REYNOLDSBURG, OHIO: Amending Chapter 1103 Design Review Board; Chapter 1139 Board of Zoning and Building Appeals; Chapter 1147 Variances; Chapter 1193 “HD” Historic Overlay District and Repealing Chapter 163 Village Commission; and Chapter 1194 Historic Commercial Overlay.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF REYNOLDSBURG, OHIO:

SECTION 1. That Chapter 1103 Design Review Board; Chapter 1139 Board of Zoning and Building Appeals; Chapter 1147 Variances; Chapter 1193 “HD” Historic Overlay District of the Code of Ordinances of the City of Reynoldsburg be and are hereby amended to read as follows:

See Exhibit “A” attached hereto and incorporated herein.

SECTION 2. That existing Chapters 1103; 1139; 1147; and 1193 be and are hereby repealed and replaced.

SECTION 3. That Chapter 163 Village Commission; and Chapter 1194 Historic Commercial Overlay; are hereby repealed.

SECTION 4. That upon adoption by Council this ordinance shall be in effect thirty days following signature by the Mayor.

Doug Joseph, President of Council

ATTEST: _____
April L. Beggerow, Clerk of Council

APPROVED: _____ DATE _____
Bradley L. McCloud, Mayor

CERTIFICATE

I, April L. Beggerow, Clerk of Council, City of Reynoldsburg, Ohio do hereby certify the foregoing to be a true and correct copy of Ordinance No. ____ as passed by Council of said City on the ____ day of ____ and as recorded in the Record of Proceedings of said Council.

Filed with Mayor: _____

April L. Beggerow, Clerk of Council
Published: _____

Attachment: Amend Zoning Codes part 3 & 4 (1259 : Amendments to the Zoning Code)



REYNOLDSBURG PLANNING & ZONING DIVISION

STAFF REPORT: PLANNING & ZONING CODE AMENDMENT

SECTION: Title 3 – Subdivision Code

BACKGROUND: Staff periodically becomes aware of provisions in the Planning & Zoning Code that need revision or the addition of text to make the intent of the Code more clear. The original Subdivision Code was enacted in 1961 and has gone through several significant revisions. Whenever possible, it is Staff's view that consistency in procedures, language and application of titles is desirable. Staff is proposing a set of changes that better organizes and clarifies the intent of the Code.

SUMMARY OF MAJOR REVISIONS:

Chapters 1111 – 1119: Subdivision Submission and Review Procedures

When the Subdivision Code was originally enacted in 1961, the City did not have a Department of Development to provide Staff assistance to the Planning Commission. The proposed amendment clarifies the duties of City staff and applies staff titles consistently.

Chapter 1127 – Public Improvement Standards and Procedures

The proposed amendment conforms the provisions of the Code related to improvements to public streets and infrastructure to the procedures that have been in place since 2009. The proposed language standardizes the requirements for City official signatures, applies staff titles consistently and reduces complex or redundant language. A section clarifying how traffic and utilities studies may be required and reviewed has been added.

Section 1355 – Address Regulations

The City Engineer is responsible for assigning address numbers. When this section was originally adopted, the City did not extend into Licking or Fairfield Counties. The proposed amendment adds language to clarify the current situation, and to allow the Department of Public Service to charge a fee for address assignment if desired. Staff is also propose to remove the sections requiring address posting at this is covered by the Property Maintenance Code.

CHAPTER 1111 - General Provisions

1111.03 APPROVAL OF SUBDIVISION WITHOUT PLAT.

Notwithstanding any other provisions of the Subdivision Regulations, a proposed division of a parcel of land along an existing public street, whether the parcel to be divided fronts on the street or has access to it by private right of way or private driveway, not involving more than five lots after the original tract has been completely subdivided, may be submitted to the Planning Commission for approval without plat. If the Planning ~~Administrator, acting on behalf of the Commission, Commission, acting through a properly designated representative thereof,~~ is satisfied that the proposed division ~~is not contrary to~~ complies with all applicable platting, subdividing or zoning regulations, ~~it shall, within seven working days after submission, he shall~~ approve the proposed subdivision and, on presentation of a conveyance of the parcel, shall stamp the same "approved by the Planning Commission; no plat required," ~~and have it signed by its clerk, secretary or other official as may be designated by it.~~ The Planning ~~Commission~~ Administrator may require the submission of a sketch and such other information as is pertinent ~~to its determination hereunder~~ to determining compliance with this section.

CHAPTER 1115 - Preliminary Plat

1115.02 SIX COPIES OF PRELIMINARY PLAT TO BE SUBMITTED.

The owner of land who desires to subdivide it shall submit six copies of a preliminary plat along with six copies of a general layout of all site improvements to be installed on the entire tract of land to be developed even if the owner or developer only intends to initially develop only a part of the tract, to ~~the Mayor~~ for the Planning Commission twenty-one (21) days prior to a regular meeting of the Commission. A copy of the general layout of all site improvements attached to a copy of the plat shall be in the possession of each member of the Commission for a minimum period of ~~five~~seven (7) days before consideration for approval.

1115.03 FEES.

A fee shall be paid at the time of submission of the preliminary plat as stated in Section 1155. ~~The sum deposited with the City shall be two hundred fifty dollars (\$250.00) per plat plus ten dollars (\$10.00) per lot included within this plat, which shall not be refundable.~~

1115.05 APPROVAL OF PRELIMINARY PLAT.

When a plat is filed with the ~~Mayor~~Planning Commission, the ~~Mayor~~Planning Administrator shall examine it to determine whether or not it complies with the requirements of Section 1115.02 through 1115.04. ~~The Mayor-Planning Administrator shall and shall refer the examination of~~ the plat to the ~~Director of Engineering~~City Engineer. If the plat does not meet the requirements, the ~~Mayor~~Planning Administrator shall return it to the owner who shall revise and refile it, and additional fees may apply. If the plat meets the requirements, the ~~Mayor~~Planning Administrator shall lay it before the Planning Commission at its next meeting. The Commission shall thereupon examine it and approve it or conditionally approve it within thirty (30) days if it is satisfied that it complies, or will comply after minor changes, in all respects with this chapter. The approval or the conditions of approval of the Planning Commission will be indicated in writing on two (2) copies of the preliminary plat which will be returned to the owner and surveyor. The remaining four (4) copies bearing the notation of approval shall remain on file ~~in the office of the Mayor~~, available to the public. The approval of a preliminary plat shall be effective for a maximum period of twelve (12) months, unless extended by the Planning Commission.

CHAPTER 1119 - Final Plat

1119.01 SUBMISSION PROCEDURE; CONTENTS; FEES.

(a) The owner shall submit a final plat of a subdivision mylar not less than twenty-two (22") inches by thirty-four (34") inches. The scale shall be not less than one (1") inch to equal one hundred (100') feet. Multiple pages may be used for plats of large areas. The final plat shall be submitted to the ~~Mayer~~ Planning Administrator for final approval by the Planning Commission and the ~~Director of Engineering~~ City Engineer. The fee for a final plat ~~shall be two hundred fifty dollars (\$250.00)~~ shall be as stated in Section 1155. Action will be taken by the Commission and by Council within sixty (60) days after the filing.

(b) If the plat is approved by Council, the owner shall file and record the plat with the County Recorder within six (6) months. If not recorded within this time, the approval of the Planning Commission and Council shall become void. The final plat shall contain all the information required for the preliminary plat, except existing topography, cultural features and utilities.

1119.02 ADDITIONAL REQUIRED INFORMATION.

(a) A final plat shall contain the following additional information, and be prepared and sealed by a licensed professional engineer in the State of Ohio:

- (1) Boundary of plat based on an accurate traverse with angular and lineal dimensions;
- (2) True angle and distance to the nearest street intersection, accurately described on the plat;
- (3) Municipal, township, county or section lines accurately tied to the lines of all chord dimensions;
- (4) Radii, internal angles, points of curvature, tangent bearings and lengths of all chord dimensions;
- (5) All lot numbers and lines with accurate dimensions in feet and hundredths and bearings in degrees and minutes;
- (6) Accurate location of all monuments, which shall be composed and/or located as follows:
 - A. Be composed of a durable material;
 - B. Be a minimum length of thirty (30") inches;
 - C. Of a minimum cross-section area of material of 0.2 square inches (1" in diameter);
 - D. Be identified with a durable marker bearing the Surveyor's Ohio Registration number and/or name or company name;
 - E. Be detectable with conventional instruments for finding ferrous or magnetic objects;
 - F. Placed with the top at the existing grade elevation.

One such monument shall be placed at each extreme corner of the subdivision. All lots must be marked with steel pins, and such pins must be in place after a building is completed. The Building Inspector shall confirm that lot pins are in place on the final occupancy permit.

- (7) Exact location, width and name of all streets or other public ways;
- (8) Known easements, accurately located and stating the purpose for which they are intended. Easements may be added or revised on the final plat after final plat approval. Easements added to the final plat or revised on the final plat require the approval of the ~~Director of Engineering~~ City Engineer and the Director of Public Service and said approvals are to be entered on the final plat. The owner or developer shall offer an easement for television cable and television cable equipment within the easement(s) shown on the final plat. The easement shall be granted at no expense to the television cable owner/operator, if the cable operator installs the necessary television cable and television cable equipment in the utility trench during the time the trench is open for the installation of other utilities. Otherwise, the owner, developer or City may revoke the offer of an easement.

(b) A final plat shall also contain:

- (1) A certificate by a registered surveyor that the plat represents a survey made by him and that the monuments shown exist as located or will be set following construction and that all dimensional and geodetic details are correct.
- (2) Notarized certification by the owner or owners of the adoption of the plat and the dedication by

them to public use of the streets and other public areas shown on the plat. The signatures of the owner(s) are required prior to the obtaining of any City Official's signature on the plat. No property shall extend to the center of a right of way.

- (3) Proper form for the approval of the Planning Commission with space for the signature of the Chairman;
- (4) Space for approval by signature of the City Engineer and Director of Public Service~~Director of Engineering and the Mayor~~;
- (5) Proper form for approval and acceptance by Council, showing ordinance number and provisions for signature by the Clerk of Council.
- (6) Space for approval, by signature of the Director of Engineering~~City Engineer~~ and Director of Public Service, of easements added to or revised on the final plat.
- (7) Space for transfer by the County Auditor and recording by the County Recorder. A statement of the expiration date of the City approval shall be placed just ahead of the space provided for the County Auditor's signature.
- (8) A topographic survey prepared by an Ohio registered professional surveyor using the North American Vertical Datum (NAVD) of 1988 reflecting flood way, floodway fringe, base flood elevations and property lines of the plat under consideration for development.

1119.03 COPIES TO BE FILED WITH CLERK.

One copy of the final plat showing all approvals and the date and place of recording shall be supplied by the owner to the Clerk of Council as local public records.

1119.06 PROTECT REPRESENTATION BY ENGINEER DURING INSTALLATION OF IMPROVEMENTS.

All construction work and materials used in connection with public improvements and storm water management in the area platted shall conform to City specifications and requirements of the Director of Engineering~~City Engineer~~. The Director of Engineering~~City Engineer~~ shall provide the owner or developer with project representation at the expense of the owner or developer during installation of the improvements.

1119.07 BOND, LETTER OF CREDIT FOR IMPROVEMENTS: DEPOSIT AND INSURANCE.

(a) Before approval of the final plat, the owner or developer shall agree in writing that prior to the beginning of construction of any street, private roadway, public improvement and storm water management infrastructure the owner or developer shall provide a bond, certified check or an irrevocable letter of credit from a solvent bank doing business in Franklin, Licking or Fairfield Counties, Ohio, guaranteeing the completion of said improvement(s) within one year from the date of agreement or such time as may be agreed to by Council. The bond, check or irrevocable letter of credit shall be in an amount equal to the estimated cost of constructing said improvement(s), as approved by the Director of Engineering~~City Engineer~~. A maintenance bond, certified check or an irrevocable letter of credit in the amount of five percent (5%) of the estimated construction costs shall be provided for a maintenance period of one year beginning with the date of acceptance of the said improvement(s) by the Service Director and Director of Engineering~~City Engineer~~.

(b) The owner or developer shall prior to construction, deposit with the Service Director and with the approval of the Director of Engineering~~City Engineer~~ a sum of money as prescribed by the Service Director and the Director of Engineering~~City Engineer~~ to defray the cost of inspection and the engineering services provided and any expenses incurred by the City due to the installation of the improvements and review of the plat and plans.

Fees for the review of plats and plans shall be calculated by the owner or developer, to be verified by the City using the fee schedules as provided by the ~~Safety~~/Service Director. These and other documents detailing the development process can be obtained from the Service Department. For inspections the owner or developer shall deposit with the Service Department a sum of money based on an approved cost of construction schedule, and be approved by the Director of Engineering~~City Engineer~~. Should the amount of such deposit be insufficient to cover

the cost thereof, the owner or developer shall immediately upon request of the City deposit a sum of money acceptable to the ~~Director of Engineering~~City Engineer and the ~~Safety~~/Service Director. Upon completion and acceptance of the improvements, any unexpended balance shall be refunded to the owner or developer.

CHAPTER 1127 - Standards

1127.01 STREETS.

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

- (1) Major arterial, which include Federal, State and County roads which are main arteries of access to the City: one hundred (100') feet; an additional width of forty-five (45') feet shall be provided to accommodate a service drive wherever lots are to face a primary road;
- (2) Minor arterial, which are next in importance as avenues of access between sections of the City as opposed to commercial traffic and nonlocal traffic: eighty (80') feet;
- (3) Neighborhood collector, which are within a new subdivision: sixty (60') feet;
- (4) Minor residential, which are completely residential in nature: fifty (50') feet;
- (5) Alleys: twenty (20') feet;
- (6) Easements: as required.

(b) Minimum pavement widths shall be as follows:

- (1) Major arterial: variable as conditions may require;
- (2) Minor arterial: thirty-six (36') feet;
- (3) Neighborhood collector: thirty-two (32') feet;
- (4) Minor residential: twenty-six (36') feet;
- (5) Alleys: eighteen (18') feet;
- (6) Service drives: twenty (20') feet;
- (7) Sidewalks: five (5') feet minimum; residential and minimum width in commercial districts to be as approved by the ~~Director of Engineering~~City Engineer.

(c) The maximum grades shall be:

- (1) Major arterial: four percent (4%);
- (2) Minor arterial: five percent (5%);
- (3) Neighborhood collector, minor residential streets and alleys: six percent (6%).

(d) The minimum grade for any street shall be one-half of one percent at the gutter, unless otherwise approved by the ~~Director of Engineering~~City Engineer. Street intersections shall be rounded by radii not less than twenty (20') feet at the curblin. Sidewalks shall be located as approved by the ~~Director of Engineering~~City Engineer.

(e) All street construction and specifications for materials shall be in conformity with standards required by the City as published by the City Engineer.

(f) The plans must bear the approval of the ~~Director of Engineering and the Mayor~~City Engineer, Director of Public Service, Superintendent of Water/Wastewater, Superintendent of Streets, and Fire Chief, of the respective Division of Fire and Places shall be provided for ~~such their~~ signatures, ~~including that of the Clerk of Council. The plans must be submitted to the Clerk one week in advance of a regularly scheduled Council meeting.~~

1127.02 PRIVATE ROADWAYS.

(a) As used in this section "private roadway" means any passageway designed for use by motor powered vehicles, upon property owned by one or more persons, firms or corporations where such passageway serves in excess of four dwelling units.

(b) All proposed private roadways and their pavement widths shall be shown on the preliminary and final plats filed in accordance with these Subdivision Regulations. In addition, a document indicating the responsible party for maintenance shall also be provided.

(c) All private roadways shall be improved with a hard surface of concrete, asphalt or other similar products or combination of products. The construction and specification for materials for private roadways shall conform with standards provided by the City standards as published by the City Engineer.

(d) The minimum pavement width for private roadways shall be twenty-six (26') feet and the maximum grade shall be six percent (6%), however, the minimum grade for private roadways shall be one-half of one percent at the gutter, unless otherwise approved by the ~~Director of Engineering~~ City Engineer.

(e) Every private roadway ending in a dead end or at a cul-de-sac circle shall have a minimum pavement width as approved by the Planning Commission to assure access to the area for fire equipment and to facilitate the turning of vehicular traffic. In approving such minimum pavement widths the Planning Commission shall consider whether such cul-de-sac or turn-around will be used for parking vehicles.

(f) The plans must bear the approval of the City Engineer, Director of Public Service, Superintendent of Water/Wastewater, Superintendent of Streets, and Fire Chief. Places shall be provided for their signatures.

1127.03 SANITARY SEWERS.

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

(b) Sanitary Sewer plans must bear the approval of the Director of Public Service and the ~~Director of Engineering~~ City Engineer and the Superintendent of Water/Wastewater. Places shall be provided for their signatures.

1127.04 WATER DISTRIBUTION.

(a) Plans of the proposed water distribution system shall be submitted to the Director of Public Service. All plans must show pipe sizes, locations of valves, fire hydrants and other appurtenances. Installation and materials shall be in conformity with City standards as published by the City Engineer, ~~which can be obtained from the Director of Engineering or City website.~~

(b) Water distribution system plans, if not incorporated as part of the street improvement plans, must bear the approval of the City Engineer, Director of Public Service, Superintendent of Water/Wastewater, Superintendent of Streets, and Fire Chief, ~~appropriate Fire Department Chief with jurisdictional control, and the Director of Engineering~~. Places shall be provided for their signatures.

1127.05 STORM SEWER SYSTEM.

(a) Proposed storm sewers, including grades, pipe sizes, manholes, inlets and appurtenances may be shown on the street improvement plans. ~~The plans must be submitted to the Clerk of Council one week in advance of a regularly scheduled Council meeting.~~ Installation and materials shall be in conformity with City standards published by the City Engineer, ~~which can be obtained from the Director of Engineering or City website.~~

(b) The owner or developer shall follow the recommendations of the ~~Director of Engineering~~ City Engineer with regard to the proper method and direction of drainage and storm water following review of the proposed plan of such drainage as submitted by the subdivider or his engineer. A storm water management report shall be submitted to the City Engineer for review in conjunction with drainage plans.

(c) The storm sewer plans, if not incorporated as part of the street improvement plans, must bear the

approval of the ~~Director of Engineering~~ City Engineer, Director of Public Service Superintendent of Water/Wastewater, Superintendent of Streets and Floodplain Administrator. Place shall be provided for ~~that their~~ signatures.

1127.06 LOTS AND BLOCKS.

(a) Every lot shall abut on a dedicated street. Double frontage lots shall be avoided. At the intersection of two streets, property line corners shall be rounded by an arc with a minimum radius of ten (10') feet. Size, shape and orientation of residential lots shall be appropriate to the location of the proposed subdivision and for the types of development contemplated and in conformity with the Zoning Code, with proper regard given yard areas, setback lines, etc. Excessive depth in relation to length shall be avoided. A proportion of two to one depth to frontage shall be normal and depths in excess of three times the lot width are not recommended. Side lines of lots shall be approximately at right angles or radial to the street line. Corner lots shall have extra width sufficient to permit maintenance of building lines on both front and sides of lot. The maximum length of blocks may not exceed eighteen hundred (1,800') feet except where topographic conditions require longer blocks, nor shall they be less than four hundred (400') feet in length. Wherever blocks are longer than nine hundred (900') feet, crosswalks or crosswalk easements not less than ten feet in width may be required near the center of the block, and Council may require that a sidewalk be constructed in accordance with City standards for sidewalk construction. The width of a block shall normally be sufficient to allow two tiers of lots of appropriate depth except where double and reverse frontage lots are allowed. Where frontage on a primary street is involved, the long dimension of the block shall front thereon in order to minimize access intersections.

(b) Where either sanitary sewer or water service is not available, lots shall have a minimum frontage of seventy-five (75') feet and a minimum area of ten thousand (10,000sf) square feet. Where neither sanitary sewer nor water service is available, lots shall have a minimum frontage of one hundred (100') feet and a minimum area of twenty thousand (20,000sf) square feet.

1127.07 DRAINAGE.

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

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

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

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

other storm sewer installations.

(e) The Planning Commission shall not approve the final plat of any development or subdivision over which it has jurisdiction without certification from the Director of Public Service and the ~~Director of Engineering~~City Engineer that such development or subdivision has been designed to be in full compliance with the design requirements contained in ~~the "Stormwater Management Policy, and Design Manual for the City of Reynoldsburg, Ohio".~~

(f) There is hereby adopted, and incorporated by reference as if set out at length herein, for the purpose of establishing rules and regulations for the design, construction, or alteration, ~~that certain code known as the Stormwater Management Policy, and Design Manual as amended to the effective date of this section, or as hereafter amended in the most recent edition published by~~available from the Department of EngineeringCity Engineer.

1127.08 PUBLIC AREAS.

(a) Ten percent (10%) of the area of each residential subdivision, exclusive of streets, shall be allocated for recreational uses. When a proposed subdivision contains an area described as a proposed public building site, park, playground or other public area, that area shall be dedicated on the plat to the City or reserved for acquisition by the City within a period of five (5) years by purchase or other means.

(b) Where required, the developer and the City shall work out an arrangement for parks and recreational facilities.

(c) Proposed large scale neighborhood unit developments and similar unusual developments may require the reservation or dedication of such additional areas or sites of a character, extent and location suitable for the needs of the community facilities created by such particular developments where deemed necessary by the Planning Commission.

(d) Natural features of beauty such as trees, brooks, topography and views shall be preserved whenever possible in designing any subdivision.

1127.09 UNDERGROUND ELECTRIC AND TELEPHONE LINES.

(a) The term "subdivision" as used in this section refers only to residential subdivisions of more than eleven (11) lots platted subsequent to July 1, 1967.

(b) Unless the subdivision has been exempted from the requirements of this section, as provided in subsection (e) hereof, all telephone and electric distribution wires, conduits, and cables therein shall be installed underground, except as necessary to bring service to the subdivision, and except for existing overhead facilities and any rearrangement, improvement or addition thereto.

(c) The preliminary plan with respect to the subdivision shall be submitted to the Director of Engineering and to the electric and telephone utility companies which will provide service to the subdivision for their recommendations with respect to the width and location of easements for electric and telephone distribution cables and related facilities. The recommendations of the ~~Director of Engineering~~City Engineer and such utility companies shall be submitted to the Planning Commission by the owner of the subdivision together with the plat of the subdivision. Prior to signing the plat of the subdivision, the Planning Commission shall determine that adequate easements are provided for all utility services, including underground electric and telephone distribution wires, conduits, cables, gas pipelines, sewer and water lines. The owner of the subdivision shall, at the time the plat of the subdivision is submitted for approval, present such evidence as the Planning Commission deems necessary to ensure that the owner shall makes or has made provision for all utility services, including underground electric and telephone distribution wires, conduits, cables, gas pipelines, sewer and water lines in accordance with this section, adequate for the anticipated needs of the subdivision. (Ord. 53-82. Passed 6-28-82.)

(d) The construction of all underground facilities shall meet the minimum requirements of any code approved by the Public Utilities Commission of Ohio ~~or any code approved or adopted by the Public Utilities Commission of Ohio.~~

(e) If, in the opinion of the owner of any subdivision or a portion thereof, or any interested utility company, the installation of underground facilities is economically or physically unfeasible, such owner or utility company may apply to the Planning Commission for exemption of the subdivision or portion thereof from the requirements of this section, stating in the application for exemption the reasons thereof or, and submitting therewith such exhibits, documents and data as may be necessary to substantiate the request. The Planning Commission shall hold a hearing, at which the applicant and any other interested person may appear, at its regularly scheduled meeting, after the submission of an application for exemption. Notice of the hearing shall be given by certified mail by the applicant, at the applicant's expense, to each interested utility and owner no less than seven (7) days prior to such hearing. If the Planning Commission denies the application following the notice and hearing, the applicant may file a written appeal therefrom with the Clerk of Council, stating the reasons therefor, within thirty (30) days following the announcement of such decision by the Planning Commission. Such appeal shall be placed on the agenda for the next regularly scheduled meeting of Council following the filing thereof with the Clerk and shall be heard at such meeting. Council may, by resolution, reverse or affirm, wholly or in part, or may modify the decision of the Planning Commission.

1127.10 SEPARABILITY.

If any court of competent jurisdiction determines that any clause, section or portion of Section 1127.09 is invalid or unconstitutional, such finding shall in no way affect the validity of unconstitutionality of the balance of Section 1127.09.

1127.11 EROSION AND SEDIMENT CONTROL PLAN.

(a) An erosion and sediment control plan shall be prepared for all developments covered by this regulation which disturb one or more acres of land.

- (1) The erosion and sediment control plan shall conform to any and all standards defined in the Ohio Environmental Protection agency authorization for storm water discharges associated with construction activity under the current national pollutant discharge elimination system (NPDES) permit, and all revisions and amendments thereto. The notice of intent, as well as a copy of the storm water pollution prevent plan (SWP3) shall be provided to the city as part of the erosion and sediment control plan submittal.
- (2) The SWP3 shall be prepared by a professional experienced in the design and implementation of erosion and sedimentation controls and shall address all phases of construction. The SWP3 shall incorporate, at a minimum, all of "Part III, Section G" SWP3 requirements of the current NPDES permit, and all revisions and amendments thereto.

(b) Changes to SWP3, per the current NPDES permit, Section III D, shall be submitted to the city concurrent with the submittal to OEPA.

(c) The notice of termination, required per the current NPDES permit, Part IV, shall be submitted to the City concurrent with the submittal to OEPA.

1127.12 UTILITY AND TRAFFIC STUDIES

Utility and traffic studies may be required by the City Engineer to facilitate proper master or large scale planning of the City's infrastructure prior to the submission of public or private construction plans. Fees for review of such traffic or utility studies shall be in accordance with Section 1155 of the Zoning Code.

1355.01 ~~COLUMBUS GRID ADDRESS SYSTEM.~~

~~The Columbus grid system of house numbers, as delineated upon the plat of Columbus on file in the City Building, which plat is incorporated herein and made a part hereof, is hereby adopted as the official house numbering system of the City. The grid address system of Columbus and Franklin County is hereby adopted as the official addressing system of the portion of the City with Franklin County. Portions of the City that extend Fairfield or Licking Counties shall be numbered according the address systems in those counties.~~

1355.02 ENGINEER TO ASSIGN HOUSE NUMBERS.

The City Engineer is hereby authorized and directed to assign ~~house~~address numbers in the City. Fees for the service shall be in accordance with Section 1155 of the Zoning Code.

~~1355.03 ADDRESS POSTING REQUIRED.~~

- ~~(a) No owner or occupant of a single family residence shall fail to post, in no less than four inch Arabic numbers, the numerical address on that residence. The numbers shall be placed on the residence within five feet of the front door, on a street facing side of the home, in a contrasting color to the house. Where the residence is setback from the roadway so such numbers would not be visible from the road, the numbers shall be displayed on the mailbox or other method so as to identify the residence.~~
- ~~(b) No owner of a multiple family residence shall fail to post, in no less than four inch Arabic numbers the numerical address on the multiple family dwelling. The numbers shall be placed on the building on a wall facing the street and where the dwelling is setback from the roadway so such numbers are not visible from the road, the numbers shall be displayed on a mailbox or other method so as to identify the residence.~~
- ~~(c) No owner or occupant of a commercial establishment shall fail to post, above the main door in no less than four inch Arabic numbers, the address of that commercial establishment.~~
- ~~(d) Whoever violates this section is guilty of a minor misdemeanor. Each day such violation occurs or continues shall constitute a separate offense.~~



REYNOLDSBURG PLANNING & ZONING DIVISION

STAFF REPORT: CODIFIED ORDINANCE AMENDMENT

CODE SECTION: Proposed Part 17 – Nuisance and Property Maintenance Code

BACKGROUND: Staff becomes periodically aware of provisions in the Codified Ordinances that need revision or the addition of text to make the intent of the Code more clear. Staff is proposing the creation of a new Part 17 – Nuisance and Property Maintenance Code to serve as a central location for various property maintenance sections current scatter throughout the Codified Ordinances. This will simplify the work of the Code Compliance Division and make the Code easier to use for the general public. The departments of Development and Public Service have teamed up to create this new Code and both departments feel it will simplify the work of City departments and the work of anyone that utilizes the Codified Ordinances.

SUMMARY OF MAJOR REVISIONS:

Chapter 543 – Trees and Noxious Vegetation

This chapter is a very basic ordinance to address trees on private property that are partially blocking the right-of-way and provides a procedures for cutting of dangerous trees. This ordinance was originally enacted in 1990 and partly repealed in 2007 following adoption of the International Property Maintenance Code. Since the remaining sections deal mostly with trees and shrubs within or immediately adjacent to public streets, Staff is proposing to relocate that information to a new Chapter 919 within the Streets and Public Utilities Code.

Chapter 919 – Street Trees

Since the remaining sections of Chapter 543 address trees and shrubs within or immediately adjacent to public streets, Staff is proposing to relocate that information to a new Chapter 919 within the Streets and Public Utilities Code. Staff has integrated maintenance requirements from Chapter 1180 – Landscaping and Screening of the Zoning Code in to Section 919.02 because they deal with the City's right to maintenance trees within the public right-of-way. This Section can continue to be enforced by the Code Compliance Division in its new location. Staff has reviewed the codes of peer cities and found the overwhelming majority have this type of information located within a public services code.

1180.08 Street Tree Requirements

Chapter 1180 provides development standards for landscaping and screening for all new developments and construction. Staff is proposing to remove the provisions of Section 1180.08(a)(11), (b), (c), and (d) and move them to the proposed Section 919.02.

These subsections contain maintenance provisions for street trees within the public right-of-way and are more consistent with proposed Section 919. This will not change any of the landscape and buffer requirements for new developments.

CHAPTER 1701 – General Provisions

This chapter of the proposed Part 17, Title 1 of the Codified Ordinances contains the primary provisions for the abatement of public nuisances. The information will be relocated from Section 1369 of the Building Code. It is Staff's view that this information should be contained within a dedicated title to make the information more clear. Staff has updated all sections to consistently apply Staff titles and to reflect the current composition of the Planning Commission.

CHAPTER 1703 - Abandoned Or Inoperable Gasoline Stations

This chapter has been relocated from Chapter 1367 and contains the provisions to address a certain type of public nuisance. Staff feels that clarity is better served by relocating this section after proposed Chapter 1701. Chapters 1704-1710 could be used to insert additional procedures for specific types of public nuisances.

TITLE 3 - Property Maintenance Code

This proposed title, which contains Chapter 1711, will serve as the location for the adopting ordinance for the International Property Maintenance as amended. Section 1711.01 relocates the language of Section 1389. Section 1711.02 will be the location for any local modifications of the International Property Maintenance Code adopt by Council in the future. Staff has rewritten the current amendments and relocated them here. Staff has also added an amendment which clarifies the appeals procedure to the Board of Zoning and Building Appeals. This code will continue to be enforced by the Code Compliance Division. The text shown in italics is the text to be added to the International Property Maintenance Code as published. Staff has reviewed the City Codes of peer cities and found that many have organized their codes in the manner proposed.

~~CHAPTER 543 – Trees and Noxious Vegetation.~~

~~543.01 PLANTING OF TREES AND SHRUBS REGULATED.~~

~~—No person, group of persons, firm or corporation shall plant or cause to be planted any tree or shrub in or upon the streets, alleys, rights of way or any other lands owned by the City except in accordance with a planting plan placed on file with and approved by the Director of Public Service.~~

~~543.011 DEFINITIONS.~~

~~—(a) "Dangerous tree" means any tree of any lot or parcel of land situated within the corporate limits of the City adjacent to any street, roadway, avenue, waterway or public ground:~~

~~—(1) Which is dead or diseased;~~

~~—(2) Which obstructs the free passage of light from public street lights to the streets, roadways, alleys, sidewalks or public grounds;~~

~~—(3) Which, due to its growth pattern or foliage, obstructs visibility relative to pedestrian or vehicular traffic;~~

~~—(4) Which, due to its fallen condition, blocks the normal flow in any creek.~~

~~—(b) "Flowers" means plants cultivated for their blooms.~~

~~—(c) "Hedge" means a fence or boundary formed by a dense row of shrubs or small trees.~~

~~—(d) "Noxious vegetation" includes, but is not limited to, the following:~~

~~—(1) Field bindweed (*Convolvulus arvensis* L)~~

~~—(2) Quackgrass (*Agropyron repens* L (Beauv.))~~

~~—(3) Canada thistle (*Cirsium arvense* L (Stop))~~

~~—(4) Johnsongrass (*Sorghum halpense* L (Pers.))~~

~~—(5) Hoary cress (*Cardaria draba* L (Desv.))~~

~~—(6) Hairy whitetop (or ballcress) (*Cardaria Pubescens* CA. Mey. (Rollins))~~

~~—(7) Perennial sowthistle (*Sonchus arvensis* L)~~

~~—(8) Russian knapweed (*Centaurea picris* Rydb.)~~

~~—(9) Leafy spurge (*Euphorbia esula* L)~~

~~—(10) Hedge bindweed (*Convolvulus sepium* L)~~

~~—(11) Dodder (*Cuscuta* spp. (Tourn) L)~~

~~—(12) Horsenettle (*Solanum carolinense* L)~~

- ~~—(13) Corucockle (*Agrostemma githago* L)~~
- ~~—(14) Wild garlic (*Allium vineale* L)~~
- ~~—(15) Wild onion (*Allium canadense* L)~~
- ~~—(16) Curly dock (*Rumex Crispus* L)~~
- ~~—(17) French weed (*Thlaspi arvense* L)~~
- ~~—(18) Buckhorn (*Plantago lanceolata* L)~~
- ~~—(19) Shatter cane (*sorghum bicolor*)~~
- ~~—(20) Russian thistle (*Salsoal kali* var. *tenuifolia*)~~
- ~~—(21) Wild parsnip (*Pastinace sativa*)~~
- ~~—(22) Wild carrot (Queen Anne's lace) (*Daucus carota* L)~~
- ~~—(23) Oxeye daisy (*Chrysanthemum leucanthemum* var. *pinnatifidum*)~~
- ~~—(24) Wild mustard (*Brassica kaber* var. *pinnatifida*)~~
- ~~—(25) Grapevines: when growing in groups of 100 or more and not pruned, sprayed, cultivated or otherwise maintained for two consecutive years.~~
- ~~—(26) Serrated tussock (*Nassella trichotoma* L)~~
- ~~—(27) All other uncultivated types of vegetation, including lawn grass, growing to a height in excess of six (6) inches.~~
- ~~—(e) "Shrub" means a low, several-stemmed woody plant.~~
- ~~—(f) "Tree" means a woody perennial plant usually having a single elongated main stem generally with few or no branches on its lower part.~~
- ~~—(g) "Vines" means plants whose stems require support and which climb by tendrils or twining or creep along the ground.~~

543.02 TRIMMING/PRUNING.

- ~~—(a) The owner, occupant or person having charge or management of any lot or parcel of land situated within the corporate limits of the City adjacent to any street, roadway, avenue or public grounds, whether the same is improved or unimproved, vacant or occupied, within 72 hours of written notice to do so by the Director of Public Service of the City, shall trim or prune, or cause to be trimmed or pruned, any trees, shrub or hedge, or shall cause the removal of any dangerous tree. All such growth shall be trimmed or pruned so as to have a ten-foot clearance above the surface of sidewalks and a fourteen foot clearance above the surface of any street, alley, avenue, roadway or public grounds, or a lesser clearance above the surfaces of sidewalks or any street, alley, avenue, roadway or public grounds.~~

~~—(b) The branches of all trees, shrubs or hedges in front and along lots or lands near which public streetlights are placed shall be trimmed or pruned so as not to obstruct the free passage of light from the lights to the streets, roadways, alleys, sidewalks or public grounds.~~

~~—(c) Notice shall be deemed served by placing said notice of the violation in question on a conspicuous location on the property notifying the owner or person having charge of the violation.~~

~~—(d) If the owner, occupant or person having charge or management of any such lot or parcel of land fails or refuses to comply with the written notice to trim or prune, such notice to be made in the manner prescribed herein, the Service Director of the City shall cause the same to be done at the expense of the owner of the lot or parcel of land, which expense shall be assessed against the property and certified and collected in the same manner as other assessment and taxes are certified and collected, as provided in Sections 543.08 and 543.09. If the Service Director of the city or their designee determines, after an inspection, that the lot or parcel of land is vacant or abandoned, the written notice required by divisions (a) and (c) of this section shall not be required, and the Service Director of the city shall be entitled to immediately cause the trees, shrubs, or hedges to be trimmed or pruned, or the dangerous trees to be removed, at the expense of the owner of the lot or parcel of land.~~

543.03 REMOVAL OF DANGEROUS TREES.

~~—The Director of Public Service is hereby authorized to remove trees within the limits of the City streets that have been deemed dangerous to the public.~~

543.04 NOXIOUS VEGETATION TO BE REMOVED OR DESTROYED.

~~—(a) The Service Director of the City or their designee, is authorized to determine upon what lots or parcels of land within the corporate limits of the City there is growing noxious vegetation. After a determination has been made that such noxious vegetation constitutes a public nuisance or endangers the public health, it shall be the duty of the Service Director of the City, or their designee, to see that the noxious vegetation is removed or destroyed, or the public nuisance abated in seven (7) days.~~

~~—(b) The provisions of this chapter shall not apply to rural agricultural lots.~~

~~—(c) Notice shall be deemed served by placing said notice of the violation in question on a conspicuous location on the property notifying the owner or person having charge of the violation.~~

~~—(d) If the owner, occupant or person having charge or management of any such lot or parcel of land fails or refuses to comply with the written notice to trim or prune, such notice to be made in the manner prescribed herein, the Director of Public Service of the City shall cause the same to be done at the expense of the owner of the lot or parcel of land, which expense shall be assessed against the property and certified and collected in the same manner as other assessment and taxes are certified and collected, as provided in Sections 543.09. If the Service Director of the city or their designee determines, after an inspection, that the lot or parcel of land is vacant or abandoned, the written notice required by divisions (a) and (c) of this section shall not be~~

required, and the Service Director of the city shall be entitled to immediately cause the noxious vegetation to be trimmed or pruned at the expense of the owner of the lot or parcel of land.

~~543.05 NOTICE TO CUT, DESTROY OR REMOVE. (REPEALED)~~

—(EDITOR’S NOTE: Section 543.05 was repealed as part of the 2007 revision of these Codified Ordinances as directed by Ord. 90-06, passed 12-18-06.)

~~543.06 EFFECT OF FAILURE TO CUT, DESTROY OR REMOVE.~~

—Upon failure of any owner, occupant or person having charge or management of any lot or parcel of land referred to in Sections 543.02 and 543.04 to comply with the notice within the period of set forth therein, the Director of Public Service, or their designee, shall cause such noxious vegetation to be cut or destroyed or dangerous tree removed by the direct employment of labor or authorize some person to cut or destroy

~~543.07 COSTS TO BE PAID IN FIFTEEN DAYS.~~

—Upon the performance of the labor under the provisions of Section 543.06, the Service Director of the City shall report the cost thereof to the owner or person having charge or management of each lot or parcel of land, who shall have fifteen days in which to pay the City for such labor plus the costs of investigation, handling of the complaint, service and notification (costs shall be based on the following: labor and material for trimming, removal or cutting; mailing fees; administrative duties of the Service Director and staff, with costs being adjusted to current wages).

~~543.08 UNPAID COSTS REPORTED TO COUNCIL.~~

—If the costs enumerated in Section 543.07 are not paid, the Director of Public Service shall report to Council the cost thereof with respect to each lot or parcel of land, including the cost of investigation, handling of weed complaints and the costs of service and notification.

~~543.09 UNPAID COST CERTIFIED TO COUNTY AUDITOR.~~

—Upon receipt of the report, under the provisions of Section 543.08 and approval thereof by Council, the City Clerk of Council shall make a return in writing to the County Auditor of such charges which shall be entered upon the tax duplicate of the County, in accordance with Ohio R.C. 731.54.

~~543.10 REYNOLDSBURG TREE COMMISSION; COMPOSITION; TERM. (REPEALED)~~

—(EDITOR’S NOTE: Section 543.10 was repealed as part of the 2007 revision of these Codified Ordinances as directed by Ord. 90-06, passed 12-18-06.)

~~543.11 TREE COMMISSION ORGANIZATION; BYLAWS AND RULES. (REPEALED)~~

—(EDITOR’S NOTE: Section 543.11 was repealed as part of the 2007 revision of these Codified Ordinances as directed by Ord. 90-06, passed 12-18-06.)

~~543.12 TREE COMMISSION DUTIES. (REPEALED)~~

~~—(EDITOR’S NOTE: Section 543.12 was repealed as part of the 2007 revision of these Codified Ordinances as directed by Ord. 90-06, passed 12-18-06.)~~

~~543.99 PENALTY.~~

~~—(a) Whoever violates any provision of this chapter is guilty of a minor misdemeanor for the first offense and a misdemeanor of the fourth degree for any subsequent offense.~~

~~—(b) These penalty provisions are in addition to the civil reimbursement process set forth in Section 543.07, above. Each calendar day for which the violation persists constitutes a separate offense.~~

CHAPTER 919 - Trees

919.01 PURPOSE.

This chapter establishes minimum standards and responsibilities for the planting, pruning and removal of trees that are within or adjacent to public rights of way. The purpose of this chapter is to maintain the beauty of public trees, as well as protect persons, property and public improvements from damage.

919.02 PLANTING OF TREES AND SHRUBS REGULATED.

No person, group of persons, firm or corporation shall plant or cause to be planted any tree or shrub in or upon the streets, alleys, rights of way or any other public lands owned by the City except in accordance with a planting plan placed on file with and approved by the Director of Public Service and in accordance with the provisions of Chapter 1180.08 of the Zoning Code.

919.03 MAINTENANCE OF PUBLIC TREES AND SHRUBS.

(a) The City, shall have the power to plant, prune, maintain and remove trees, plants and shrubs within established right-of-way lines of all public streets, highways, and alleys as may be necessary to insure public safety, enhance the symmetry and beauty of such public grounds, or remove such trees as may be injurious to sewers, electric power lines, gas lines, water lines or other public improvements.

(b) No person shall, as a normal practice, top any tree within the public right of way. "Topping" means the severe cutting back of limbs within the tree's crown to such a degree so as to remove the normal canopy or disfigure the tree.

(c) Tree limbs extending over a public sidewalk shall be trimmed to such an extent that no portion of the tree limbs shall be less than seven (7) feet above the sidewalk. Tree limbs extending over streets shall be trimmed so that no portion the limb or foliage shall interfere with the normal flow of traffic.

(d) Trees within the limits of public parks shall be subject to the provisions of Chapter 971. Trees within the limits of public parks that have limbs extending over a public street, roadway, avenue or public sidewalk adjacent to a public street, roadway, avenue, shall be maintained in accordance with the standards of this chapter.

(e) The Director of Public Service, Director of Public Safety and Director of Parks and Recreation shall have the power to take any other action to properly maintain a public tree upon the advice of a horticulturalist or arborist.

919.04 DEFINITIONS.

(a) "Dangerous tree" means any tree of any lot or parcel of land situated within the City adjacent to any street, roadway, avenue, waterway, utility or public ground:

- _____ (1) Which is dead or diseased;
- _____ (2) Which obstructs the free passage of light from public street lights to the streets, roadways, alleys, sidewalks or public grounds;
- _____ (3) Which, due to its growth pattern or foliage, obstructs visibility relative to pedestrian or vehicular traffic;
- _____ (4) Which, due to its fallen condition, blocks the normal flow in any creek or waterway.

919.05 TRIMMING/PRUNING OF PRIVATELY OWNED TREES.

_____ (a) The owner, occupant or person having charge or management of any lot or parcel of land adjacent to any street, roadway, avenue or public grounds, shall trim or prune, or cause to be trimmed or pruned, any trees, shrub or hedge, or shall cause the removal of any dangerous tree upon notice by the Director. All such growth shall be trimmed or pruned so as to have a seven (7) foot clearance above the surface of sidewalks and a fourteen (14) foot clearance above the surface of any street, alley, avenue, roadway or public grounds.

_____ (b) The branches of all trees, shrubs or hedges in front and along lots or lands near which public streetlights are placed shall be trimmed or pruned so as not to obstruct the free passage of light from the lights to the streets, roadways, alleys, sidewalks or public grounds.

_____ (c) Notice shall be deemed served by placing said notice of the violation in question on a conspicuous location on the property notifying the owner or person having charge of the violation.

_____ (d) If the owner, occupant or person having charge or management of any such lot or parcel of land fails or refuses to comply with the written notice to trim or prune, such notice to be made in the manner prescribed herein, the Director shall cause the same to be done at the expense of the owner of the lot or parcel of land, which expense shall be assessed against the property and certified and collected in the same manner as other assessment and taxes are certified and collected, as provided in Sections 919.07 and 919.08. If the Director determines after an inspection, that the lot or parcel of land is vacant or abandoned, the written notice required by divisions (a) and (c) of this section shall not be required, and the Director shall immediately cause the trees, shrubs, or hedges to be trimmed or pruned, or the dangerous trees to be removed, at the expense of the owner of the lot or parcel of land.

919.06 COSTS TO BE PAID.

_____ Upon the performance of the labor under the provisions of Section 919.05, the Director shall report the cost thereof to the owner or person having charge or management of each lot or parcel of land, who shall have fourteen (14) days in which to pay the City for such labor plus the costs of investigation, handling of the complaint, service and notification. Cost assessments shall be based on the following: labor and material for trimming, removal or cutting; mailing fees; administrative duties of the Director and City staff, with costs being adjusted to current wages.

919.07 UNPAID COSTS REPORTED TO COUNCIL.

If the costs enumerated in Section 919.06 are not paid, the Director shall report to Council the cost thereof with respect to each lot or parcel of land, including the cost of investigation, handling of weed complaints and the costs of service and notification.

919.08 UNPAID COST CERTIFIED TO COUNTY AUDITOR.

Upon receipt of the report, under the provisions of Section 919.07 and approval thereof by Council, the Clerk of Council shall make a return in writing to the County Auditor of such charges which shall be entered upon the tax duplicate of the County, in accordance with Ohio R.C. 731.54.

919.99 PENALTY.

(a) Whoever violates any provision of this chapter is guilty of a minor misdemeanor for the first offense and a misdemeanor of the fourth degree for any subsequent offense.

(b) These penalty provisions are in addition to the civil reimbursement process set forth in this Chapter. Each calendar day for which the violation persists constitutes a separate offense.

1180.08 STREET TREE REQUIREMENTS.

(a) It shall be required in all zoning districts that subdividers or developers plant trees along public streets of their development. Trees shall be planted in such manner, type, quantity and locations as approved by the Planning Commission, as defined by the following conditions, and that any undeveloped street or existing street with undeveloped frontage shall conform to these requirements at the time of the development.

(1) Trees planted shall be on the list of approved street trees maintained by the City of Reynoldsburg (see Appendix A).

(2) The minimum spacing between this and other trees shall be 35 feet for large trees (mature height of 50 feet or more), 25 feet for medium trees (mature height of between 30 and 50 feet) and 15 feet for small trees (range from 10 to 30 feet at maturity).

(3) The maximum spacing between trees shall be 45 feet for large trees, 35 feet for medium trees, and 25 feet for small trees.

(4) The minimum distance between the tree and the edge of the street shall be 2 1/2 feet for a large tree, two feet for medium tree and 1 1/2 feet for a small tree. In areas where a sidewalk exists or is proposed, the minimum distance between the tree trunk and both the edge of the street and the sidewalks shall be two feet for a large tree, two feet for a medium tree and 1 1/2 feet for a small tree, as defined in approved street tree list.

(5) Trees shall be located so that a twenty (20) foot sight triangle is maintained at street intersections, as defined in Section 1180.06.

(6) A small tree shall be used when planting under or within ten lateral feet of overhead utility wires. A small or medium tree shall be used when planting within ten to 20 lateral feet of overhead utility wires.

(7) At the time of platting, the developer shall develop a street tree plan that establishes the species and size of trees to be planted along the streets of the proposed subdivision.

(8) The developers shall be required to maintain all trees for a period of one (1) year after any installation and replace any tree which fails to survive or does not exhibit normal growth characteristics of health and vigor within such one (1) year period. Upon completion of a street tree planting, the landscape contractor shall contact the Department of Development for a preliminary inspection. The one-year guarantee period shall begin after the approval of the Department of Development. A final inspection shall be made at the end of the guarantee period. All trees not exhibiting a healthy, vigorous growing condition, as determined by the city's inspection, shall be promptly replaced at the expense of the developer. Upon replacement the one-year guarantee period shall recommence for those materials having been replaced.

(9) All street trees along any one street shall be of the same species and variety to promote a continuous landscape treatment. A change in variety will only be permitted at intersections and other logical beginning and ending points.

(10) The minimum trunk caliper measured one foot above the ground for all street trees shall be no less than 2".

~~(11) No person shall, as a normal practice, top any tree within the public right of way. "Topping" means the severe cutting back of limbs within the tree's crown to such a degree so as to remove the normal canopy or disfigure the tree.~~

~~—(b) Tree limbs extending over a sidewalk shall be trimmed to such an extent that no portion of the same shall be less than seven (7) feet above the sidewalk. Tree limbs extending over streets shall be trimmed so that no portion of same shall interfere with the normal flow of traffic.~~

~~—(c) The Municipality of Reynoldsburg, or any licensed utility, shall have the right to plant, prune, maintain and remove trees, plants and shrubs within established right of way lines of all streets, highways, and alleys as may be necessary to insure public safety, enhance the symmetry and beauty of such public grounds, or remove such trees as may be injurious to sewers, electric power lines, gas lines, water lines or other public improvements.~~

~~—(d) No person shall by any type of construction reduce the area of a tree lawn within the street right of way.~~

CHAPTER 1367—Abandoned or Inoperable Service Stations

1367.01 ~~ABANDONED SERVICE STATION AS NUISANCE; DEFINITION.~~

~~Whenever any gasoline service station becomes abandoned, such station shall be presumed to be a nuisance affecting or endangering surrounding property values and to be detrimental to the public health, safety, convenience, comfort, property or general welfare of the community and shall be abated. "Abandoned" for the purpose of this chapter, means failure to operate any gasoline service station for at least three consecutive months.~~

1367.02 ~~ABATEMENT OF NUISANCE.~~

~~Whenever the Building Inspector Official finds any gasoline service station to be abandoned, he shall give notice in the same manner as the service of summons in civil cases, or by certified mail addressed to the owner of record of the premises at his last known address or to the address where tax bills are sent, or by any combination of the foregoing methods, to abate such abandoned condition within sixty days either by:~~

- ~~—(a) Placing such service station in operation in accordance with the provisions of the City's ordinances;~~
- ~~—(b) Adapting and using the building for another business use permitted under the Zoning Code, provided the service station pumps and signs are removed; or~~
- ~~—(c) Razing the service station structure and removing the pumps and signs. Underground service station storage tanks shall either be abandoned in place or removed at the option of the Building Official and Fire Chief who shall make the determination based upon the proposed use of the site and whether the tanks can be properly safeguarded and conditioned if abandoned in place. The abandonment in place or removal of underground tanks shall be performed in accordance with accepted safe practice as prescribed in Appendix C to the National Fire Protection Association Pamphlet No. 30 and under the supervision of the Bureau of Fire Prevention of the City. As a condition precedent to the abandonment of storage tanks in place, the City shall require that the current or subsequent owners of the premises post insurance in an amount the Fire Chief and Building Inspector Official believe necessary to protect against injury or damage. It shall be the duty of the current owner to apprise any potential successor in title of the fact that underground storage tanks are abandoned in place and that the City shall at all times require insurance to be maintained by the owner. Failure to notify the next successor in title shall be a misdemeanor punishable as provided by Section 1367.99 and will not relieve any innocent successor in title, who obtains title without knowledge of the abandoned tanks, from the requirement that insurance be maintained. In no event shall any structure be erected above any abandoned underground tank. If tanks are removed, the Building Inspector Official shall supervise the necessary filling and grading of the area.~~

~~However, if the station is in operation at the time notice is given and remains in operation for ninety consecutive days thereafter, the provisions of this section shall not apply. If a national emergency is declared which would curtail the operation of motor vehicles or if Council should~~

determine that there exists a state of general economic depression, the provisions of this section shall not apply.

Upon the failure, neglect or refusal of any owner to comply with the notice to abate such abandonment, the Building Inspector Official shall take such action as may be necessary to abate such nuisance.

1367.03 INOPERATIVE SERVICE STATIONS.

Inoperative gasoline service stations, which do not come within the definition of "abandoned" as defined herein, shall be maintained in accordance with the provisions of the City's ordinances and the owner shall cut all grass and remove all rubbish and weeds from the premises. The parking of motor vehicles upon the premises shall be prohibited and the owner shall place a sign of at least ten square feet in area in the window of such service station notifying the public of this fact. If the Building Official finds that such notice is not complied with by the public, he may order the owner of the premises on which any station is inoperative for more than six months to install fencing or barricades approved by the Building Official which will be sufficient to block motor vehicle access to such property.

1367.99 PENALTY.

Whoever violates any provision of this chapter is guilty of a minor misdemeanor.

CHAPTER 1369—Nuisance Abatement

1369.01 DEFINITION

For purposes of this chapter, the following definitions shall apply:

~~—(a) "Public nuisance." Any garage, shed, barn, house, building or structure or part thereof shall be deemed to be a public nuisance if by reason of the condition in which it is permitted to be or remain, it shall or may endanger the health, life, limb or property of any person or persons, or cause any hurt, harm, damage, injury or loss to any persons in any one or more of the following ways, means or particulars:~~

~~(1) By reason of being dilapidated, decayed, unsafe or unsanitary, it is detrimental to health, morals, safety, public welfare and the well-being of the community, endangers life or property, or is conducive to ill health, delinquency and crime.~~

~~——(2) By reason of being a fire hazard.~~

~~(3) By reason that the conditions of the public nuisance and its surrounding grounds are not reasonably or adequately maintained thereby causing deterioration and creating a blighting influence or condition on nearby properties and thereby depreciating the value, use and enjoyment of such properties to such an extent that it is harmful to the public health, welfare, morals, safety and the economic stability of the area, community or neighborhood in which such a public nuisance is located.~~

~~—(b) "Owner" means the owner or owners of record on the tax records of the County Auditor's office and shall also include any purchaser or purchasers who are buying under a land contract which is recorded in either the miscellaneous records or the mortgage records of Franklin, Licking or Fairfield Counties.~~

1369.02 PROCEDURE FOR FINDING A PUBLIC NUISANCE.

~~—(a) Whenever the Director of Public Service suspects the existence of a public nuisance as defined by Section 1369.01 hereof, in the City, he shall promptly cause such suspected public nuisance to be inspected by the Chief Building Inspector Official and shall request an inspection and report from the fire district and the County Board of Health having jurisdiction over such property. He shall also cause photographs to be taken of the subject property to depict the property condition. Following these inspections and the receipt of any reports by the inspecting entities within twenty-eight days of the initial request for such inspections, should the Director determine that there are reasonable grounds to believe that a public nuisance exists, he shall notify the chairman of the Board of Nuisance Abatement, who shall cause a hearing to be held by the Board of Nuisance Abatement on the question of the existence of a public nuisance. All reports of inspections, made at the request and/or direction of the Director, the inspection report of the Chief Building Inspector Official and the photographs of the property shall be made available to the Board of Nuisance Abatement at the subject hearing.~~

~~—(b) The owner of the property in question or his duly authorized representative or agent shall be notified of the date, time and place of such hearing in accordance with the provisions of~~

Section 1369.03 and shall be given an opportunity of appearing, in person or through a duly authorized representative or agent or legal counsel, at such hearing and of presenting evidence as may be pertinent to the question of the possible existence of the public nuisance.

~~—(c) The Board of Nuisance Abatement shall be selected from a list which includes all members of the Board of Zoning Appeals and all members of the Planning Commission excluding the Director of Public Service. The chairman of the Board of Nuisance Abatement shall be appointed by the Mayor from this list for a two one year term within ninety days of January 1, 1988 and each two years thereafter.~~

~~—Upon appointment, the chairman shall then select four members from the list, two each from the Board of Zoning Appeals and the Planning Commission, excluding the Director of Public Service, for a two one year term on the Board.~~

~~—(d) It shall be necessary to have a concurring vote of at least three members of the Board for a finding that a public nuisance, as defined in Section 1369.01, does exist.~~

~~—(e) The Board of Nuisance Abatement, following the hearing, shall cause a written order to be served on the owner of the subject property, in accordance with the provisions of Section 1369.03, stating the findings of such Board with respect to the existence of a public nuisance and the manner in which abatement is to be accomplished. If the Board finds that a public nuisance does exist, the order shall include: where abatement of the nuisance can be accomplished through repair or rehabilitation, a list of repair or rehabilitation specifications required to abate the public nuisance; where the abatement of the nuisance cannot, in the finding of the Board be accomplished through repair and rehabilitation, an order that the nuisance be abated by demolition and removal of the structure; and shall state that unless the owner of subject property causes the abatement of the public nuisance by repair, rehabilitation or demolition, the same shall be abated by the City at the expense of the owner. Such abatement by the owner shall start within fifteen days after receipt of the order and shall be completed within forty five days or where abatement is to be accomplished through repair or rehabilitation, such additional time as the Director may deem necessary to complete the abatement of the public nuisance.~~

1369.03 SERVICE OF NOTICE.

The notice of hearing required under Section 1369.02 shall be served by mailing a copy to the owner, as defined in Section 1369.01 by U.S. certified mail with return receipt requested, or by personally serving such owner with a copy of such notice.

If the service of the notice of the hearing provided for in Section 1369.02 is not perfected by either of the hereinbefore described methods, then the Board of Nuisance Abatement shall cause such notice to be published in a newspaper of general circulation in the City and in a paper of general circulation in the County, once each week for two consecutive weeks prior to the date of such hearing. Service of the order of the Board provided for in Section 1369.02 shall be in the manner provided herein. If service of the order provided for in Section 1369.02 is not perfected

by certified mail or personal service, as hereinbefore described than the Board shall cause such order to be published in a newspaper of general circulation in the City and in a paper of general circulation in the County once each week for two consecutive weeks. However, such a published order shall not include a list of the repair or rehabilitation specifications mentioned in Section 1369.02. Service of the notice or the order pursuant to this section shall be considered complete upon the receipt of certified mail or upon personal service, or seven days after the date of the last publication of such notice or order.

1369.04 RIGHT TO MAKE IMMEDIATE REPAIRS.

Upon being served the order as provided for in Section 1369.02 and Section 1369.03 the owner may make immediate application in writing or in person to the Building Department Division for a special building permit to undertake the repairs or replacement of the items, as described in the list of rehabilitation specifications found to constitute the public nuisance.

1369.05 APPEAL.

—(a) The Owner may make a demand in writing to the chairman of the Nuisance Abatement Board for an appeal to Council on the question of whether a public nuisance does exist within ten days after the completion of service of the order of the findings of the Board. The Board shall, within ten days after receiving a written request for an appeal, forward all inspection reports, photographs and any other materials submitted into evidence, together with the written order issued by the Board to Council.

—(b) The owner of the property in question, or his duly authorized representative or agent shall be notified of the date, time and place of the appeal hearing before Council in accordance with the provisions of Section 1369.03 and shall be given an opportunity of appearing in person or through a duly authorized representative or agent, at such hearing and of presenting such evidence as may be pertinent to the question of the existence of the public nuisance.

—(c) The appeal shall be heard by Council within not less than ten days nor more than sixty days after the receipt of the written demand for an appeal provided for in subsection (a) hereof.

—(d) Four members of Council, after reviewing the material from the Board and any pertinent evidence presented by the owner or his duly authorized representative or agent, shall concur that a public nuisance as defined by Section 1369.01(a), does exist before enforcement of the abatement provisions of this chapter is carried out. A copy of the decision affirming, reversing or modifying the findings and order of the Board shall be served upon the owner in the manner provided for in Section 1369.03.

1369.06 APPEAL TO COURT.

The owner may appeal the decision and findings of Council to a Court of appropriate jurisdiction. The decision of Council affirming, reversing or modifying the findings and order of

the Board of Nuisance Abatement is to be served on the owner in the manner provided for in Section ~~1369.03~~. The appeal is to be filed within ten (10) business days after service of the decision of Council on the owner. After an appeal has been filed the Board of Nuisance Abatement and Council shall jointly certify and forward to the Court as required by the Ohio Revised Code, a copy of the order of the Board of Nuisance Abatement and decision of Council, minutes and records of meetings, hearings, inspection reports, photographs and materials relied upon by the Board of Nuisance Abatement and Council in determination of the afore-stated order and decision.

~~1369.07 ABATEMENT OF A PUBLIC NUISANCE BY THE BOARD OF NUISANCE ABATEMENT.~~

~~—(a) Upon failure of the property owner to abate a nuisance:~~

~~——(1) Upon the expiration time of the special permit; or~~

~~(2) If no special building permit was issued within forty-five days of completion of service of the written order of the Board of Nuisance Abatement; or~~

~~(3) Within twenty days of the expiration of the right to appeal by the owner pursuant to Section 1369.05hereof or the Ohio Revised Code;~~

The Director of Public Service is hereby authorized to cause entry upon such premises, and the owner shall permit such entry, to abate the nuisance by demolition and removal of the structure, or by boarding all windows, exterior doors and other openings to secure the structure and by removal of litter and cutting of rank growth that may be present.

~~—(b) In abating such nuisances the Director shall obtain the abatement thereof as provided by the Charter and Codified Ordinances relating to construction, and the cost of such contract shall be paid for from City funds except that in the case of boarding to abate the nuisance as provided for in this section, the City may elect to do so by using its own employees and materials the costs of such abatement shall be recovered from the owner in the following manner:~~

~~(1) The owner shall be billed for the cost of the abatement by mailing such bill to the owner by U.S. Certified mail with return receipt requested, or by personally serving the owner with a copy of such bill. If service of such bill is not perfected by either of the hereinbefore described methods, then the billing notice shall be published in a newspaper of general circulation in the City and a newspaper of general circulation in the County for two consecutive weeks.~~

~~(2) If the owner fails to pay for the cost of such abatement within thirty days after receipt of the bill, or after the publication of the second notice in the aforesaid newspaper, the Director shall cause the cost of the abatement to be either certified to the County Treasurer and levied as a special assessment against the property which was the subject of the abatement action, and recovered in the manner provided for the recovery of special assessments; or shall be collectible, together with any interest thereon, by suit, as other debts of like amounts are collectible.~~

CHAPTER 1389—International Property Maintenance Code**1389.01 ADOPTION.**

~~There is hereby adopted, and incorporated by reference as if set out at length herein, for the purpose of establishing rules and regulations for the maintenance, regulations, provisions, penalties, conditions and terms of the 2003 International Property Maintenance Code with the additions, insertions, deletions and changes prescribed in this chapter. Copies are available from the Building Department and Clerk of Council's office. The Director shall publicly notice which edition shall be enforced and file a copy with the Clerk of Council.~~

Part 17 – Nuisance and Property Maintenance Code

TITLE 1 – PUBLIC NUISANCES

CHAPTER 1701 – GENERAL PROVISIONS

1701.01 DEFINITIONS.

For purposes of this Code, the following definitions shall apply:

(a) "Public nuisance." Any lot, parcel, garage, shed, barn, house, building or structure or part thereof shall be deemed to be a public nuisance if by reason of the condition in which it is permitted to be or remain, it shall or may endanger the health, life, limb or property of any person or persons, or cause any hurt, harm, damage, injury or loss to any persons in any one or more of the following ways, means or particulars:

(1) By reason of being dilapidated, decayed, unsafe or unsanitary, it is detrimental to health, morals, safety, public welfare and the well-being of the community, endangers life or property, or is conducive to ill health, delinquency and crime.

(2) By reason of being a fire hazard.

(3) By reason that the conditions of the public nuisance and its surrounding grounds are not reasonably or adequately maintained thereby causing deterioration and creating a blighting influence or condition on nearby properties and thereby depreciating the value, use and enjoyment of such properties to such an extent that it is harmful to the public health, welfare, morals, safety and the economic stability of the area, community or neighborhood in which such a public nuisance is located.

(b) "Owner" means the owner or owners of record on the tax records of the County Auditor's office and shall also include any purchaser or purchasers who are buying under a land contract which is recorded in either the miscellaneous records or the mortgage records of Franklin, Licking or Fairfield Counties.

(c) "Director" means the Service Director of the City.

(d) "Building Official" means the Building Official, a Code Officer or other designee of the City.

1702.02 PROCEDURE FOR FINDING A PUBLIC NUISANCE.

(a) Whenever the Director suspects the existence of a public nuisance as defined by Section 1701.01 hereof, in the City, he shall promptly cause such suspected public nuisance to be inspected by the Building Official and may request an inspection and report from the Fire District and the Board of Health. He shall also cause photographs to be taken of the subject property to depict the property condition. Following these inspections and the receipt of any reports by the inspecting entities within twenty-eight days of the initial request for such inspections, should the Director determine that there are reasonable grounds to believe that a public nuisance exists, he shall notify the chairman of the Board of Nuisance Abatement, who

shall cause a hearing to be held by the Board of Nuisance Abatement on the question of the existence of a public nuisance. All reports of inspections, made at the request and/or direction of the Director, the inspection report of the Building Official and the photographs of the property shall be made available to the Board of Nuisance Abatement at the subject hearing.

(b) The owner of the property in question or his duly authorized representative or agent shall be notified of the date, time and place of such hearing in accordance with the provisions of Section 1703.03 and shall be given an opportunity of appearing, in person or through a duly authorized representative or agent or legal counsel, at such hearing and of presenting evidence as may be pertinent to the question of the possible existence of the public nuisance.

(c) The Board of Nuisance Abatement shall be selected from a list which includes all members of the Board of Zoning Appeals and all members of the Planning Commission. The chairman of the Board of Nuisance Abatement shall be appointed by the Mayor from this list for a term of one calendar year. Upon appointment, the chairman shall then select four members from the list, two each from the Board of Zoning Appeals and the Planning Commission, for a term of one calendar year on the Board.

(d) It shall be necessary to have a concurring vote of at least three members of the Board for a finding that a public nuisance exists as defined in Section 1701.01.

(e) The Board of Nuisance Abatement, following the hearing, shall cause a written order to be served on the owner of the subject property, in accordance with the provisions of Section 1701.03, stating the findings of such Board with respect to the existence of a public nuisance and the manner in which abatement is to be accomplished. If the Board finds that a public nuisance does exist, the order shall include: where abatement of the nuisance can be accomplished through repair or rehabilitation, a list of repair or rehabilitation specifications required to abate the public nuisance; where the abatement of the nuisance cannot, in the finding of the Board be accomplished through repair and rehabilitation, an order that the nuisance be abated by demolition and removal of the structure; and shall state that unless the owner of subject property causes the abatement of the public nuisance by repair, rehabilitation or demolition, the same shall be abated by the City at the expense of the owner. Such abatement by the owner shall start within fourteen (14) days after receipt of the order and shall be completed within sixty (60) days or where abatement is to be accomplished through repair or rehabilitation, such additional time as the Director may deem reasonable and necessary to complete the abatement of the public nuisance.

1703.03 SERVICE OF NOTICE.

The notice of hearing required under Section 1701.02 shall be served by mailing a copy to the owner, as defined in Section 1701.01 by U.S. certified mail with return receipt requested, or by personally serving such owner with a copy of such notice.

If the service of the notice of the hearing provided for in Section 1701.02 is not perfected by either of the hereinbefore described methods, then the Board of Nuisance Abatement shall cause such notice to be published in a newspaper of general circulation in the City and in a paper of general circulation in the County, once each week for two consecutive weeks prior to the date of such hearing. Service of the order of the Board provided for in Section 1701.02 shall be in the manner provided herein. If service of the order provided for in Section 1701.02 is not perfected

by certified mail or personal service, as hereinbefore described than the Board shall cause such order to be published in a newspaper of general circulation in the City and in a paper of general circulation in the County once each week for two consecutive weeks. However, such a published order shall not include a list of the repair or rehabilitation specifications mentioned in Section 1701.02. Service of the notice or the order pursuant to this section shall be considered complete upon the receipt of certified mail or upon personal service, or seven days after the date of the last publication of such notice or order.

1704.04 RIGHT TO MAKE IMMEDIATE REPAIRS.

Upon being served the order as provided for in Section 1701.02 and Section 1703.03 the owner may make immediate application in writing or in person to the Building Division for a special building permit to undertake the repairs or replacement of the items, as described in the list of rehabilitation specifications found to constitute the public nuisance.

1705.05 APPEAL.

(a) The Owner may make a demand in writing to the chairman of the Nuisance Abatement Board for an appeal to Council on the question of whether a public nuisance does exist within ten days after the completion of service of the order of the findings of the Board. The Board shall, within ten days after receiving a written request for an appeal, forward all inspection reports, photographs and any other materials submitted into evidence, together with the written order issued by the Board to the Clerk of Council.

(b) The owner of the property in question, or his duly authorized representative or agent shall be notified of the date, time and place of the appeal hearing before Council in accordance with the provisions of Section 1701.03 and shall be given an opportunity of appearing in person or through a duly authorized representative or agent, at such hearing and of presenting such evidence as may be pertinent to the question of the existence of the public nuisance.

(c) The appeal shall be heard by Council within not less than ten days nor more than sixty days after the receipt of the written demand for an appeal provided for in subsection (a) hereof.

(d) Four members of Council, after reviewing the material from the Board and any pertinent evidence presented by the owner or his duly authorized representative or agent, shall concur that a public nuisance as defined by Section 1701.01(a), does exist before enforcement of the abatement provisions of this chapter is carried out. A copy of the decision affirming, reversing or modifying the findings and order of the Board shall be served upon the owner in the manner provided for in Section 1701.03.

1706.06 APPEAL TO COURT.

The owner may appeal the decision and findings of Council to a Court of appropriate jurisdiction. The decision of Council affirming, reversing or modifying the findings and order of the Board of Nuisance Abatement is to be served on the owner in the manner provided for in Section 1701.03. The appeal is to be filed within ten (10) business days after service of the decision of Council on the owner. After an appeal has been filed the Board of Nuisance Abatement and Council shall jointly certify and forward to the Court as required by the Ohio Revised Code, a copy of the order of the Board of Nuisance Abatement and decision of Council,

minutes and records of meetings, hearings, inspection reports, photographs and materials relied upon by the Board of Nuisance Abatement and Council in determination of the afore stated order and decision.

1707.07 ABATEMENT OF A PUBLIC NUISANCE BY THE BOARD OF NUISANCE ABATEMENT.

(a) Upon failure of the property owner to abate a nuisance:

- (1) Upon the expiration time of the special permit; or
- (2) If no special building permit was issued within forty-five days of completion of service of the written order of the Board of Nuisance Abatement; or
- (3) Within twenty days of the expiration of the right to appeal by the owner pursuant to Section 1705.05 hereof or the Ohio Revised Code;

The Director of Public Service is hereby authorized to cause entry upon such premises, and the owner shall permit such entry, to abate the nuisance by demolition and removal of the structure, or by boarding all windows, exterior doors and other openings to secure the structure and by removal of litter and cutting of rank growth that may be present.

(b) In abating such nuisances the Director shall obtain the abatement thereof as provided by the Charter and Codified Ordinances relating to construction, and the cost of such contract shall be paid for from City funds except that in the case of boarding to abate the nuisance as provided for in this section, the City may elect to do so by using its own employees and materials the costs of such abatement shall be recovered from the owner in the following manner:

- (1) The owner shall be billed for the cost of the abatement by mailing such bill to the owner by U.S. Certified mail with return receipt requested, or by personally serving the owner with a copy of such bill. If service of such bill is not perfected by either of the hereinbefore described methods, then the billing notice shall be published in a newspaper of general circulation in the City and a newspaper of general circulation in the County for two consecutive weeks.
- (2) If the owner fails to pay for the cost of such abatement within thirty days after receipt of the bill, or after the publication of the second notice in the aforesaid newspaper, the Director shall cause the cost of the abatement to be either certified to the County Treasurer and levied as a special assessment against the property which was the subject of the abatement action, and recovered in the manner provided for the recovery of special assessments; or shall be collectible, together with any interest thereon, by suit, as other debts of like amounts are collectible.

CHAPTER 1703 – ABANDONED OR INOPERABLE GASOLINE STATIONS.

1703.01 ABANDONED GASOLINE STATIONS AS NUISANCE; DEFINITION

Whenever any gasoline station becomes abandoned, such station shall be presumed to be a nuisance affecting or endangering surrounding property values and to be detrimental to the public health, safety, convenience, comfort, property or general welfare of the community and shall be abated. "Abandoned" for the purpose of this chapter, means failure to operate any gasoline service station for at least three consecutive months.

1703.02 ABATEMENT OF NUISANCE.

Whenever the Building Official finds any gasoline service station to be abandoned, he shall give notice in the same manner as the service of summons in civil cases, or by certified mail addressed to the owner of record of the premises at his last known address or to the address where tax bills are sent, or by any combination of the foregoing methods, to abate such abandoned condition within sixty days either by:

(a) Placing such service station in operation in accordance with the provisions of the City's ordinances;

(b) Adapting and using the building for another business use permitted under the Zoning Code, provided the service station pumps and signs are removed; or

(c) Razing the service station structure and removing the pumps and signs. Underground service station storage tanks shall either be abandoned in place or removed at the option of the Building Official and Fire Chief who shall make the determination based upon the proposed use of the site and whether the tanks can be properly safeguarded and conditioned if abandoned in place. The abandonment in place or removal of underground tanks shall be performed in accordance with accepted safe practice as prescribed in Appendix C to the National Fire Protection Association Pamphlet No. 30 and under the supervision of the Bureau of Fire Prevention of the City. As a condition precedent to the abandonment of storage tanks in place, the City shall require that the current or subsequent owners of the premises post insurance in an amount the Fire Chief and Building Official believe necessary to protect against injury or damage. It shall be the duty of the current owner to apprise any potential successor in title of the fact that underground storage tanks are abandoned in place and that the City shall at all times require insurance to be maintained by the owner. Failure to notify the next successor in title shall be a misdemeanor punishable as provided by Section 1703.99 and will not relieve any innocent successor in title, who obtains title without knowledge of the abandoned tanks, from the requirement that insurance be maintained. In no event shall any structure be erected above any abandoned underground tank. If tanks are removed, the Building Official shall supervise the necessary filling and grading of the area.

However, if the station is in operation at the time notice is given and remains in operation for ninety consecutive days thereafter, the provisions of this section shall not apply. If a national emergency is declared which would curtail the operation of motor vehicles or if Council should

determine that there exists a state of general economic depression, the provisions of this section shall not apply.

Upon the failure, neglect or refusal of any owner to comply with the notice to abate such abandonment, the Building Official shall take such action as may be necessary to abate such nuisance in accordance with the provisions Section 1707.07.

1703.03 INOPERATIVE GASOLINE STATIONS.

Inoperative gasoline stations, which do not come within the definition of "abandoned" as defined herein, shall be maintained in accordance with the provisions of the City's ordinances and the owner shall cut all grass and remove all rubbish and weeds from the premises. The parking of motor vehicles upon the premises shall be prohibited and the owner shall place a sign of at least ten square feet in area in the window of such service station notifying the public of this fact. If the Building Official finds that such notice is not complied with by the public, he may order the owner of the premises on which any station is inoperative for more than six months to install fencing or barricades approved by the Building Official which will be sufficient to block motor vehicle access to such property.

1703.99 PENALTY.

Whoever violates any provision of this chapter is guilty of a minor misdemeanor.

TITLE 3 - PROPERTY MAINTENANCE CODE

CHAPTER 1711 – GENERAL PROVISIONS

1711.01 INTERNATIONAL PROPERTY MAINTENANCE CODE.

(a) In accordance with Section 4.12(a) of the City Charter, there is hereby adopted, and incorporated by reference as if set out at length herein, for the purpose of establishing rules and regulations for the maintenance, regulations, provisions, penalties, conditions and terms of the 2012 International Property Maintenance Code with the amendments, deletions and modifications prescribed in this chapter.

(b) In accordance with Section 4.12(b) of the City Charter, the Director shall file a copy of this code with the Clerk of Council, and shall file all revised versions of this code whenever it is revised or amended.

1711.02 AMENDMENTS, DELETIONS AND MODIFICATIONS TO THE INTERNATIONAL PROPERTY MAINTENANCE CODE

The International Property Maintenance Code is amended and revised as follows. All section numbers correspond to the International Property Maintenance Code, 2012 Edition.

Chapter 1

101.1 Title.

These regulations shall be known as the *Property Maintenance Code of the City of Reynoldsburg* hereinafter referred to as "this code."

101.3 Intent.

This code shall be construed to secure its expressed intent, which is to ensure public health, safety and welfare insofar as they are affected by the continued occupancy and maintenance of structures and premises. Existing structures and premises that do not comply with these provisions shall be altered or repaired to provide a minimum level of health and safety as required herein.

102.3 Application of other codes.

Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the *current Building Code*. Nothing in this code shall be construed to cancel, modify or set aside any provision of the *current Planning & Zoning Code*.

SECTION 103 ~~DEPARTMENT OF PROPERTY MAINTENANCE INSPECTION CODE~~ OFFICIAL

103.1 General.

~~The department of property maintenance inspection is hereby created and the executive official in charge thereof shall be known as the code official.~~ **The Director of Public Service shall be**

charged with enforcing this Code. All references to the Code Official shall be considered to apply to the director or their designee.

103.2 Appointment.

~~The code official shall be appointed by the chief appointing authority of the jurisdiction; and the code official shall not be removed from office except for cause and after full opportunity to be heard on specific and relevant charges by and before the appointing authority.~~

103.3 Deputies.

~~In accordance with the prescribed procedures of this jurisdiction and with the concurrence of the appointing authority, the code official shall have the authority to appoint a deputy code official, other related technical officers, inspectors and other employees.~~

103.5 Fees.

~~The fees for activities and services performed by the department in carrying out its responsibilities under this code shall be as indicated in the following schedule.~~

106.5 Abatement of violation.

The imposition of the penalties herein prescribed shall not preclude the legal officer of the jurisdiction from instituting appropriate action to restrain, correct or abate a violation, or to prevent illegal occupancy of a building, structure or premises, or to stop an illegal act, conduct, business or utilization of the building, structure or premises.

Upon the performance of any labor to abate a violation under the provisions of this code, a report of the cost thereof shall be provided to the owner or person having charge or management of the premises, who shall have fourteen (14) days in which to pay the City for such labor. Cost assessments shall be based on the following: labor and material for abatement of the violation, mailing fees; inspection and administrative duties of the Code Official and City staff, with costs being adjusted to current wages.

If the costs are not paid, the Director shall report the outstanding costs to Council. Upon receipt of this report and approval thereof by Council, the Clerk of Council shall make a return in writing to the County Auditor of such charges which shall be entered upon the tax duplicate of the County, in accordance with Ohio R.C. 731.54.

111.1 Application for appeal.

Any person directly affected by a decision of the Code Official or a notice or order issued under this code shall have the right to appeal to the *Board of Zoning and Building Appeals*, provided that a written application for appeal is filed within 30 days after the day the decision, notice or order was served. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code are adequately satisfied by other means.

111.2 Membership of board.

~~The board of appeals shall consist of a minimum of three members who are qualified by experience and training to pass on matters pertaining to property maintenance and who are not employees of the jurisdiction. The code official shall be an ex-officio member but shall have no vote on any matter before the board. The board shall be appointed by the chief appointing~~

~~authority, and shall serve staggered and overlapping terms. Membership of the Board shall be consistent with Section 7.02 of the City Charter.~~

111.2.1 Alternate members.

~~The chief appointing authority shall appoint two or more alternate members who shall be called by the board chairman to hear appeals during the absence or disqualification of a member. Alternate members shall possess the qualifications required for board membership.~~

111.2.2 Chairman.

~~The board shall annually select one of its members to serve as chairman.~~

111.2.3 Disqualification of member.

~~A member shall not hear an appeal in which that member has a personal, professional or financial interest.~~

111.2.4 Secretary.

~~The chief administrative officer shall designate a qualified person to serve as secretary to the board. The secretary shall file a detailed record of all proceedings in the office of the chief administrative officer.~~

111.2.5 Compensation of members.

~~Compensation of members shall be determined by law.~~

111.4 Open hearing.

All hearings before the Board shall be open to the public. The appellant, the appellant's representative, the Code Official and any person whose interests are affected shall be given an opportunity to be heard. ~~A quorum shall consist of not less than two-thirds of the board membership.~~

~~111.5 Postponed hearing.~~

~~When the full board is not present to hear an appeal, either the appellant or the appellant's representative shall have the right to request a postponement of the hearing.~~

~~111.7 Court review.~~

~~Any person, whether or not a previous party of the appeal, shall have the right to apply to the appropriate court for a writ of certiorari to correct errors of law. Application for review shall be made in the manner and time required by law following the filing of the decision in the office of the chief administrative officer.~~

111.8 Stays of enforcement.

Appeals of notice and orders (other than Imminent Danger notices) shall stay the enforcement of the notice and order until the appeal is heard by the *Board of Zoning and Building Appeals*.

Chapter 3

302.1 Sanitation.

All exterior property and premises shall be maintained in a clean, safe and sanitary condition. The occupant shall keep that part of the exterior property which such occupant occupies or controls in a clean and sanitary condition.

302.4 Weeds.

All premises and exterior property shall be maintained free from weeds or plant growth in excess of six (6) inches in height for improved lots and twelve (12) inches in height for unimproved lots. All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens. *On lots or parcels determined to be vacant or abandoned, the term shall also include shrubs and undergrowth arranged in a way that provides an unobservable location for unauthorized human habitation.*

If the Code Officer determines, after an inspection, that the lot or parcel of land is vacant or abandoned, then he shall not be required to serve the notice of violation.

Only one notice of violation per calendar year is required to be served by the Code Official for a lot or parcel. If, after one notice of violation has been served, the Code Official determines that one or more subsequent violations has occurred on that lot or parcel during that calendar year, service of an additional notice of violation shall not be required and the City may proceed to immediately abate such violations as set forth in Section 106.03.

302.8 Motor vehicles.

Except as provided for in other regulations, no inoperative or unlicensed motor vehicle shall be parked, kept or stored on any premises, and no vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. Painting of vehicles is prohibited unless conducted inside an approved spray booth.

Exception: A vehicle of any type is permitted to undergo major overhaul, including body work, provided that such work is performed inside a structure or similarly enclosed area designed and approved for such purposes.

(a) No automobile, motorcycle or other motor vehicle or trailer shall be parked or remain on any non-parking or non-driveway portion of the yard of any residential or multi-family zoned lot. All motorized vehicles and or trailers shall be parked/kept only on an improved hard surface such as concrete or asphalt. Such surfaces shall encompass the entire vehicle or trailer. All vehicles or trailers parked in parking areas or driveways shall bear the current registration or license plates as required by the Ohio Revised Code.

(b) This section shall not apply during times of emergency due to acts of nature; or during the time that a resident is in the process of moving in or out of the premises.

303.2 Enclosures.

Private swimming pools, hot tubs and spas, capable of containing water more than 24 inches (610 mm) in depth shall be completely surrounded by a fence or barrier at least 48 inches (1219 mm) in height above the finished ground level measured on the side of the barrier away from the pool. Gates and doors in such barriers shall be self-closing and self-latching. Where the self-latching device is less than 54 inches (1372 mm) above the bottom of the gate, the release

mechanism shall be located on the pool side of the gate. Self-closing and self-latching gates shall be maintained such that the gate will positively close and latch when released from an open position of 6 inches (152 mm) from the gatepost. No existing pool enclosure shall be removed, replaced or changed in a manner that reduces its effectiveness as a safety barrier. *Also see Section 1171.06 (b) and Chapter 1363 of the Codified Ordinances.*

Exception: *Hot tubs and spas may be exempt from the fence or barrier requirements if they are secured by a fully lockable lid.*

304.2 Protective treatment.

All exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. *Once a protective treatment has been applied to decay resistant woods it must be maintained.* All siding and masonry joints as well as those between the building envelope and the perimeter of windows, doors, and skylights shall be maintained weather resistant and water tight. All metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion and all surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.

304.3 Premises identification.

Buildings shall have approved address numbers placed in a position to be plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be a minimum of 4 inches (102 mm) high with a minimum stroke width of 0.5 inch (12.7 mm). *Also see Chapter 1355 of the Codified Ordinances.*

304.14 Insect screens.

~~During the period from [DATE] to [DATE],~~ every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored, shall be supplied with approved tightly fitting screens of not less than 16 mesh per inch (16 mesh per 25 mm) and every swinging door shall have a self-closing device in good working condition.

Exception: Screens shall not be required where other approved means, such as air curtains or insect repellent fans, are employed. *Screens shall not be required on residential properties between November 1st and March 25st of the following calendar year.*

307.2 Disposal of rubbish.

Every occupant of a structure shall dispose of all rubbish in a clean and sanitary manner by placing such rubbish in approved containers. *Also see Chapter 975 of the Codified Ordinances.*

307.2.2 Refrigerators.

Refrigerators and similar equipment not in operation shall not be discarded, abandoned or stored on premises without first removing the doors. *Also see Section 521.01 of the Codified Ordinances.*

307.2.3 Interior Furniture.

Upholstered furniture, mattresses, materials and other similar products not designed, built and manufactured for outdoor use shall not be discarded, abandoned, stored or placed on a porch, balcony, roof, or in a yard unless the porch or balcony is completely enclosed.

Chapter 4

401.3 Alternative devices.

In lieu of the means for natural light and ventilation herein prescribed, artificial light or mechanical ventilation complying with the current *Building Code* shall be permitted.

Chapter 5

505.1 General.

Every sink, lavatory, bathtub or shower, drinking fountain, water closet or other plumbing fixture shall be properly connected to either a public water system or to an approved private water system. All kitchen sinks, lavatories, laundry facilities, bathtubs and showers shall be supplied with hot or tempered and cold running water in accordance with the *Ohio Plumbing Code*.

507.1 General.

Drainage of roofs and paved areas, yards and courts, and other open areas on the premises shall not be discharged in a manner that creates a public nuisance. *Also see Section 941.06 of the Codified Ordinances.*

Chapter 6

602.1 Facilities required.

Heating facilities shall be provided in structures as required by this section. *Also see Section 521.02 of the Codified Ordinances.*

602.3 Heat supply.

Every owner and operator of any building who rents, leases or lets one or more dwelling unit, rooming unit, dormitory or guestroom on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat during the period from [DATE] to [DATE] to maintain a temperature of not less than 68°F (20°C) in all habitable rooms, bathrooms, and toilet rooms.

604.2 Service.

The size and usage of appliances and equipment shall serve as a basis for determining the need for additional facilities in accordance with the *current Electrical Code*. Dwelling units shall be served by a three-wire, 120/240 volt, single-phase electrical service having a rating of not less than 60 amperes.

Chapter 7

702.1 General.

A safe, continuous and unobstructed path of travel shall be provided from any point in a building or structure to the public way. Means of egress shall comply with the *current Building Code*.

702.2 Aisles.

The required width of aisles in accordance with the *current Building Code* shall be unobstructed.

702.3 Locked doors.

All means of egress doors shall be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort, except where the door hardware conforms to that permitted by the *current Building Code*.

704.1 General.

All systems, devices and equipment to detect a fire, actuate an alarm, or suppress or control a fire or any combination thereof shall be maintained in an operable condition at all times in accordance with the *current Building Code*.

704.2 Smoke alarms.

Single or multiple-station smoke alarms shall be installed and maintained in Groups R-2, R-3, R-4 and in dwellings not regulated in Group R occupancies, regardless of occupant load at all of the following locations:

1. On the ceiling or wall outside of each separate sleeping area in the immediate vicinity of bedrooms.
2. In each room used for sleeping purposes.
3. In each story within a dwelling unit, including basements and cellars but not including crawl spaces and uninhabitable attics. In dwellings or dwelling units with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full story below the upper level.

Single or multiple-station smoke alarms shall be installed in other groups in accordance with the *current Building Code*.

Chapter 8

City	City of Reynoldsburg 7232 E. Main Street Reynoldsburg, OH 43068	
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Standard Referenced Number	Title	Referenced in Code Section Number
COR	Codified Ordinances of Reynoldsburg	102.3, 106.4, 201.3, 111.1, 111.2, 307.4
COR-PZ	Reynoldsburg Planning & Zoning Code	102.3, 201.3
OBBS	Ohio Board of Building Standards 6606 Tussing Road Reynoldsburg, Ohio 43068	
Standard Referenced Number	Title	Referenced in Code Section Number
OBC-2011	Ohio Building Code	102.3, 201.3
OFC-2011	Ohio Fire Code	102.3, 201.3
OMC-2011	Ohio Mechanical Code	102.3, 201.3
OPC-2011	Ohio Plumbing Code	102.3, 201.3
ORC-1999	Ohio Residential Code for One, Two & Three Family Dwellings	102.3, 201.3
NFPA	National Fire Protection Association One Batterymarch Park Quincy, Massachusetts 02269	
Standard Referenced Number	Title	Referenced in Code Section Number

NEC	National Electric Code	102.3, 201.3
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1711.99 PENALTY.

In addition to any other civil penalties provided for by this Code, anyone who violates any provision of this Chapter is guilty of a minor misdemeanor. For any second or subsequent offense within a year of a prior offense, any violator is guilty of a misdemeanor of the fourth degree.

5 & 6

ORDINANCE NO. _____

PASSED: _____

ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF REYNOLDSBURG, OHIO: Amending Chapter 1111 General Provisions; Chapter 1115 Preliminary Plat; Chapter 1119 Final Plat; Chapter 1127 Standards; Chapter 1355 House Numbering; Chapter 1180 Landscaping and Buffering Standards; and Enacting Chapter 919 Trees; Part 17 Nuisance and Property Maintenance Code; Title 1 Public Nusiances and Title 3 Property Maintenance Code; and Repealing Chapter 543 Trees and Noxious Vegetation; Chapter 1367 Abandoned or Inoperable Service Stations; and Chapter 1369 Nuisance Abatement; Chapter 1389 International Property Maintenance Plan;

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF REYNOLDSBURG, OHIO:

SECTION 1. That Chapter 1111 General Provisions; Chapter 1115 Preliminary Plat; Chapter 1119 Final Plat; Chapter 1127 Standards; Chapter 1355 House Numbering; Chapter 1180 Landscaping and Buffering Standards of the Code of Ordinances of the City of Reynoldsburg be and are hereby amended to read as follows:

See Exhibit "A" attached hereto and incorporated herein.

SECTION 2. That existing Chapters 1111; 1115; 1119; 1127; 1355; and 1180; be and are hereby repealed and replaced.

SECTION 3. That Chapter 919 Trees; Part 17 Nuisance and Property Maintenance Code; Title 1 Public Nusiances and Title 3 Property Maintenance Code; of the Codified Ordinances be and are hereby enacted to read as set forth in Exhibit A attached hereto and incorporated herein.

SECTION 4. That Chapter 543 Trees and Noxious Vegetation; Chapter 1367 Abandoned or Inoperable Service Stations; and Chapter 1369 Nuisance Abatement; Chapter 1389 International Property Maintenance Plan are hereby repealed.

SECTION 5. That upon adoption by Council this ordinance shall be in effect thirty days following signature by the Mayor.

Doug Joseph, President of Council

ATTEST: _____
April L. Beggerow, Clerk of Council

APPROVED: _____ DATE _____
Bradley L. McCloud, Mayor

Attachment: Amend Zoning Codes part 5 & 6 (1260 : Amendments to the Zoning Code)

CERTIFICATE

I, April L. Beggerow, Clerk of Council, City of Reynoldsburg, Ohio do hereby certify the foregoing to be a true and correct copy of Ordinance No. ____ as passed by Council of said City on the ____ day of ____ and as recorded in the Record of Proceedings of said Council.

April L. Beggerow, Clerk of Council

Filed with Mayor: _____

Published: _____



REYNOLDSBURG PLANNING & ZONING DIVISION

STAFF REPORT: CODIFIED ORDINANCE AMENDMENT

CODE SECTION: Part 13 – Building Code & Part 15 – Fire Prevention Code

BACKGROUND: Staff becomes periodically aware of provisions in the Codified Ordinances that need revision or the addition of text to make the intent of the Code more clear. Staff is proposing to revise Part 13 – Building Code of the Codified Ordinances to provide internal consistency with position titles and remove extraneous language. This proposed revision will have no effect on adopted building codes, fees, procedures or processes for obtaining any building permits.

SUMMARY OF MAJOR REVISIONS:

CHAPTER 153 - Fire Division

This chapter is a reserved chapter for utilization in the event that the City ever elected to operate its own Fire Division. Staff is proposing to utilize this chapter to provide some basic definitions for terms related to the fire districts covering the City. This will allow future code revisions to be drafted more easily and remove the need to define terms related the fire districts that serve the City each and every time they are references in the code. Staff is proposing to repeal the sections of Code that provide for an administrative appeal to the BZBA. The current Ohio Building Code requires an appeal to the State Board of Building Standards.

CHAPTERS 1301, 1305, 1307, 1325, 1335, 1339.

These chapters outline the adopted and incorporated building codes, fees and permitting procedures utilized by the Building Division. Staff has edited the sections to apply job titles and division names consistently.

CHAPTER 1351 - Fences

The information within this chapter was incorporated into Section 1171.06(c) of the Zoning Code. Fences are now regulated though the zoning certificate process. Staff is proposing to repeal this chapter.

CHAPTER 1363 – Swimming Pools

This chapter regulates the installation of swimming pools. Staff has standardized the application of position titles to be consistent with the remainder of the Code.

TITLE SEVEN – HOUSING CODE

Staff is proposing to rename this title to be more consistent with the current contents. Staff has standardized the application of job titles to be consistent with the remainder of

the Code. Staff proposing to repeal section 1395 in its entirety as occupancy permits for multi-family dwellings are now covered by the Ohio Building Code.

PART FIFTEEN - FIRE PREVENTION CODE

Staff is proposing revisions to this part of the code to make position titles consistent with the titles used in the Building Code and to relocate the administration procedures to a new chapter.

CHAPTER 153 - Fire Division

153.01 Definitions.

Unless otherwise defined, the following terms shall be defined as follows:

- (a) “Fire District” shall mean the township or fire district having jurisdiction over a particular lot, parcel or structure within the City.
- (b) “Fire Chief” means the Fire Chief of the township or fire district having jurisdiction over a particular lot, parcel or structure within the City.
- (c) “Fire Prevention Officer” shall mean any official designated as such by a Fire District or Fire Chief.

PART THIRTEEN – BUILDING CODE

Chapter 1301 – ~~Department of Building Inspection~~ Building Division

1301.01 DEPARTMENT ESTABLISHED; DUTIES OF ~~INSPECTOR~~ BUILDING OFFICIAL.

- (a) The ~~Department of Building Inspection~~ Building Division is hereby created, and shall consist of a Building Official and such other deputies and assistants as may be provided by Council.
- (b) The Building ~~Inspector~~ Official shall be charged with the enforcement of the Building Code and the Housing Code of the City and shall possess the powers and duties contained therein.

Chapter 1305 – Permits and Fees

1305.04 FEES FOR INSPECTIONS.

- (e) Inspections requested by contractors shall be made during regular working hours. Inspections requested by contractors after regular working hours (at the discretion of the ~~Chief Building Inspector~~ Building Official) shall be one hundred dollars (\$100.00) for the first hour plus fifty dollars (\$50.00) each additional hour per Inspector. Base fee shall be paid prior to inspection.

1305.05 REINSPECTION FEES.

(a) In the event that work covered by any permit or inspection required by the Building Code is not installed or completed, or both, in accordance with the Code, thereby requiring one or more reinspections, the Building ~~Inspector~~ Official shall assess a fee for each reinspection.

(c) The Building ~~Inspector~~ Official may waive the requirement for a reinspection fee if it is determined that failure to complete or install the work according to the Code was caused by circumstances beyond the control of the contractor.

1305.18 CONTRACTOR'S REGISTRATION.

(a) Contractor's registration shall be required by any contractor who may work in the City. All registrations expire December 31 of the year issued and must be renewed by January 31 of the following year. Contractors entering the City must apply prior to working their first jobs. Before issuance of a contractor's registration, each registrant shall furnish proof and maintain at all times a bond of not less than ten thousand dollars (\$10,000) with good and sufficient surety approved by the ~~Chief Building Inspector~~ Building Official, conditioned to reimburse any person from all damages resulting from any act on the part of such registrant, his agents, or employees contrary to the provisions of said chapter or any other ordinance of the City or any omission on his part to perform any duties required within. Where a contractor has more than one registration, the ten thousand dollar (\$10,000) bond will be sufficient for all registrations. In addition thereto, each license shall furnish proof of premises operations liability insurance with a minimum combined bodily injury and property damage limit of five hundred thousand (\$500,000.00) or equivalent. The City also requires a thirty day notice of cancellation. All bonds and are to run from January 1 through December 31.

All contractors must comply with all applicable building codes and Codified Ordinances of the City.

The Building Official~~Service Director of the City~~ may revoke a contractor's registration if the work for which the permit is granted does not comply with applicable building codes or the ~~Reynoldsburg~~ construction specification requirements enforced by the City of ~~Reynoldsburg~~.

The fee for registration is seventy-five dollars (\$75.00).

(b) The following contractors must have a license from the State of Ohio, and proof of bonding and insurance in order to obtain a City of ~~Reynoldsburg~~ contractor's registration:

- (1) Heating, ventilation and air conditioning contractor.
- (2) Refrigeration contractor.
- (3) Hydronics contractor.
- (4) Electrical contractor.
- (5) Plumbing contractor.

(c) The following contractors must provide proof of bonding and insurance to obtain a City of Reynoldsburg contractor's registration including but not limited to:

- (1) General contractor.
- (2) Concrete contractor.
- (3) Home improvement contractor.
- (4) Sign contractor.
- (5) Asphalt contractor.
- (6) Swimming pool contractor.
- (7) Low voltage contractor.
- (8) Fire protection.

(d) The following contractors must register with the City of Reynoldsburg. No bond will be required if they are working for a registered and bonded general or home improvement contractor and provide the City with proof of employment. If they are working for a home owner, they will need to provide proof of bonding and insurance including but not limited to:

- (1) Concrete footing contractor.
- (2) Excavation contractor.
- (3) Grading contractor.
- (4) Landscape contractor.
- (5) Masonry contractor.
- (6) Drainage contractor.
- (7) Framing contractor
- (8) Siding contractor.
- (9) Roofing contractor.
- (10) Insulation contractor.

1305.19 GRANTING AND REVOKING OF PERMITS.

(d) When a permit is granted, there shall be no refund after the fee has been deposited into The City of Reynoldsburg accounts.

Chapter 1307—Appeals and Variances

~~1307.01 APPEAL TO BOARD.~~

~~Any person or any City officer or official or any public body aggrieved by the action of the Building Inspector may take an appeal to the Board of Zoning and Building Appeals. The Building Inspector or any City officer or official or any public body, or any member of the Board of Zoning and Building Appeals, may request a hearing by the Board on any subject over which the Board has jurisdiction or power, as set forth in this Part Thirteen – Building Code, or may request the Board to review or interpret any provision of this Building Code.~~

~~1307.02 TIME, FEE AND NOTICE OF APPEAL.~~

~~An appeal from any decision of the Building Official may be taken within thirty days from the date of the decision from which the appeal is taken by paying the required fee and filing with the Building Inspector and with the Board of Zoning and Building Appeals a notice of appeal, specifying the grounds therefor. The Building Inspector shall forthwith transmit to the Board papers upon which the action appealed was taken.~~

~~1307.03 ACTION ON APPEALS, HEARINGS AND REVIEWS.~~

~~—(a)—The Board of Zoning and Building Appeals shall hold a public hearing on each appeal and shall give such notice to the Building Inspector and other interested parties as the Board shall direct and shall give such notice to the public by posting, publication or otherwise as the Board shall deem appropriate. At the hearing, any party may appear in person, or by his agent or attorney.~~

~~1307.04 DECISION OF THE BOARD.~~

~~The Board of Zoning and Building Appeals shall in every case reach a decision without unreasonable or unnecessary delay. Every decision of the Board shall be in writing and shall indicate the vote upon a decision. Every decision shall be promptly filed in the office of the Building Inspector and shall be open to public inspection. A certified copy shall be sent by mail or otherwise to the appellant or other interested party and a copy shall be kept publicly posted in the office of the Building Inspector for two weeks after filing.~~

~~1307.05 VARIATIONS AND MODIFICATIONS.~~

~~—The Board of Zoning and Building Appeals, after public hearing, may vary the application of any provision of this Part Thirteen – Building Code, to any particular case when, in its opinion, enforcement thereof would do manifest injustice, would be contrary to the spirit and purpose of this Building Code or public interest or when, in its opinion, the interpretation of the Building Inspector should be modified or reversed. A decision of the Board to vary the application of any provision of this Building Code or to modify an order of the Building Inspector shall specify in~~

~~what manner such variation or modification is made, the conditions upon which it is made and the reasons therefor.~~

~~1307.06 BUILDING INSPECTOR TO TAKE ACTION.~~

~~—If a decision of the Board of Zoning and Building Appeals reverses or modifies a refusal, order or disallowance of the Building Inspector or varies the application of any provision of this Building Code, the Building Inspector shall take action immediately in accordance with such decision.~~

TITLE THREE – General Standards

CHAPTER 1325 – Residential Code of Ohio for 1, 2, and 3 Family Dwellings

1325.01 ADOPTED.

~~There is hereby adopted, and incorporated by reference as if set out at length herein, for the purpose of establishing rules and regulations for the construction, alteration, removal, demolition, equipment, use and occupancy, location and maintenance of buildings and structures, that certain code known as the Residential Code of Ohio for 1, 2, and 3 Family Dwellings, as amended to the effective date of this section, or as hereafter amended in the most recent edition.~~

(a) In accordance with Section 4.12(a) of the City Charter, the Residential Code of Ohio for 1, 2, and 3 Family Dwellings, as adopted by the Ohio Board of Building Standards, and has may be amended hereafter, is hereby adopted and incorporated by reference.

(b) In accordance with Section 4.12(b) of the City Charter, the Building Official shall file a copy of this code with the Clerk of Council, and shall file all revised versions of this code whenever it is revised or amended by the Ohio Board of Building Standards.

1325.02 ~~FILE AND DISTRIBUTION COPIES.~~ PURPOSE.

~~A copy of the Residential Code of Ohio For 1, 2, and 3 Family Dwellings, adopted in Section 1325.01 is on file with the Clerk of Council for inspection by the public as required by Section 4.12 of the Charter.~~ The purpose of this code is to establish rules and regulations for the construction, alteration, removal, demolition, equipment, use and occupancy, location and maintenance of residential buildings and structures.

CHAPTER 1335 – Flood Damage Prevention

1335.06 APPLICABLE LANDS.

These regulations shall apply to all areas of special flood hazard within the jurisdiction of the City of Reynoldsburg, as identified in Section 1335.07 including any additional areas of special flood hazard annexed by the City of Reynoldsburg.

1335.07 BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD.

(c) Any hydrologic and hydraulic engineering analysis authored by a registered Professional Engineer in the State of Ohio which has been approved by the City of Reynoldsburg as required by Section 1335.28(c) Subdivisions and Large Scale Developments.

(d) Any revisions to the aforementioned maps and / or studies are hereby adopted by reference and declared to be a part of these regulations. Such maps and/or studies are on

file at 7232 E. Main Street, City of Reynoldsburg, Ohio in the office of the Floodplain Administrator.

1335.11 WARNING AND DISCLAIMER OF LIABILITY.

The degree of flood protection required by these regulations is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by manmade or natural causes. These regulations do not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. These regulations shall not create liability on the part of the City of Reynoldsburg, any officer or employee thereof, or the Federal Emergency Management Agency, for any flood damages that result from reliance on these regulations or any administrative decision lawfully made thereunder.

1335.14 DESIGNATION OF THE FLOOD DAMAGE PREVENTION ADMINISTRATOR.

The ~~Chief Building Inspector~~ Official is hereby appointed to administer and implement these regulations and is referred to herein as the Floodplain Administrator.

1335.16 APPEAL AND VARIANCE PROCEDURES.

(a) Appeals Board. City Council of the City of Reynoldsburg shall hear all requests for variances and appeals, and in such capacity shall hereinafter be referred to as the "Appeals Board". All meetings of the Appeals Board shall be open to the public except that the Appeals Board may deliberate in executive sessions as part of quasi-judicial hearings in accordance with law. The Appeals Board shall keep minutes of its proceedings showing the vote of each member upon each question and shall keep records of all official actions. Records of the Appeals Board shall be kept and filed at 7232 E. Main Street, City of Reynoldsburg, Ohio in the office of the Clerk of Council.

(d) Variances. Any person believing that the use and development standards of these regulations would result in unnecessary hardship may file an application for a variance. The Appeals Board shall have the power to authorize, in specific cases, such variances from the standards of these regulations, not inconsistent with Federal regulations, as will not be contrary to the public interest where, owing to special conditions of the lot or parcel, a literal enforcement of the provisions of these regulations would result in unnecessary hardship.

(1) Application for a Variance.

A. Any owner, or agent thereof, of property for which a variance is sought shall make an application for a variance by filing it with the Floodplain Administrator, who upon receipt of the variance shall transmit it to the Appeals Board, or their designated representative.

B. Such application at a minimum shall contain the following information: Name, address, and telephone number of the applicant; legal description of the property; parcel map; description of the existing use; description of the proposed use; location of the floodplain; description of the variance sought; and reason for the variance request.

C. All applications for a variance shall be accompanied by a variance application fee set in the fee schedule adopted by the City of Reynoldsburg.

1335.17 MAP MAINTENANCE ACTIVITIES..

(c) Annexation/Detachment. Upon occurrence, the Floodplain Administrator shall notify FEMA in writing whenever the boundaries of the City of Reynoldsburg have been modified by annexation or the community has assumed authority over an area, or no longer has authority to adopt and enforce floodplain management regulations for a particular area. In order that the City of Reynoldsburg's Flood Insurance Rate Map accurately represent the City of Reynoldsburg boundaries, include within such notification a copy of a map of the City of Reynoldsburg suitable for reproduction, clearly showing the new corporate limits of the new area for which the City of Reynoldsburg has assumed or relinquished floodplain management regulatory authority.

1335.23 APPLICATION REQUIRED.

(f) A floodplain development permit application fee set by the fee schedule adopted by the City of Reynoldsburg.

1335.28 USE AND DEVELOPMENT STANDARDS FOR FLOOD HAZARD REDUCTION.

The following use and development standards apply to development wholly within, partially within, or in contact with any special flood hazard area as established in Section 1335.07 or 1335.18(a):

(a) Use Regulations

(1) Permitted Uses. All uses not otherwise prohibited in this section or any other applicable land use regulation adopted by Reynoldsburg the City are allowed provided they meet the provisions of these regulations.

1335.99 PENALTY.

Violation of the provisions of these regulations or failure to comply with any of its requirements shall be deemed to be a strict liability offense, and shall constitute a misdemeanor of the first degree. Whoever violates these regulations or fails to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall be fined or imprisoned as provided by the laws of the City of Reynoldsburg. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall

prevent the City of Reynoldsburg from taking such other lawful action as is necessary to prevent or remedy any violation. The City shall prosecute any violation of these regulations in accordance with the penalties stated herein.

CHAPTER 1339 – ~~Ohio Building Codes~~

1339.01 ADOPTION.

~~The Ohio Building Code (OBC) and related codes listed in OAC 4101:1-1-01.4, as promulgated by the March 2, 2005, and as published in Divisions 4101:1 to 4101:5 and 4101:7 to 4101:8 of the Ohio Administrative Code (OAC) as amended to the effective date of this section, are hereby adopted by reference and incorporated fully herein as if set out at length.~~

(a) In accordance with Section 4.12(a) of the City Charter, the Ohio Building Code, Ohio Mechanical Code, and Ohio Plumbing Code, as adopted by the Ohio Board of Building Standards, and as may be amended hereafter, are hereby adopted and incorporated by reference.

(b) In accordance with Section 4.12(a) of the City Charter, the National Electric Code, as adopted by the National Fire Protection Association, and as may be amended hereafter, are hereby adopted and incorporated by reference.

(c) In accordance with Section 4.12(b) of the City Charter, the Building Official shall file a copy of these codes with the Clerk of Council, and shall file all revised versions of these codes whenever they are revised or amended by the Ohio Board of Building Standards.

1339.02 DEFINITIONS.

Wherever used in this chapter or in the Ohio Building Code adopted in Section 1339.01, the following terms shall have the meanings respectively ascribed to them:

(a) "Board of Appeals" means the Ohio Board of Building Appeals in the Department of Commerce created pursuant to Ohio R.C. 3781.19.

(b) "Board of Health" means the Franklin County Board of Health, which has a contractual obligation to inspect provisions relating to sanitary construction throughout the City of Reynoldsburg.

(c) "Building Department or Building Division" means the Building ~~Department~~Division of the City of Reynoldsburg.

(d) "Building Official" means the ~~Chief Building Inspector~~ Official of the City of Reynoldsburg.

(e) "~~Fire Chief~~" means the ~~Fire Chief of the Township or Fire District where a building or structure is located within the City of Reynoldsburg.~~

—(f) "Jurisdiction" means the City of Reynoldsburg.

1339.04 APPLICABILITY.

The provisions of the Ohio Building Code shall apply to the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, maintenance, removal and demolition of every building or structure, or any appurtenances connected or attached to such building or structure. No building or its equipment or accessories, to which the Ohio Building Code applies shall be erected, constructed, or installed except in conformity with the Ohio Building Code. Exceptions include the following:

- (a) Detached one-, and two-, and three-family dwellings and structures incidental to those dwellings which are not constructed as industrialized units shall comply with the provisions of Chapter 1325, —1999 “Ohio Residential Code for 1, 2, and 3 Family Dwellings” of the Codified Ordinances of the City of Reynoldsburg. This exception does not include the energy provisions required in “Chapter 13, Energy Efficiency” of the OBC (see sections 3781.06, 3781.181, and 3781.182 of the Ohio R.C.);
- (b) Buildings owned by and used for a function of the United States government;
- (c) Buildings or structures which are incident to the use for agricultural purposes of the land on which said buildings or structures are located, provided such buildings or structures are not used in the business of retail trade; for the purposes of this section, a building or structure is not considered in the business of retail trade if fifty per cent (50%) or more of the gross income received from sales of products in the building or structure by the owner or operator is from sales of products produced or raised in a normal crop year on farms owned or operated by the seller (see sections 3781.06 and 3781.061 of the Ohio R.C.);
- (d) Agricultural labor camps;
- (e) Type A or Type B family day-care homes;
- (f) Buildings or structures which are designed, constructed, and maintained in accordance with federal standards and regulations and are used primarily for federal and state military purposes where the U.S. secretary of defense, pursuant to 10 U.S.C. 18233(a)(1) and 18237, has acquired by purchase, lease or transfer, and constructs, rehabilitates, or corrects and equips, such buildings or structures as he or she determines to be necessary to carry out the purposes of Chapter 1803 of the U.S.C.
- (g) Manufactured homes constructed under “24 CFR Part 3280,” “Manufactured Home Construction and Safety Standards.”

1339.99 PENALTY.

Whoever violates any provision of this chapter or any Code adopted herein or fails to comply with any lawful order issued pursuant thereto is guilty of a misdemeanor of the first degree and shall be fined not more than one thousand dollars (\$1,000) or imprisoned not more than six months or both. Each day during which noncompliance or a violation continues shall constitute a separate offense. The ~~Municipality~~City may institute injunction proceedings in Common Pleas Court to abate the nuisance of failure to cease work after receipt of a stop work order as referred to in Section 1339.06(b).

TITLE FIVE – Local Provisions

CHAPTER 1351 - Fences

~~1351.01 LOCATION; DEFINED; PERMIT.~~

~~(a) No fence shall be erected nearer the right-of-way line of any street than the minimum setback line for buildings and accessory buildings, as indicated in Section 1175.08. It may be permissible to erect no more than two sets of two eight-foot length decorative fence sections within the prescribed distances set forth in Section 1175.08, provided they are not nearer than five feet to the right of way of any street, and do not exceed thirty-six inches in height. Decorative fences shall not be of solid construction, such as basket weave, stockade or chain link, or be allowed to impede vision as defined in Section 1175.09.~~

~~—(b) As used in this section, "fence" means a hedge, wall structure or partition, whether wood, metal or of other construction, erected for the purpose of enclosing a piece of land, or to divide a piece of land from adjoining lands or streets, or for privacy screening or decorative purposes, the improved side or good side shall face toward the property lines. "Fence" includes natural growth which forms a continuous line of foliage from one plant to another for a length in excess of sixteen feet. A hedge or other natural growth of two feet or less in height shall not be considered a fence within the meaning of this section.~~

~~—(c) The erection of a fence does require a permit, approved by the zoning officer. A plot plan showing the proposed fence location is required to obtain the permit.~~

~~—(d) The maximum height is six feet in residential districts, and ten feet in commercial districts, see Section 1175.05.~~

~~(Ord. 11-86. Passed 1-27-86)~~

~~—(e) Solid fences may not block drainage swales.~~

~~—(f) Fence regulations for L.P.G. tanks, see Section 1541.03(p).~~

~~—(g) Fence regulations for off street parking, see Section 1179.04.~~

~~(Ord. 70-83. Passed 8-8-83; Ord. 90-06. Passed 12-18-06.)~~

~~—(h) Fence regulations for side and rear yard requirements for nonresidential uses abutting residential districts, see Section 1175.05.~~

~~1351.02 BARBED WIRE FENCES.~~

~~—(a) No person shall cause a fence containing barbs to be erected, constructed or maintained within the City except as provided in subsections (b) and (c) hereof.~~

~~—(b) Fences containing barbs may be erected to enclose areas used to contain domestic livestock or to secure industrial properties by securing a permit from the Building Inspector. The Building Inspector shall grant a permit for barbed wire fence only after he has determined that, considering the nature and location of the proposed fence, the safety of persons within the City will not be endangered.~~

~~—(c) When barbed wire fences enclose and secure industrial areas, the entire barbed section shall be at least seven feet above the surface of the ground and the level of the public or private sideways and roadways.~~

~~1351.03 ELECTRICALLY CHARGED FENCES.~~

~~(a) No person shall erect, construct, maintain or use any fence charged with electric current within the City except as provided in subsection (b) hereof.~~

~~(b) Fences charged with electricity may be erected to contain domestic livestock by securing a permit from the Building Inspector. The Building Inspector shall grant a permit for an electrically charged fence only after determining that, considering the nature and location of the proposed fence, the safety of persons within the City will not be endangered.~~

~~1351.04 PERMIT FEE.~~

~~A fee of ten dollars (\$10.00) shall be charged for permits required by this chapter.~~

~~1351.99 PENALTY.~~

~~Whoever violates any provision of this chapter is guilty of a minor misdemeanor.~~

CHAPTER 1363 – Swimming Pools

1363.02 LOCATION, AREA AND HEIGHT.

(a) No swimming pool, or part thereof, shall be located closer than ten feet to the side or rear line of the lot or parcel upon which it is situated, or closer to any street on which such lot or parcel abuts than a distance of ten feet greater than the building setback line as fixed by the Zoning Code. The area of the pool proper, exclusive of decks, walks and other appurtenances, shall not exceed ten percent of the area of the lot or parcel on which it is situated.

(b) The top of the walls, decks or walks of any swimming pool shall not extend more than twenty feet beyond the pool proper in each direction, except that where any side of the pool is less than twenty feet from any lot line, the difference between such distance and twenty feet shall be added to the required distance of the portion beyond the opposite side of the pool. In the event that, because of the unusual shape or grade of the lot, or the location or shape of the pool, the foregoing formula cannot be applied with reasonable results, the Building ~~Inspector~~ Official shall be empowered to fix the location of the pool site to be used in determining the maximum grade of the pool, in keeping with the results sought to be achieved by the formula. In the event of dissatisfaction by any interested party with the determination of the Building ~~Inspector~~ Official, an appeal may be taken to the Board of Zoning and Building Appeals.

(c) No lights, diving boards or other accessories shall project more than ten feet above the average grade of the pool site as determined under the provisions of this section.

1363.06 PERMITS; FEES.

No person shall locate, construct or install any swimming pool or make any changes therein or in the appurtenances thereof without having first submitted an application and plans therefor to, and having obtained a permit from the Building ~~Inspector~~ Official and the Health Commissioner. The fee for such permit which shall be collected by the Building ~~Inspector~~ Official shall be fifty dollars (\$50.00) for an above ground pool and hundred dollars (\$100.00) for an in-ground pool. A separate electrical permit is required.

The permit shall not be issued until the plans and specifications have been approved as to structural safety and compliance with this chapter by the Building ~~Inspector~~ Official, and the pool shall not be used until the construction thereof has been approved by the Building ~~Inspector~~ Official.

Every commercial pool, including existing pools, shall be provided with a permit and filtration system approved by the Board of Health.

No person shall use, operate, repair or maintain any swimming pool in violation of any of the provisions of this chapter or of any lawful order of the Building ~~Inspector~~ Official, or in violation of any regulation of the Board of Health, or any order of the Health Commissioner issued pursuant thereto.

TITLE SEVEN – HOUSING MAINTENANCE AND OCCUPANCY CODE

~~CHAPTER 1395 – Multiple Dwellings, Dormitory Rooms, Rooming Houses and Rooming Units~~

~~1395.01 OPERATION OF A MULTIPLE DWELLING.~~

~~—No person shall operate or occupy a multiple dwelling, dormitory rooms, a rooming house or rooming units herein called multiple dwellings, unless he holds a valid occupancy permit issued by the City in the name of the owner or operator for the specific dwelling. The owner or operator shall apply to the City for an occupancy permit. Upon compliance by the owner or operator with the provisions of this Code and of any rules and regulations adopted pursuant thereto, by the Board of Zoning and Building Appeals, the permit will be issued.~~

~~1395.02 OCCUPANCY PERMIT.~~

~~The Zoning Officer of the City is hereby authorized to issue new occupancy permits and renewals thereof, to the owners or operators of multiple dwellings. Such permits shall be issued for each building and apply to and specify each dwelling unit within the building. All such permits issued by the Zoning Officer shall be valid unless suspended or revoked by the Zoning Officer. The Zoning Officer may revoke or suspend any such occupancy permit so is sued or renewed, if it is found after inspection, any such multiple dwelling unit is not in substantial compliance with the requirements as set forth in the Code.~~

~~As used in this Code "substantial compliance" means "substantial good faith compliance."~~

~~1395.03 APPLICATION.~~

~~Occupancy permits shall be issued or renewed upon application by the owner or operator pursuant to the rules and regulations as developed by the Zoning Officer and as approved by the Board of Zoning and Building Appeals.~~

~~1395.04 INSPECTIONS.~~

~~—No occupancy permit shall be issued or renewed unless the owner or operator agrees in his application to such inspection pursuant to the provisions of this Code, as the Inspector may require to determine whether the multiple dwelling is in substantial compliance with the requirements of this Code and of any rules and regulations pursuant thereto by the Board of Zoning and Building Appeals.~~

~~1395.05 PERMIT TO BE DISPLAYED OR FURNISHED.~~

~~The owner or operator of a multiple dwelling, for which an occupancy permit has been issued or renewed, shall display the same in a conspicuous place at all times and furnish a copy thereof to prospective or current tenants or to the Zoning Officer upon request. No occupancy permit issued by the Zoning Officer shall apply or be transferable to any other multiple dwelling. The owner or operator of a multiple dwelling for which an occupancy permit has been issued or renewed shall give written notice to the Zoning Officer within seven days after a conveyance of title to such~~

premises to any other person or entity. Such notice shall include the name and address of the person or entity to whom title to the premises has been transferred or conveyed.

~~1395.06 VIOLATION OF CODE.~~

~~—If after inspection, it is found that a multiple dwelling is not in substantial compliance with the requirements of this Code and of applicable rules and regulations pursuant thereto, the owner or operator of the building shall be given written notice of such condition or conditions as provided for herein below. Such notice shall state that unless the violations cited therein are corrected within a reasonable time, the occupancy permit for the multiple dwelling may be suspended.~~

~~1395.07 SUSPENSION OF OCCUPANCY PERMIT.~~

~~If an owner or operator has failed to correct any violation under the provisions of this Code, the Zoning Officer may issue an order suspending the occupancy permit. Such suspension does not require that the occupants vacate the dwelling unless specifically ordered to do so under the provisions of Section 1389.05, but after any such suspension, such dwelling may not be reoccupied once having been vacated until the condition or conditions causing the suspension of the occupancy permit have been restored to substantial compliance with the requirements of this Code and with applicable rules and regulations pursuant thereto.~~

~~1395.08 RECONSIDERATION PROCEDURE.~~

~~—Any owner or operator of a multiple dwelling whose occupancy permit has been suspended, according to Section 1395.07 shall be entitled to a reconsideration of the order or a formal hearing before the Board of Zoning and Building Appeals, in a manner prescribed by Ohio R.C. 119. If no request for reconsideration or petition for hearing reaches the Board within twenty one days following the issuance of the order of suspension, the permit shall be revoked, except that prior to revocation, any person whose permit has been suspended may request reinspection, upon a showing that the violation or violations cited in the notice have been corrected.~~

~~1395.09 REINSTATEMENT.~~

~~If at anytime the Zoning Officer finds that the multiple dwelling for which the order of suspension was issued, is now in substantial compliance with the requirements of this Code and with applicable rules and regulations pursuant thereto, the Zoning Officer shall thereupon reinstate occupancy. The Board of Zoning and Building Appeals may terminate the suspension of any occupancy permit if at any time during the period of suspension, the Zoning Officer finds that the owner or operator has bed the work~~

~~necessary to correct any violation as set forth above and the owner will successfully complete same within a reasonable period of time.~~

~~1395.10 SUBMISSION OF APPLICATION.~~

~~A fee of ten dollars (\$10.00) shall accompany each and every application for the reinstatement of an occupancy permit which has been revoked pursuant to the provisions of this Code.~~

PART FIFTEEN - FIRE PREVENTION CODE

CHAPTER 1501 – General Provisions

1501.01 ADOPTION OF OHIO FIRE CODE.

(a) In accordance with Section 4.12(a) of the City Charter, the Ohio Fire Code, as adopted by the State Fire Marshal, and as may be amended hereafter, is hereby adopted and incorporated by reference.

(b) In accordance with Section 4.12(b) of the City Charter, the Building Official shall file a copy of this code with the Clerk of Council, and shall file all revised versions of this code whenever it is revised or amended by the State Fire Marshal.

1501.02 PURPOSE.

The purpose of the Fire Prevention Code shall be to maintain public safety by prescribing regulations governing conditions involving fire or explosion that could be hazardous to life and property.

1501.03 DEFINITIONS.

The following terms as used in this code or the Ohio Fire Code, shall have the following meanings:

- (a) "Municipality" means the City of Reynoldsburg.
- (b) "Corporation counsel" means City Attorney.
- (c) "Bureau of Fire Prevention" means person designated to enforce the provisions of the BOCA Basic/National Fire Prevention Code.

1501.04 NEW MATERIALS, PROCESSES OR OCCUPANCIES WHICH REQUIRE PERMITS.

The Mayor, Director of Public Safety and Building Official shall collectively determine and specify, after giving affected persons an opportunity to be heard, any new materials, processes or occupancies which require permits, in addition to those now enumerated in the Ohio Fire Code. The Director of Public Safety shall post such list in a conspicuous place, and distribute copies to interested persons.

1501.05 ENFORCEMENT.

The Ohio Fire Code shall be enforced by a Certified Fire Inspector designated by the Mayor. No person properly served with an order under the provisions of this Code shall fail to comply with such order.

1501.99 PENALTY.

Whoever violates any provision of this code or the Ohio Fire Code, fails to comply therewith, violates or fails to comply with any order made thereunder, or builds in violation of any detailed statement of specifications or plans submitted and approved thereunder of any certificate or permit issued thereunder, shall, for each violation and noncompliance respectively, be guilty of a minor misdemeanor.

The imposition of a penalty for any such violation shall not excuse the violation or permit it to continue; all such persons shall be required to correct or remedy such violations or defects within a reasonable time. When not otherwise specified each ten-day period that prohibited conditions are maintained shall constitute a separate offense.

The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

CHAPTER 1507 - Open Burning

1507.06 PERMIT: ISSUANCE, USE AND FEE.

No person shall kindle, maintain or authorize burning of construction debris as provided in Section 1507.05 without a permit.

(a) Permit Issuance.

(1) The permit shall be issued for a period not to exceed six months, by the ~~City Building Department~~Building Division.

(2) Burning approval and monitoring will be by the ~~Truro Township Fire Department~~Fire District.

(3) The ~~Truro Township~~ Fire Chief or his representative may disallow such burning when conditions or circumstances make the fires hazardous.

(4) Burning under such permit ceases when the building is first inhabited.

CHAPTER 1511 - ~~Fire Prevention Code~~General Regulations

~~1511.01 EDITION DATE.~~

~~—There is hereby adopted and incorporated by reference as if set out at length herein, for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, that certain code known as the Ohio Fire Code, current edition, and all subsequently revised editions.~~

~~1511.02 FILE AND DISTRIBUTION COPIES.~~

~~—A complete copy of the current edition of Ohio Fire Code is on file with the Clerk of Council for inspection by the public as required by Section 4.12 of the Charter.~~

~~1511.03 DEFINITIONS.~~

~~—The following terms as used in the Ohio Fire Code, shall have the following meanings:~~

~~—(a) "Municipality" means the City of Reynoldsburg.~~

~~—(b) "Corporation counsel" means City Attorney.~~

~~—(c) "Bureau of Fire Prevention" means person designated to enforce the provisions of the BOCA Basic/National Fire Prevention Code.~~

~~1511.04 ENFORCEMENT.~~

~~—The Ohio Fire Code shall be enforced by a Certified Fire Inspector designated by the Mayor. No person properly served with an order under the provisions of BOCA Basic/National Fire Prevention Code shall fail to comply with such order.~~

1511.05 DISTRICTS IN WHICH STORAGE OF EXPLOSIVES AND BLASTING AGENTS IS PROHIBITED.

The storage of explosives and blasting agents is prohibited in ~~Zoning Districts R-1, R-2, R-3, R-4, AR-1, MHP, AR-2, AR-3, CO, NC, GC and C~~except in the S-1 Special District and industrial zoning districts.

1511.06 DISTRICTS IN WHICH STORAGE OF FLAMMABLE LIQUIDS IN OUTSIDE ABOVEGROUND TANKS IS PROHIBITED.

(a) The storage of flammable liquids in outside aboveground tanks is prohibited in ~~Zoning Districts R-1, R-2, R-3, R-4, AR-1, MHP, AR-2, AR-3, CO, NC, GC and C~~except in the S-1 Special District and industrial zoning districts.

(b) New bulk plants for flammable liquids are prohibited in ~~Zoning Districts R-1, R-2, R-3, R-4, AR-1, MHP, AR-2, AR-3, CO, NC, GC and CS~~ except in the S-1 Special District and industrial zoning districts.

1511.07 DISTRICTS IN WHICH BULK STORAGE OF LIQUEFIED PETROLEUM GASES IS RESTRICTED.

Bulk storage of liquefied petroleum gas is restricted in ~~in Zoning Districts R-1, R-2, R-3, R-4, AR-1, MHP, AR-2, AR-3, CO, NC, GC and CS~~ except in the S-1 Special District and industrial zoning districts.

1511.11 APPEALS.

~~—Whenever the Director of Public Safety disapproves an application or refuses to grant a license or permit applied for, or when it is claimed that the provisions of the Ohio Fire Code do not apply or that the true intent and meaning of such code have been misconstrued or wrongly interpreted, the applicant may appeal the decision of the Director to Council within thirty days from the date of the decision.~~

1511.12 NEW MATERIALS, PROCESSES OR OCCUPANCIES WHICH REQUIRE PERMITS.

~~—The Mayor, Director of Public Safety and the Building Inspector shall act as a committee to determine and specify, after giving affected persons an opportunity to be heard, any new materials, processes or occupancies which require permits, in addition to those now enumerated in the Ohio Fire Code. The Director of Public Safety shall post such list in a conspicuous place, and distribute copies to interested persons.~~

1511.99 PENALTY.

~~Whoever violates any provision of the Ohio Fire Code, fails to comply therewith, violates or fails to comply with any order made thereunder, or builds in violation of any detailed statement of specifications or plans submitted and approved thereunder of any certificate or permit issued thereunder, shall, for each violation and noncompliance respectively, be guilty of a minor misdemeanor.~~

~~—The imposition of a penalty for any such violation shall not excuse the violation or permit it to continue; all such persons shall be required to correct or remedy such violations or defects within a reasonable time. When not otherwise specified each ten day period that prohibited conditions are maintained shall constitute a separate offense.~~

~~—The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions. Whoever violates any provision of this chapter shall be subject to the penalties listed in Section 1501.99 of this code.~~

ORDINANCE NO. _____

PASSED: _____

ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF REYNOLDSBURG, OHIO: Amending Chapter 1301 Department of Building Inspection; Chapter 1305 Permits and Fees; Chapter 1325 Residential Code of Ohio for 1,2,and 3 Family Dwellings; Chapter 1335 Flood and Damage Prevention; Chapter 1339 Ohio Building Code; Chapter 1363 Swimming Pools; Chapter 1507 Open Burning; Chapter 1511 Fire Prevention Code; and Enacting Section 153.01 Definitions of Chapter 153 Fire Division; and Chapter 1501 General Provisions; and Repealing Chapter 1307 Appeals and Variances; Chapter 1351 Fences; and Chapter 1395 Multiple Dwellings, Dormitory Rooms, Rooming Houses and Rooming Units.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF REYNOLDSBURG, OHIO:

SECTION 1. That Chapter 1301 Department of Building Inspection; Chapter 1305 Permits and Fees; Chapter 1307 Appeals and Variances; Chapter 1325 Residential Code of Ohio for 1,2,and 3 Family Dwellings; Chapter 1335 Flood and Damage Prevention; Chapter 1339 Ohio Building Code; Chapter 1351 Fences; Chapter 1363 Swimming Pools; Chapter 1395 Multiple Dwellings, Dormitory Rooms, Rooming Houses and Rooming Units; Chapter 1507 Open Burning; Chapter 1511 Fire Prevention Code of the Code of Ordinances of the City of Reynoldsburg be and are hereby amended to read as follows:

See Exhibit "A" attached hereto and incorporated herein.

SECTION 2. That existing Chapters 1301; 1305; 1307; 1325; 1335; 1339; 1351; 1363; 1395; 1507; and 1511 be and are hereby repealed and replaced.

SECTION 3. That Section 153.01 Definitions of Chapter 153 Fire Division; and Chapter 1501 General Provisions of the Codified Ordinances be and are hereby enacted to read as set forth in Exhibit A attached hereto and incorporated herein.

SECTION 4. That Chapter 1307 Appeals and Variances; Chapter 1351 Fences; and Chapter 1395 Multiple Dwellings, Dormitory Rooms, Rooming Houses and Rooming Units are hereby repealed.

SECTION 5. That upon adoption by Council this ordinance shall be in effect thirty days following signature by the Mayor.

Doug Joseph, President of Council

ATTEST: _____
April L. Beggerow, Clerk of Council

APPROVED: _____ DATE _____
Bradley L. McCloud, Mayor

CERTIFICATE

I, April L. Beggerow, Clerk of Council, City of Reynoldsburg, Ohio do hereby certify the foregoing to be a true and correct copy of Ordinance No. ____ as passed by Council of said City on the ____ day of ____ and as recorded in the Record of Proceedings of said Council.

April L. Beggerow, Clerk of Council

Filed with Mayor: _____

Published: _____



REYNOLDSBURG PLANNING & ZONING DIVISION

STAFF REPORT: CODIFIED ORDINANCE AMENDMENT

CODE SECTION: Various – Administrative Code, Director/Staff Titles

BACKGROUND: Staff becomes periodically aware of provisions in the Codified Ordinances that need revision or the addition of text to make the intent of the Code more clear. Over the years various sections of the Codified Ordinances have been enacted and modified with inconsistent references to the titles of City officials or with other extraneous information. In order to simplify the Code and provide as much clarity as possible, Staff is proposing to standardize these references based on the titles used in the Administrative Code. Standardized titles and references reduce the complexity of future Code amendments and allow the Code to be written in a more natural style and readable of English. This will allow all who utilize the Codified Ordinances to the understand them more easily. The departments of Public Service and Development have teamed up in order to make the proposed corrections and both departments feel they will benefit anyone who utilizes the Code of Ordinances.

METHOD: For simplification purposes, Staff has standardized on the following references: City Engineer (instead of Director of Engineering), Service Director or Director of Public Service and Safety Director or Director of Public Safety. This is consistent with titles used in the Administrative Code and in the majority of the current Code.

SUMMARY OF MAJOR REVISIONS:

CHAPTER 174 - Procedure for Selection of Design Professionals

This chapter codifies the procedures for the City to select firms for professional services. Since the Service Director is involved in project management, Staff has standardized on that title. No procedure or detail of the selection process will be effected by this change.

CHAPTER 509 - Disorderly Conduct and Peace Disturbance

This chapter provides for the regulation of noise in the City. Since the Police Division enforces this ordinance and the Safety Director oversees that division, Staff has standardized on that title. No regulation or enforcement policies of this chapter will be affected by the proposed change.

CHAPTER 741 - Solicitors

This chapter provides for the regulation of solicitors within the City. Since the Service Department issues these permits and enforces this ordinance, Staff has

standardized on that title. Staff has also removed several extraneous references to the “City of Reynoldsburg” as any use of the term “City” is understood to refer to the City of Reynoldsburg per the Administrative Code. The process for securing the permit from the Service Department will not change.

CHAPTER 793 – Cable Television Systems

The current title of this chapter: “CHAPTER 793: Granting of Permits for Construction, Operation and Maintenance of Cable Television Systems” is not consistent with the titles of the remainder of the Business Regulation Code. Staff proposes to shorten it for clarity and easier use of the American Legal Publishing website. No regulation contained in Chapter 793 will be affected by the title change.

CHAPTER 913 - Private Roadways & CHAPTER 960 - Stormwater Regulations

These chapters provides for the regulation of stormwater and private roadways within the City. Since the Service Department enforces Part 9 of the Code, Staff has standardized on that title. No regulation or process will be effected by this standardization.

CHAPTER 174 - Procedure for Selection of Design Professionals

174.01 EVALUATION OF QUALIFICATIONS.

(a) The evaluation of qualifications of design professional(s) shall be by a committee of five consisting of the Mayor, Director of Public ~~Service~~/Safety Service or Director of Parks and Recreation, ~~Director of Engineering~~City Engineer and two members of Council as designated by Council.

(b) The qualification evaluation criteria shall be in accordance with a Consultant Evaluation Form, as prepared by the ~~Director of Engineering~~City Engineer, and as approved by the Mayor and City Attorney.

(c) The evaluation of proposals for specific projects submitted by the City's qualified design professional(s) shall be by a committee of five consisting of the Mayor, Service/Safety Director or Parks and Recreation Director, the ~~Director of Engineering~~City Engineer, sponsoring Councilperson (chair), and Division Superintendent.

(d) Proposals shall be evaluated in accordance with a proposal evaluation form, as prepared by the ~~Director of Engineering~~City Engineer, and as approved by the Mayor and City Attorney.

(Ord. 65-08. Passed 10-13-08.)

174.02 BIENNIAL CONTRACTS.

(a) The City will enter into biennial contracts with design professionals as described by a Quality Based Selection Manual, as prepared by the ~~Director of Engineering~~City Engineer, and as approved by the Mayor and City Attorney.

(b) The necessary biennial contracts with design professionals are to be for a consulting engineer, architect/structural engineer. Council, by motion, may identify and increase the number of necessary design professional contracts.

(c) The types of future projects may include capacity studies, environmental services, roadway design and rehabilitation, water, sanitary sewer, and storm sewer design, building design and layout, planning, and other related services, as needed.

(Ord. 65-08. Passed 10-13-08.)

174.03 PUBLIC ANNOUNCEMENT OF CONTRACTS.

The form of public announcement of contracts for design professionals will be in accordance with a public announcement, as prepared by the ~~Director of Engineering~~City Engineer, and as approved by the Mayor and City Attorney.

(Ord. 65-08. Passed 10-13-08.)

CHAPTER 509 - Disorderly Conduct and Peace Disturbance

509.11 NOISE

(a) Definitions. The following words and phrases when used in this chapter shall have the meanings herein described:

(1) "Amplified Sound" means any sound augmented by any electronic means that increases the sound level or volume.

(2) "Ballroom License" means the license required pursuant to Chapter 771 of the Reynoldsburg City Code for establishments selling alcoholic beverages and that provide live and/or recorded amplified sound for entertainment purposes.

(3) "Business Establishment" means any commercial establishment, including establishments that are required to obtain an entertainment or ballroom license.

(4) "Dwelling Unit," also known as a "residence," means one (1) or more rooms connected together and containing sleeping facilities, which facilities are occupied, whether or not for temporary or overnight rental by one (1) or more persons, and as defined in Ohio R.C. 2909.01(c) as an "occupied structure".

(5) "Live Music" means any sound comprised of instrumental music, song, or a combination of instrumental music and song, produced in whole or in part by a singer vocalizing or by a musician playing a musical instrument on the same premises as the sound source.

(6) "Nighttime" means the period of time from 2300 hours (11:00 p.m.) until 0600 hours (6:00 a.m.).

(7) "Person(s)" means any individual, association of individuals, business or legal entity.

(8) "Plainly audible sound" means any amplified sound for which the information content of the sound is unambiguously communicated to the listener, including (without limitation) understandable words, comprehensible musical rhythms, beat or cadence.

(9) "Receiving property" means any lot, parcel of land, public space, institution or dwelling unit onto which sound, not originating therefrom, travels.

(10) "Recorded music" means any sound comprised of instrumental music or song, or combination hereof, produced and generated by a speaker, loudspeaker, radio, television, tape deck, record player, compact disc player, jukebox, or other sound producing device.

(11) "Sound source" means the place from which amplified sound emanates without limitation to a speaker, loudspeaker, or any other sound producing instrument or person.

(12) "Vehicle noise" means any exhaust, muffler, engine, transmission or external mechanical noise which emanates from a motorized vehicle.

(b) Unreasonably loud noise.

(1) No person shall knowingly or recklessly cause any amplified sound, live music, recorded music, vehicle noise or other noise to cross real property boundaries at such a volume as to:

A. disrupt the normal daily activities, including but not limited to sleeping, studying, and dining of persons within a residence or disrupt the normal daily activities, including but not limited to working of persons within a place of business;

B. Noise shall be presumed "unreasonably loud" if uninvited noise is plainly audible at a residential receiving property, or part thereof, greater than fifty (50) feet away from the property line of the sound source or is plainly audible at a place of business, or part thereof, greater than one hundred (100) feet away from the property line of the sound source.

(2) No person shall knowingly or recklessly cause a motor vehicle to produce vehicle noise within posted areas during restricted nighttime hours.

(3) No person shall knowingly or recklessly cause an uninvited or disruptive level of amplified sounds live music, recorded music, vehicle noise or other noise at a volume that causes actual interference with a person's peaceful enjoyment of a residence or the peace and good order of the community.

A. A disruptive or uninvited level of amplified sound, live or recorded music, vehicle noise or other noise is any unreasonably loud or disturbing noise of a character, intensity, raucousness or direction as to be detrimental to the life, health or welfare of any person or

as to annoy, disturb, injure or endanger the comfort, repose, peace or safety of any person, whether on a steady or intermittent basis. At all times, amplified sound, live music, recorded music, or other noise that is plainly audible and that meets either of the following criteria is prohibited:

1. Noise that is unreasonably loud or disturbing; or
2. Noise that crosses real property boundaries and interferes with the peace, comfort, or enjoyment of persons residing in a dwelling unit or a residence or persons located at a receiving property.

B. In addition to the criteria set forth in division (a) hereof, additional restrictions shall be placed on business establishments which serve alcoholic beverages for consumption on premises. Because it is reasonable that quieter standards are expected during nighttime hours, between the hours of 10:00 p.m. and 7:00 a.m. from Sundays through Thursdays, inclusive, and between the hours of 11:30 p.m. and 7:00 a.m. on Fridays and Saturdays, owners and operators of such business establishments are required to ensure that amplified sound live music, recorded music, or other noise be contained entirely within the real property boundaries of the establishment or within the soundproof area located on the premises of the establishment.

(c) Special events.

(1) No person, business, or organization shall knowingly or recklessly hold a special event without first obtaining a special event permit.

(2) Special Event Permit is a permit to depart from the requirements of Section 2 of this chapter. An application for a Special Event Permit may be made to the Safety/Service Director at least thirty (30) days before the scheduled event. The application shall be accompanied by a fee in the amount of fifty dollars (\$50) and a list of all property owners and addresses of same

within three hundred feet (300 ft.) of the special event. Any permit granted by the ~~Service~~/Safety Director shall contain all conditions upon which the permit has been granted, and shall specify a reasonable time period in which the permit shall be effective. No one business, organization or person shall receive more than five (5) special event permits per year. The following criteria shall apply:

A. The ~~Safety~~/Service Director shall grant the special event permit with conditions limiting the duration of the amplified sound, live music, recorded music, or other noise and specifying times for the special event. An application may be denied if the ~~Safety~~/Service Director finds that the special event will result in a private or public nuisance on any adjoining or receiving property. A permit may not be denied on the basis of the content of the proposed sound.

B. In establishing permit conditions for a particular time and location under division (1), the ~~Safety~~/Service Director shall consider the location of the special event, the compatibility of the amplified sound, live music, recorded music, or other noise levels generated, and the compatibility of the hours of operation with surrounding residential areas.

C. Notice of the ~~Safety~~/Service Director's proposed action on an application for a special event permit shall be mailed by the ~~Safety~~/Service Director at least fourteen (14) days prior to the date of the event to all residential/commercial property owners located within a 300 foot radius of the proposed special event. This notice shall state a date, time and location for a public hearing to be conducted by the ~~Safety~~/Service Director regarding the matter.

(d) Responsibility for compliance; complaint procedures.

(1) For purposes of this chapter, any person(s) owning or having responsibility for management of a business or who is in control of a residential premise, and/or however temporarily; any owner or individual having responsibility for the operation of a motor vehicle or is in control of a motor vehicle producing vehicle noise; any paid performer or disc jockey producing amplified sound, live music, recorded music, or other noise upon any business or residential premises or any person having control of volume knobs or levels; and the business as named on the ballroom license or special event permit and/or the person controlling the residential premise, shall be jointly and severally liable for compliance with this ordinance and shall be responsible for any violations of this chapter.

(2) Any person(s) owning or having responsibility for management of a business which shares a common property line with residential premises shall post notice of this section along the property line. Posted sign shall state the following notice:

“Per Reynoldsburg City Code Section 509.11(b)(2) - No person shall knowingly or recklessly cause a motor vehicle to produce vehicle noise within the posted areas between the hours of 11:00 p.m. to 6:00 a.m. Violation of this section is punishable by a fine and/or jail sentence.”

(3) Posting of notice shall be enforced by the City of Reynoldsburg Building Department. A citation shall be issued only after business violating said provision receives a warning of said violation and refuses to comply within fifteen (15) days after receiving said warning.

(4) Whoever violates this section is guilty of:

- A. A minor misdemeanor for the first offense; fine not to exceed \$100.00.
- B. A misdemeanor of the fourth degree for the second offense within twelve (12) months; the fine not to exceed \$250.00 and/or thirty (30) days in jail.
- C. A misdemeanor of the third degree for each additional offense within twelve (12) months of the second offense; fine not to exceed \$500.00 and/or sixty (60) days in jail.

(5) Complaints under this chapter may be made by telephone contact with the Reynoldsburg Division of Police. The complainant shall identify himself or herself by name, address and telephone number and shall identify the general direction or vicinity of the apparent sound source, but shall not be required to meet personally with the investigating officer, to sign a written complaint, or otherwise participate in the investigation of the complaint. The investigating officer is authorized to verify information provided by the complainant. This provision provides no right of entry except as is available to the public generally, or except as is provided by law.

(6) Under this chapter, measurements of distance from a sound source to a receiving property shall be measured in a straight line from the property line of the property on which the sound source is located to the property line of the receiving property, or if the sound source is within a walled and roofed structure, the measurement shall be taken from the exterior of that structure, and if one or more open doors or windows exist, from any of such open doors or windows, at the point closest to the receiving property in a straight line to the property line of the receiving property.

(e) Sound limitations - motor vehicles and public property. No person shall, on any public sidewalk, street, highway, park, beach, or other public property, or in any motor vehicle located on any public street or property, use, operate, or play any radio, phonograph, stereo set, tape or CD player, television, sound amplifier, or other electronic audio device which produces or reproduces amplified sound, recorded music, vehicle noise or other noise, at a level which is plainly audible at a distance of more than twenty-five (25) feet or more from the sound source. This provision shall not apply to live music. This section does not apply to any of the following circumstances:

(1) The sound amplification system of the motor vehicle is being operated to request medical or vehicular assistance or to warn others of a hazardous road condition.

(2) The motor vehicle is an emergency vehicle or public safety vehicle and is on an emergency run.

(3) The motor vehicle is owned and operated by the State, a political subdivision, or a public utility.

(4) The motor vehicle is participating in a parade for which the sponsors of the parade have obtained the proper permits from all political subdivisions with which the parade is held.

(f) Exceptions. The following shall not constitute a violation under this chapter:

- (1) Air raid sirens and related apparatus used solely for public purposes;

(2) Domestic power tools. Sound levels produced from any hand- or mechanically-powered saw, sander, drill, grinder, lawn/garden tool or reasonably similar tool, provided, however, that the use:

A. Must be only between 7:00 a.m. and 10:00 p.m. Sunday through Thursday or 7:00 a.m. and 11:30 p.m. Friday and Saturday;

B. Must be in a non-business enterprise; and

C. Must produce a sound level that is not deemed unreasonably loud under the circumstances.

(g) Enforcement and penalties.

(1) Investigation of and enforcement of this chapter, except for division (e) of this section, shall commence upon the complaint of any affected property owner, tenant, or other person, as provided in division (d)(2) of this section, and the Lessee and Lessor may pursue civil remedies pursuant to the lease and the Ohio Revised Code.

A. A citation shall be issued only after a person or business violating said provision receives a warning of said violation and refuses to comply within thirty minutes after receiving said warning. For purposes of this section, there shall be only one (1) warning allowed during a thirty (30) day period before a citation can be issued. A warning is not required for a violation of division (e) of this section.

(2) Whoever violates this section is guilty of:

A. A minor misdemeanor for the first offense; fine not to exceed \$100.00.

B. A misdemeanor of the fourth degree for the second offense within twelve (12) months; the fine not to exceed \$250.00 and/or 30 days in jail.

C. A misdemeanor of the third degree for the third offense within twelve (12) months (or second or multiple offense within 30 days); fine not to exceed \$500.00 and/or 60 days in jail.

(3) Any business establishment found guilty or that pleads no contest under this section for a third violation within twelve (12) months where all such violations relate to amplified sound, live music, recorded music or other noise, the business establishment shall be subject to the revocation of their ballroom license as issued under Reynoldsburg City Code Chapter 771, and/or a special exception use permit.

(Ord. 75-96. Passed 6-10-96; Ord. 10-97. Passed 1-27-97; Ord. 05-01. Passed 1-22-01; Ord. 20-03. Passed 3-24-03.)

CHAPTER 741 - Solicitors

741.01 SALES.

No person or organization shall sell, offer for sale, or solicit orders for any goods, property, merchandise, periodicals or services by going from door to door within the City unless such person or organization has first registered with the ~~City of Reynoldsburg~~ Safety Director in accordance with Section 741.03 and obtained ~~from the Safety/Service Director~~ the permit described in Section 741.04.

741.02 CONTRIBUTIONS.

No person or organization shall solicit contributions for any cause by going from door to door within the City unless such person or organization has first registered ~~with the City of Reynoldsburg~~ and obtained the license described in Section 741.04.

741.03 REGISTRATION.

Persons or organizations who wish to conduct activity described in Section 741.01 and 741.02 shall personally appear at the ~~Safety/Service Director's Office~~ at a location designated by the Service Director during the hours of 8:00 a.m. to 4:00 p.m. regular business hours of the City and obtain a license by applying in the following manner.

(a) Sign their full legal name, write out their present permanent address, and write out the date of registration in a registration book which the ~~Safety/Service Director~~ shall have available at all times.

(b) Write out in a registration book which the ~~Safety/Service Director~~ shall have available at all times, the name of the entity for which the person or organization intends to sell, offer for sale, or solicit orders, or the name of the cause for which he intends to solicit contributions.

(c) Provide to the ~~Safety/Service Director~~ evidence of personal identification in the form of any of the following:

- (1) A valid drivers' license;
- (2) A certified copy of a birth certificate;
- (3) A valid United States passport;

(4) An official organization photo identification containing the following information: name, address and telephone of the organization and the individual's name, address and social security number.

- (5) A current State of Ohio Bureau of Motor Vehicles identification card.

(d) Provide to the ~~Safety/Service Director~~ evidence of organizational identification in the form of any of the following:

- (1) A vendor's license;
- (2) An I.R.S. identification number;
- (3) A corporation identification number;

- (4) A date Charter number:
- (5) Any other identification acceptable to the ~~Safety~~/Service Director.
- (e) Said application shall be made on a form promulgated jointly by the Chief of Police, the City Attorney, and the ~~Safety~~/Service Director (see Appendix A).
- (f) Pay the administrative fee of \$15 to the City Auditor's Office. This fee is to be paid per applicant. This fee is intended to cover and defray the cost of registration and issuance of the permit, and may not be waived unless by authority of the ~~Safety~~/Service Director, as directed in Section 741.05.

741.04 PERMIT.

(a) All license applications shall be made to the ~~Safety~~/Service Director who shall refer the application to the Chief of Police for purposes of a background check. Within five (5) days after receipt of the completed application, the ~~Safety~~/Service Director shall issue licenses to the solicitors, unless he finds that:

(1) The applicant has provided false, misleading or deceptive information in his application; and/or

(2) The applicant, or any solicitor named on the application, has been convicted of a felony violation within his/her lifetime, or misdemeanor violation involving fraud or moral turpitude within the past five years.

(b) Once issued, a license may be used only in conformity with the laws of the City and the State of Ohio; it may not be assigned or transferred; it must be carried by the licensee at all times; and it may be revoked or suspended by the ~~Safety~~/Service Director or his/her designee for any of the following causes:

(1) The licensee or person preparing the application on behalf of the licensee provided false, misleading or deceptive information in the license application.

(2) The licensee charged or convicted of a felony or of misdemeanor involving fraud or moral turpitude.

(3) The licensee violates any provision of this Chapter or solicits in an unlawful manner.

(c) In the event a license application is not approved or in the event any license issued pursuant to the provisions of this Chapter is revoked, written notice shall be given to the applicant or licensee by regular U.S. mail service at the address provided on the application.

(d) The applicant may appeal the denial/revocation of a permit to City Council by submitting a notice of appeal to the Clerk of City Council within thirty (30) days of the denial or revocation and City Council will set a hearing on the appeal within thirty (30) days of receipt of the notice of appeal.

741.05 WAIVER.

(a) The permit fee may be waived by the ~~Safety~~/Service Director.

(b) If the applicant is a charitable organization. As used in this section, “charitable organization” means an organization that has received from the internal revenue service a currently valid ruling or determination letter recognizing the tax-exempt status of the organization pursuant to Internal Revenue Code 501(c)(3).

(c) If the application for a waiver is denied, the applicant may appeal the Safety/Service Director’s denial to Council. Reversal of the Safety/Service Director’s denial and granting a waiver requires a two-thirds vote of the entire Council.

**741.06 REGULATION OF PAINTING HOUSE NUMBERS ON STREET CURBS
~~WITHIN CORPORATE LIMITS OF THE CITY OF REYNOLDSBURG.~~**

(a) All persons and/or companies which desire to conduct the business of painting street numbers within the corporate limits of the City of Reynoldsburg shall apply for a solicitor’s license, and apply for a permit to paint house numbers on street curbs from the Safety/Service Director (See Attachment A to Ordinance. No. 70-98, passed June 22, 1998).

(b) All companies which apply for a permit to paint house numbers on street curbs shall pay an annual fee of \$50.00.

(c) All companies which intend to conduct the business of painting house numbers on street curbs shall comply with all regulations related to the painting of house numbers (See Attachment B to Ordinance No. 70- 98, passed June 22, 1998).

**CHAPTER 793 - ~~Granting of Permits for Construction, Operation and Maintenance of~~
Cable Television Systems**

Attachment: Service Director - Proposed Changes (1262 : Amendments to the Zoning Code)

CHAPTER 905 - Streets Generally

905.01 CONSTRUCTION REQUIREMENTS FOR RESIDENTIAL STREETS.

The minimum requirements for residential streets in the City shall be those shown on Standard Drawing File Number ~~R-23-B~~ on file with the City Engineer, except that required service roads may be constructed to specifications approved by the City Engineer as topography and other factors so require and when an application for a variance to the requirements is applied for and granted by Council.

905.03 DUTY TO MAINTAIN SIDEWALK AND TREE LAWN.

An owner or person having charge of a lot shall maintain the portions of the right-of-way abutting his or her premise(s), including the sidewalk and tree lawn in a manner free of weeds, high grass, trash and consistent with the provisions of the Property Maintenance Code and with Chapter 915.

CHAPTER 909 - Sidewalks

909.01 SIDEWALK CONSTRUCTION PERMIT AND FEE.

(a) No person, firm or corporation shall install or construct public sidewalks on any premises within the City until a permit has been secured from the Building ~~Inspector~~Official. No permit shall be issued until the fee required by this section has been paid.

(b) ~~The City of Reynoldsburg, the Counties of Franklin, Fairfield and Licking, the State of Ohio, the U. S.A., the Township Trustees and Board of Education shall be exempt from paying any sidewalk engineering, inspection or permit fees~~All public or government agencies shall be exempt from the fees for sidewalk engineering, inspections or permits..

(c) The fee for a new sidewalk and/or driveway approach construction engineering and inspection shall be two dollars (\$2.00) per running foot.

(d) The fee for a permit for replacement of a section of existing sidewalk and/or driveway approach shall be a flat fee of twenty dollars (\$20.00) per lot or parcel of land.

(e) Notwithstanding any other provision of this section, the sidewalk fee for any tract of land to be subdivided into two or more lots where the subdivider thereof will be required to install or construct public sidewalks under Chapter 1123 of the Planning and Zoning Code shall be a flat fee of thirty dollars (\$30.00) per lot or parcel of land.

(f) Fees received under this chapter shall be credited to Sidewalk Construction Fund.

CHAPTER 913 - Private Roadways

913.04 SPECIFICATIONS; PERMIT FEE.

The Director of Public Service shall issue a permit for the construction of private roadways upon receipt of five dollars (\$5.00) from each applicant and upon the following conditions:

(a) All private roadways shall be improved, with a hard surface of concrete, asphalt or other similar product or combination of products. The construction and specification for materials for private roadways shall conform with standards provided by the City.

(b) The minimum pavement width for private roadways shall be twenty-six feet and the maximum grade shall be six percent, provided that the minimum grade for private roadways shall be one-half of one percent at the gutter, unless otherwise approved by the Director of Engineering.

(c) Every private roadway ending in a dead end or at a cul-de-sac circle shall have minimum pavement width as approved by the ~~Safety/Service~~ Director to assure access to the area for fire equipment and to facilitate the turning of vehicular traffic. In approving such minimum pavement widths, the Director shall consider whether such cul-de-sac circle, or turn-around will be used for parking vehicles.

913.05 BOND FOR IMPROVEMENT.

(a) Before the approval of the final plat, the owner or developer shall agree in writing that prior to construction of any private roadway, he shall provide a bond acceptable to the City or a certified check guaranteeing the completion of the private roadway within one year from the date of agreement or such time as may be agreed to by Council. The bond or check shall be in an amount equal to the estimated cost of constructing the private roadway improvements and as approved by the ~~Director of Engineering~~ City Engineer.

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

(c) The owner or developer shall hold the City harmless from any and all claims for damages of every nature arising or growing out of the construction of such improvements, and shall defend, at his own cost and expense, each suit or action brought against the City by reason thereof, until the improvement has been accepted by the City and the developer notified in writing within thirty days.

(d) If any violation of, or noncompliance with, any of the provisions and stipulations of this chapter occur, the City has the right to stop the work and hold the bonding company responsible for the completion of the improvement, or use the certified check, or proceeds thereof, for such

CHAPTER 960 - Stormwater Regulations

960.03 ILLICIT DISCHARGE AND OBSTRUCTION OF THE SEPARATE STORM SEWER SYSTEM.

(a) A person (as defined in Section 101.02(k)) commits an offense if the person introduces or causes to be introduced into the MS4 any discharge that is not composed entirely of storm water.

(b) It is an affirmative defense to any enforcement action for a violation of subsection (a) that the discharge was composed entirely of one or more of the following categories of discharges:

(1) A discharge authorized by, and in full compliance with, an NPDES permit (other than the NPDES permit for discharges from the MS4);

(2) A discharge or flow resulting from fire fighting by the Fire Department;

(3) A discharge or flow of fire protection water that does not contain oil or hazardous substances or materials that the Fire Code requires to be contained and treated prior to discharge, in which case treatment adequate to remove harmful quantities of pollutants must have occurred prior to discharge;

(4) Agricultural storm water runoff;

(5) A discharge or flow from water line flushing or disinfection that contains no harmful quantity of total residual chlorine (TRC) or any other chemical used in line disinfection;

(6) A discharge or flow from lawn watering, or landscape irrigation;

(7) A discharge or flow from a diverted stream flow or natural spring;

(8) A discharge or flow from uncontaminated pumped groundwater or rising groundwater;

(9) Uncontaminated groundwater infiltration (as defined at 40 C.F.R. 35.2005(20) to the MS4;

(10) Uncontaminated discharge or flow from a foundation drain, crawl space pump, or footing drain;

(11) A discharge or flow from a potable water source not containing any harmful substance or material from the cleaning or draining of a storage tank or other container;

(12) A discharge or flow from air conditioning condensation that is unmixed with water from a cooling tower, emissions scrubber, emissions filter, or any other source of pollutant;

(13) A discharge or flow from individual residential car washing;

(14) A discharge or flow from a riparian habitat or wetland;

(15) A discharge or flow from cold water (or hot water with prior permission of the Director) used in street washing or cosmetic cleaning that is not contaminated with any soap, detergent, degreaser, solvent, emulsifier, dispersant, or any other harmful cleaning substance;

(16) Drainage from a private residential swimming pool containing no harmful quantities of chlorine or other chemicals. Drainage from swimming pool filter backwash is prohibited; or

(17) A discharge or flow of uncontaminated storm water pumped from an excavation.

(c) No affirmative defense shall be available under subsection (b) if:

(1) The discharge or flow in question has been determined by the ~~Safety~~/Service Director to be a source of a pollutant or pollutants to the waters of the United States or to the MS4; and

(2) Written notice of such determination has been provided to the discharger; and

(3) The discharge has continued after the expiration of the time given in the notice to cease the discharge.

(d) A person commits an offense if the person introduces or causes to be introduced into the MS4 any harmful quantity of any substance.

(e) Flow Obstruction Prohibited:

(1) No person shall place any dam or other flow restricting structure or device in any drainage facility or watercourse without first having obtained written approval from the ~~Safety~~/Service Director and the City Engineer.

(2) No person shall place or deposit into any outfall, drainage facility, storm sewer or watercourse within the City any garbage, trash, yard waste, soil rock or similar material, or any other substance which obstructs flow in the system or damages the system or interferes with the proper operation of the system or which constitutes a nuisance or a hazard to the public.



REYNOLDSBURG PLANNING & ZONING DIVISION

STAFF REPORT: CODIFIED ORDINANCE AMENDMENT

CODE SECTION: Various – Refuse Collection Services

BACKGROUND: Staff becomes periodically aware of provisions in the Codified Ordinances that need revision or the addition of text to make the intent of the Code more clear. Over the years, the manner in which the City has provided for refuse collection for its residents has changed. The departments of Public Service and Development and have teamed up to revise the codified ordinances related to refuse collection in order to simply the procurement of the service and enforcement of resident responsibilities.

SUMMARY OF MAJOR REVISIONS:

CHAPTER 731 – Garbage and Refuse Collection

This chapter contains the original garbage and refuse collection regulations of the City and is codified in the Business Regulation Code. The process described in the ordinance dates from a time where the City hired small individual waste haulers to remove residential. The chapter should be repealed because the City now accepts bids and contracts with one service provider to service all residential properties. That process is already regulated by the general contract bid regulations of the City so separate regulation is not required.

CHAPTER 732 - Rates for Residential Collection and Disposal of Garbage, Refuse, Recyclables, and Yard Waste

This chapter provides for the rates and process for residential refuse collection. Since this information is not regulation of a business or commercial enterprise, but rather the manner in which the City provides a public service, Staff feels this information would be more logically location in Part 9 of the Codified Ordinances.

CHAPTER 975 – Refuse Collection

This proposed chapter will serve to relocate the refuse collection regulations current located in Chapter 732. Since both Chapter 731 & 732 contained requirements for waste containers to be provided by each property owner, Staff has merged this information is new Section 975.08. The manner and details of the materials to be used for the containers will not change. Staff has removed sections addressing the dumping or littering of materials in the street because Sections 311 and 909 prohibit the dumping or leaving of waste on public rights-of-way, streets, sidewalks, etc. The International Property Maintenance Code prohibits leaving waste in these areas and on exterior areas of private property. Staff does not feel an additional prohibition is required.

CHAPTER 731—Garbage and Refuse Collection

731.01 DEFINITIONS.

~~—As used in this chapter the following terms have the meanings indicated:~~

~~—(a) "Commercial hauler" means any person, firm or corporation holding a license from the City to collect, transport and dispose of garbage and refuse of commercial users.~~

~~—(b) "Commercial user" means a firm or corporation operating a commercial or industrial establishment or institution, public or private. It excludes a house holder as defined in subsection (d) here of.~~

~~—(c) "Garbage" means all putrescible waste except sewage.~~

~~—(d) "Householder" means one who maintains separate living quarters whether owner or tenant, and distinguishable from a commercial user as defined in subsection (b) hereof.~~

~~—(e) "Private hauler" means any person, firm or corporation holding a contract from the Public Service Director of the City to collect, transport and dispose of garbage and refuse of householders of the City.~~

~~—(f) "Refuse" means glass, crockery, tin cans, metal, rags, paper or other solid discards, but excludes tree removals or earth, sand, plaster, brick and similar substances accumulating as a result of construction or demolition.~~

731.02 CONTAINER REGULATIONS.

~~—(a) Each householder and commercial user shall provide a sufficient number of metal or other leakproof containers with tight fitting lids, with a maximum capacity of not more than thirty gallons, or in a wheeled container such as supplied by the City contract refuse collector not to exceed ninety gallon capacity, for storage of garbage. Refuse shall be placed in the thirty gallon containers which shall not exceed fifty pounds in weight when filled or shall be placed in the ninety gallon container which shall not exceed the weight specified by the City contract refuse collector when filled. Newspapers, magazines and other loose material shall be placed in closed containers or securely bundled. All such containers shall not be taken to the curb before 12:00 noon on the day before the day of collection by the householder or other commercial user, unless because of sanitary, safety or other factors, the Director of Public Service by rule or regulation, designates that such containers shall be placed at the rear or elsewhere on the lot. After collection of garbage and refuse, the householder or commercial user shall, within twelve hours, return such containers to the interior of the garage of the residence or interior of the commercial building, or to a location at the side or rear of the residence or commercial building that is shielded from the view of the adjoining property's occupants by natural landscape barriers or by the residence or by the commercial building or by a constructed enclosure.~~

~~—(b) Plastic disposal bags may be used in place of metal or leakproof containers at the option of the householder. These plastic disposal bags must have a minimum thickness of one and one half millimeters (.015 inches); have no holes or openings except for the filling of the bag; must be securely tied and shall not exceed fifty pounds in weight when filled.~~

~~—(c) Commercial users who have contracted with a commercial hauler having automatic equipment are not subject to the maximum capacity of thirty gallons for garbage containers, nor are such commercial users subject to the maximum weight of fifty pounds for refuse containers.~~

~~731.03 FRANCHISES FOR PRIVATE HAULERS.~~

~~—(a) The Director of Public Service is hereby authorized and directed to prepare specifications and to authorize the issuance of franchises to persons, firms or corporations after advertising and receiving bids as required by law, for the collection, transportation and disposal of garbage and refuse of householders of the City, for a period not to exceed three years, subject to the provisions of this chapter.~~

~~—(b) Franchises may provide for the successful bidder to provide service to the entire City or any part thereof, as set forth in the specifications prepared by the Director of Public Service.~~

~~—(c) Franchises shall provide for their termination by the Director of Public Service if any private hauler fails to comply with the provisions of this chapter or any rule or regulation promulgated by the Director of Public Service.~~

~~731.04 REGULATIONS FOR HAULERS.~~

~~—(a) The Director of Public Service is authorized to promulgate such rules and regulations as are consistent with provisions of this chapter and as may be reasonably necessary to the public safety and health regarding the manner and method of collection of garbage and refuse within this City by private haulers, the hours of collection and the route and schedules of collections. The Director of Public Service shall determine the weight or load capacity of the streets of the City and shall provide by rule or regulation that no greater load or weight shall be transported by any private hauler than is compatible with the condition of the City's streets. Private haulers shall comply with such rules and regulations of the Director. Rules and regulations promulgated by the Director shall become effective after their approval by resolution of Council or upon the failure of Council to act thereon within thirty days after they are filed with the Clerk of Council.~~

~~—(b) The Director of Public Service is authorized to promulgate such rules and regulations as are consistent with the provisions of this chapter and as may be reasonably necessary to the public safety and health regarding the manner and method of collection of garbage and refuse within this City by commercial haulers, and the hours of collection. The Director shall determine the load or weight capacity of streets of the City and shall provide by rule or regulation that no greater weight shall be transported by any commercial hauler than is compatible with the condition of the City's streets.~~

~~—(c) Rules and regulations promulgated by the Director of Public Service shall become effective after their approval by resolution of Council or upon the failure of Council to act thereon within thirty days after they are filed with the Clerk of Council.~~

~~731.05 RATES FOR PRIVATE HAULERS.~~

~~—(EDITOR'S NOTE: Former Section 731.05 was repealed by Ordinance 65-79, passed May 14, 1979.)~~

~~731.06 WEEKLY COLLECTION MANDATORY FOR PRIVATE HAULERS.~~

~~—Each private hauler shall make at least one regular weekly collection of garbage and refuse at all residences within his prescribed territory.~~

~~731.07 ROUTES AND SCHEDULE OF COLLECTION BY PRIVATE HAULERS.~~

~~—Each private hauler shall submit his routes and schedules for the collection of garbage and refuse to the Director of Public Service for the Director's approval or modification.~~

~~731.08 INSURANCE REQUIRED FOR PRIVATE HAULERS.~~

~~—Each private hauler shall secure a comprehensive liability policy of insurance, to be approved as to form by the City Attorney, insuring against the liability of such private hauler in operating his motor equipment and in operations other than automotive exposure in the amount of two hundred fifty thousand dollars (\$250,000) for each person injured and five hundred thousand dollars (\$500,000) for all persons injured in each accident and one hundred thousand dollars (\$100,000) property damage for each accident. Copies of all insurance policies, endorsements thereto and receipts for payment of premiums shall be deposited by each private hauler with the Director of Public Service.~~

~~731.09 PERFORMANCE BOND REQUIRED FROM PRIVATE HAULER.~~

~~—Each private hauler shall furnish a performance bond in the amount of thirty thousand dollars (\$30,000) which shall be forfeited to the City for failure to comply with the provisions of this chapter. Such bond shall be approved by the City Attorney and deposited with the Director of Public Service.~~

~~731.10 EQUIPMENT SPECIFICATIONS FOR PRIVATE HAULERS.~~

~~—Each private hauler shall use covered, leakproof, sanitary, packer type trucks with distinctive lettering on each truck identifying the hauler and other equipment necessary for the performance of the service to be rendered. Each private hauler shall cause all employees to be equipped with a uniform shirt or jacket identifying the name of the employer. All trucks and other equipment shall be inspected, periodically by the Director of Public Service or his authorized representative to insure the safe and sanitary condition of such equipment. Private haulers shall maintain trucks and other equipment in a safe and sanitary condition.~~

~~731.11 LANDFILL PROVISIONS.~~

~~—(a) Any private hauler owning a landfill shall:~~

~~—(1) Make available at no charge to the City its landfill as a depository for debris collected by the City and hauled by the City to the landfill.~~

—(2) Make available at specified business times as approved by the Director of Public Service its landfill facilities to residents, persons and business firms of the City at the rates provided by contract.

—(3) Allow any other private hauler authorized by the City to collect, transport and dispose of garbage and refuse to use its landfill for a period of not longer than sixty days at a rate of seven dollars and fifty cents (\$7.50) per load.

—(4) In the event its authorization to collect, transport and dispose of garbage and refuse in the City is terminated for any reason, it shall allow its landfill to be used by the City for a period of twelve months after such termination at a rate of five dollars (\$5.00) per load.

—(b) It shall be the responsibility of each private hauler to dispose of garbage and refuse collected within the City. The lack of availability of landfill facilities shall not excuse any private hauler's performance under this chapter.

~~731.12 SPRING AND FALL CLEAN-UP WEEKS.~~

—The Director of Public Service shall proclaim one week during the spring as "Spring Clean-Up Week" and one during the fall as "Fall Clean-Up Week." During these weeks, each private hauler shall remove, without additional charge, all materials placed at the curb and in containers not exceeding fifty pounds in weight when filled. The Director may promulgate rules and regulations governing the construction and size of containers as well as the type of materials that are to be removed by private haulers during such clean-up weeks.

~~731.13 LICENSE REQUIRED FOR COMMERCIAL HAULER.~~

—No person, firm or corporation shall collect, transport or dispose of garbage and refuse of any commercial user unless such person, firm or corporation has been granted a license as a commercial hauler by the Director of Public Service.

~~731.14 LICENSE ISSUANCE; TERM.~~

—The Director of Public Service shall grant a commercial hauler license to any person, firm or corporation who applies for a license to collect, transport and dispose of garbage and refuse from commercial users within the City, provided such person, firm or corporation meets the requirements of this chapter. This license shall be in effect for a period of one year.

~~731.15 LICENSE FEE.~~

—A fee of one dollar (\$1.00) shall be paid to the Director of Public Service before any license is granted under this chapter.

~~731.16 INSURANCE REQUIRED FOR COMMERCIAL HAULER.~~

—Each commercial hauler shall secure a policy of insurance, to be approved as to form by the City Attorney, insuring against the liability of such commercial hauler in operating his motor equipment and in operations other than those involving automotive exposure in the amount of two hundred fifty thousand dollars (\$250,000) for each person injured and five hundred thousand dollars (\$500,000) for all persons injured in each accident, and for fifty thousand dollars (\$50,000) property damage for each accident. Copies of all insurance policies, endorsements

thereto, and receipts or other evidences of payments of premiums shall be deposited by each commercial hauler with the Director of Public Service.

~~731.17 REVOCATION AND SUSPENSION OF LICENSE.~~

~~—The Director of Public Service may revoke or suspend any license granted under this chapter for the failure of a commercial hauler to comply with the provisions of this chapter or for failure to comply with any rule or regulation promulgated by the Director under this chapter.~~

~~731.18 EQUIPMENT SPECIFICATIONS FOR COMMERCIAL HAULERS.~~

~~—Each commercial hauler shall use covered, leakproof, sanitary, packer type trucks and other equipment necessary for the performance of the service to be rendered. All trucks and other equipment shall be subject to inspection by the Director of Public Service or his representative, and such trucks and other equipment shall be maintained in a safe and sanitary condition. Persons, firms or corporations hauling only garbage and refuse owned by themselves shall be exempt from the requirement of packer type trucks.~~

~~731.19 FREQUENCY OF COMMERCIAL COLLECTIONS.~~

~~—Garbage and refuse of commercial users shall be collected at least once a week; however, the Director of Public Service may require by rule or regulation that garbage and refuse of specific commercial users or classes of commercial users be collected on a more frequent basis.~~

~~731.99 PENALTY.~~

~~—Any person, firm or corporation violating any provision of this chapter is guilty of a minor misdemeanor. Each day's operation in violation of Section 731.13 or 731.19 shall be deemed a separate offense.~~

~~CHAPTER 732 – Rates for Residential Collection and Disposal of Garbage, Refuse, Recyclables, and Yard Waste~~

~~732.01 RATES FOR RESIDENTIAL COLLECTION AND DISPOSAL.~~

~~—The owner, occupant or tenant of all residential premises shall pay a collection fee to the City for the collection and disposal of solid waste, recyclables and yard waste. No person, except as authorized by the City, shall be permitted to collect residential solid waste, recyclables or yard waste within the City Corporation.~~

~~—The City or its designee shall collect solid waste, recyclables and yard waste fees in the manner determined by the Director of Public Service. Fair and reasonable charges for the residential service shall be the cost established by the city contract with the hauler and disposal facility.~~

~~—(a) There will be a one dollar and fifty cent (\$1.50) discount for Senior Citizens at the approval of the Director of Public Service.~~

~~—(b) In cases other than normal weekly pickup where household pickup is requested or pursuant to Section 732.12, the Director shall charge, and every household or the owner or tenant~~

of such household shall pay, fifty dollars (\$50.00) per one-half hour minimum and a charge of one hundred dollars (\$100.00) per hour.

~~732.02 PAYMENT SCHEDULE.~~

~~—Each occupant or the owner or tenant of such household shall pay in advance in installments as determined by the Director of Public Service to the City the fees imposed pursuant to Section 732.01. Billings shall be mailed on a schedule to be determined by the Director and will be included as part of the water and sewer billings.~~

~~732.03 PARTIAL PAYMENT.~~

~~—Partial payments may be accepted. In accepting such partial payments, the balance owed shall be considered delinquent and the moneys paid shall be applied in the following order:~~

- ~~—(a) Refuse;~~
- ~~—(b) Storm water;~~
- ~~—(c) Water/sewer; and~~
- ~~—(d) Penalty.~~

~~732.04 CHARGES BILLED QUARTERLY; LATE PAYMENT PENALTY.~~

~~—Charges for refuse shall be billed for one quarter of a year, however, the City reserves the right to bill on a pro-rata monthly basis when necessary. Charges are due and payable when rendered. If charges are paid after the twentieth day from the billing date, a penalty of ten percent (10%) shall be assessed.~~

~~732.05 FINAL BILLING.~~

~~—Any payment made on the unused portion of the trash bill will automatically be applied to any outstanding balance for storm water, water, sewer, water penalties, late fees or any other miscellaneous charges on a final bill before any refund is made.~~

~~732.06 NONPAYMENT.~~

~~—The City or its designee may refuse to collect solid waste, recyclables and yard waste from any premises where the owner, occupant or tenant is in arrears for a period of thirty-five days for charges assessed for the collection of solid waste, recyclables and yard waste.~~

~~732.07 UNCOLLECTED AND DUMPED WASTE.~~

~~—No person shall dump, allow to be dumped or permit construction waste, hazardous waste, infectious waste or solid waste, recyclables or yard waste to be dumped in the open nor permit or allow solid waste, recyclables or yard waste to remain in containers uncollected no longer than seven days.~~

~~732.08 GARBAGE, RUBBISH, RECEPTACLES REQUIRED.~~

~~—(a) It shall be the duty of every owner, tenant, agent, lessee, occupant and person in charge of any and every building, premises or place of business in the Municipality forthwith to provide or cause to be provided, and at all times thereafter to keep or cause to be kept and provided for the exclusive use of such building, premises or place of business, receptacles for receiving and holding without leakage, all garbage and rubbish, so long as such garbage and rubbish remains upon or in such building, premises or place of business, or the portion thereof of which such person may be owner, tenant, lessee or occupant in charge.~~

~~—(b) No person shall throw or deposit any garbage whatsoever in or upon any street or alley or place or maintain any receptacle for garbage in or upon any street, alley or other public place.~~

~~732.09 OWNERSHIP OF SOLID WASTE AND RECYCLING MATERIAL.~~

~~—All solid waste and recycling material placed at the collection location shall be the property of the City, and no person other than authorized personnel of the Service Department or its contractor shall collect or remove such material.~~

~~732.10 HAZARDOUS AND INFECTIOUS WASTE DISPOSAL.~~

~~—No person shall dispose of any hazardous or infectious waste except to refuse haulers licensed by the City who hold valid federal and county permits for the disposal of hazardous and/or infectious wastes.~~

~~732.11 SERVICE OF NOTICE.~~

~~—Property owners, lessees, agents or tenants must remove all refuse from their properties, or the Director of Public Service may cause written notice to be served upon the owners, lessees, agents or tenants having charge of such lots and lands, notifying them that garbage and rubbish gathered on such lots, lands and/or upon or in such buildings must be eliminated, removed and disposed of within one calendar week after the service of such notice. If such owner, or other person having charge of such lands or buildings is a nonresident whose address is known, such notice shall be sent to his address by certified mail. If the address of such owner, whether a resident or a nonresident is unknown, it shall be sufficient to publish such notice once in a local newspaper. After completion of notice, the Director shall make due return thereon, setting forth the cost of service.~~

~~732.12 FAILURE TO COMPLY; REMEDY.~~

~~—Upon failure of any owner, lessee, agent or tenant having charge of the lots, land, and/or upon or in such buildings under the provisions of Section 732.11 to comply with the notice within the period of time stipulated under the provisions of Section 732.11, the Director of Public Service shall cause such garbage and rubbish to be eliminated, removed and disposed of by the direct employment of labor, or authorize some person to eliminate, remove or dispose of such garbage or rubbish on behalf of the Municipality.~~

~~732.13 REPORTS OF COSTS TO COUNCIL.~~

~~—Upon the performance of the labor under the provisions of Section 732.12, the Director of Public Service shall report to Council the cost thereof with respect to each lot or parcel of land~~

and/or building, including the cost of investigation, handling of garbage and rubbish complaints and costs of service and notification.

~~732.14 RETURN TO COUNTY AUDITOR.~~

~~—Upon receipt of the report under the provisions of Section 732.13, and approval thereof by Council, the Auditor shall make a return in writing to the Auditor of Franklin County of such charges which shall be entered upon the tax duplicate of the County, all in accordance with Ohio Revised Code.~~

~~732.15 RULES AND REGULATIONS.~~

~~—The Director of Public Service or his authorized representative shall have full and complete authority to make such other rules and regulations as may be reasonably necessary for the public safety and health, not inconsistent herewith, pertaining to the collection and disposal of solid waste, recyclables and yard waste, construction waste, hazardous waste and infectious waste, as well as to the administration thereof, as may be deemed advisable.~~

~~732.99 PENALTY.~~

~~—Whoever violates Sections 732.04 to 732.10 shall be fined not less than five dollars (\$5.00) nor more than fifty dollars (\$50.00) for the first offense, and for each subsequent offense, not less than ten dollars (\$10.00) nor more than one hundred dollars (\$100.00).~~

CHAPTER 975 - Refuse Collection

975.01 RATES FOR RESIDENTIAL COLLECTION AND DISPOSAL.

The owner, occupant or tenant of all residential premises shall pay a collection fee to the City for the collection and disposal of solid waste, recyclables and yard waste. No person, except as authorized by the City, shall be permitted to collect residential solid waste, recyclables or yard waste within the City Corporation.

The City shall establish fair and reasonable charges for the residential service based upon the city contract with the hauler and disposal facility. The City shall collect solid waste, recyclables and yard waste fees in the manner determined by the Director of Public Service.

(a) There will be a one dollar and fifty cent (\$1.50) discount for Senior Citizens at the approval of the Director of Public Service.

(b) In cases other than normal weekly pickup where household pickup is requested or pursuant to Section 975.12, the Director shall charge, and every household or the owner or tenant of such household shall pay, fifty dollars (\$50.00) per one-half hour minimum and a charge of one hundred dollars (\$100.00) per hour.

975.02 PAYMENT SCHEDULE.

Each occupant or the owner or tenant of such household shall pay in advance in installments as determined by the Director of Public Service to the City the fees imposed pursuant to Section 975.01. Billings shall be mailed on a schedule to be determined by the Director and will be included as part of the water and sewer billings.

975.03 PARTIAL PAYMENT.

Partial payments may be accepted. In accepting such partial payments, the balance owed shall be considered delinquent and the moneys paid shall be applied in the following order:

- (a) Refuse;
- (b) Storm water;
- (c) Water/sewer; and
- (d) Penalty.

975.04 CHARGES BILLED QUARTERLY; LATE PAYMENT PENALTY.

Charges for refuse shall be billed for one quarter of a year, however, the City reserves the right to bill on a pro-rata monthly basis when necessary. Charges are due and payable when rendered. If charges are paid after the twentieth day from the billing date, a penalty of ten percent (10%) shall be assessed.

975.05 FINAL BILLING.

Any payment made on the unused portion of the trash bill will automatically be applied to any outstanding balance for storm water, water, sewer, water penalties, late fees or any other miscellaneous charges on a final bill before any refund is made.

975.06 NONPAYMENT.

The City or its designee may refuse to collect solid waste, recyclables and yard waste from any premises where the owner, occupant or tenant is in arrears for a period of thirty-five days for charges assessed for the collection of solid waste, recyclables and yard waste.

975.07 UNCOLLECTED WASTE.

No person shall dump, allow to be dumped or permit construction waste, hazardous waste, infectious waste or solid waste, recyclables or yard waste to be dumped in the open nor permit or allow solid waste, recyclables or yard waste to remain in containers uncollected no longer than seven days.

975.08 GARBAGE, RUBBISH, RECEPTACLES REQUIRED.

(a) It shall be the duty of every owner, tenant, agent, lessee, occupant and person in charge of any and every building, premises or place of business in the City to provide or cause to be provided, and at all times thereafter to keep or cause to be kept and provided for the exclusive use of such building, premises or place of business, receptacles for receiving and holding all garbage and rubbish, so long as such garbage and rubbish remains upon or in such building, premises or place of business, or the portion thereof of which such person may be owner, tenant, lessee or occupant in charge.

(b) All containers shall be made from metal or other leakproof materials with tight-fitting lids, a maximum capacity of not more than thirty gallons, or in a wheeled container such as supplied by the City contract refuse collector not to exceed ninety-gallon capacity. Refuse shall be placed in the thirty-gallon containers which shall not exceed fifty pounds in weight when filled or shall be placed in the ninety-gallon container which shall not exceed the weight specified by the City contract refuse collector when filled. Newspapers, magazines and other loose material shall be placed in closed containers or securely bundled.

(c) Plastic disposal bags may be used in place of metal or leakproof containers at the option of the resident. These plastic disposal bags must have a minimum thickness of one and one-half millimeters (.015 inches); have no holes or openings except for the filling of the bag; must be securely tied and shall not exceed fifty pounds in weight when filled.

(d) All such bags and containers shall not be taken to the curb before 12:00 noon on the day before the day of collection by the householder or other commercial user, unless because of sanitary, safety or other factors, the Director of Public Service by rule or regulation, designates that such containers shall be placed at the rear or elsewhere on the lot. After collection of garbage and refuse, the property owner or tenant shall, within twelve hours, return such containers to the interior of the garage of the building, or to a location at the side or rear of the residence or commercial building that is shielded from the view of the adjoining property's occupants by natural landscape barriers or by the residence or by the commercial building or by a constructed enclosure.

(e) No person shall maintain any receptacle for garbage in or upon any street, alley or other public way.

975.09 REMOVAL OF MATERIAL AT COLLECTION POINT.

No person other than authorized personnel of the Service Department or its contractor shall collect or remove solid waste and recycling material placed at a designated collection location.

975.10 HAZARDOUS AND INFECTIOUS WASTE DISPOSAL.

No person shall dispose of any hazardous or infectious waste except to refuse haulers licensed by the City who hold valid federal and county permits for the disposal of hazardous and/or infectious wastes.

975.11 RULES AND REGULATIONS.

The Director of Public Service or his authorized representative shall have full and complete authority to make such other rules and regulations as may be reasonably necessary for the public safety and health, not inconsistent herewith, pertaining to the collection and disposal of solid waste, recyclables and yard waste, construction waste, hazardous waste and infectious waste, as well as to the administration thereof, as may be deemed advisable.

975.99 PENALTY.

Whoever violates this Chapter shall be fined not less than five dollars (\$5.00) nor more than fifty dollars (\$50.00) for the first offense, and for each subsequent offense, not less than ten dollars (\$10.00) nor more than one hundred dollars (\$100.00).

8

ORDINANCE NO. _____

PASSED: _____

ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF REYNOLDSBURG, OHIO: Amending Chapter 174 Procedure for Selection of Design Professionals; Chapter 509 Disorderly Conduct and Peace Disturbance; Chapter 741 Solicitors; Chapter 905 Streets Generally; Chapter 909 Sidewalks; Chapter 913 Private Roadways; Chapter 960 Stormwater Regulations; Enacting Chapter 975 Refuse Collection; and Repealing Chapter 731 Garbage and Refuse Collection; and Chapter 732 Rates for Residential Collection and Disposal of Garbage, Refuse, Recyclables, and Yard Waste.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF REYNOLDSBURG, OHIO:

SECTION 1. That Chapter 174 Procedure for Selection of Design Professionals; Chapter 509 Disorderly Conduct and Peace Disturbance; Chapter 741 Solicitors; Chapter 905 Streets Generally; Chapter 909 Sidewalks; Chapter 913 Private Roadways; Chapter 960 Stormwater Regulations of the Code of Ordinances of the City of Reynoldsburg be and are hereby amended to read as follows:

See Exhibit "A" attached hereto and incorporated herein.

SECTION 2. That existing Chapters 174; 509; 741; 905; 909; 913; and 960 be and are hereby repealed and replaced.

SECTION 3. That Chapter 975 Refuse Collection; be and is hereby enacted to read as set forth in Exhibit A attached hereto and incorporated herein.

SECTION 4. That Chapter 731 Garbage and Refuse Collection; Chapter 732 Rates for Residential Collection and Disposal of Garbage, Refuse, Recyclables, and Yard Waste; are hereby repealed.

SECTION 5. That upon adoption by Council this ordinance shall be in effect thirty days following signature by the Mayor.

Doug Joseph, President of Council

ATTEST: _____
April L. Beggerow, Clerk of Council

APPROVED: _____ DATE _____
Bradley L. McCloud, Mayor

Attachment: Amend Zoning Codes part 8 (1262 : Amendments to the Zoning Code)

CERTIFICATE

I, April L. Beggerow, Clerk of Council, City of Reynoldsburg, Ohio do hereby certify the foregoing to be a true and correct copy of Ordinance No. ____ as passed by Council of said City on the ____ day of ____ and as recorded in the Record of Proceedings of said Council.

Filed with Mayor: _____

April L. Beggerow, Clerk of Council

Published: _____

Attachment: Amend Zoning Codes part 8 (1262 : Amendments to the Zoning Code)