



AGENDA

**PLANNING COMMISSION
THURSDAY, OCTOBER 1, 2015 6:00 PM**

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

A. CALL TO ORDER

1. ROLL CALL
2. APPROVAL OF MINUTES

1. Planning Commission – Regular Meeting – September 3, 2015

3. APPROVAL OF AGENDA
4. PUBLIC COMMENT

B. COMMISSION BUSINESS

1. **Discussion: Proposed Planning & Zoning Code Revisions - Various Sections**

C. ADJOURNMENT

CITY OF REYNOLDSBURG

MINUTES

**PLANNING COMMISSION
THURSDAY, SEPTEMBER 3, 2015 6:00 PM**

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

A. CALL TO ORDER

PRESENT: McKenzie, Cullinan, Comeaux, Wren
ABSENT:

2. APPROVAL OF MINUTES

1. Planning Commission – Regular Meeting – July 2, 2015

Minutes Stand Approved

3. APPROVAL OF AGENDA

Agenda Stands Approved

4. SWEARING IN OF SPEAKERS

Chairman McKenzie: We have no speakers to swear in.

B. PUBLIC COMMENT

C. UNFINISHED BUSINESS

1. Rules of the Reynoldsburg Planning Commission

Chairman McKenzie: Has everyone had a chance to read through the proposed "Rules of the Planning Commission?" Does anyone have any questions for Mr. Snowden?

Mr. Wren: Would you please point out the differences between the two versions?

Chairman McKenzie: Let me point out that I have taken the opposition position. And so, after Mr. Snowden speaks, if you have questions for me, I will be willing to entertain them.

Mr. Snowden: Mr. Wren, the specific answer is, if you look at Section 7.1 on page 3, under "Order of Business", in Version 1 there is Staff's proposed "Order of Business" which is consistent with what has been implemented on our Boards and Commissions for many years. If you look at Section 7.1 on Version 2, it was Dr. McKenzie's position, and he can interject if I summarize it incorrectly, it was Dr. McKenzie's position that there does not need to be separate "New", "Unfinished", and "Other Business" items. This was Staff's interpretation of what he was trying to explain, but if he would like to put a finer point on it, that would be his prerogative. All I will say about that is that Staff's preferred version would be to have the separate headings for "New", "Unfinished" and "Other Business", since this assists Staff and

Minutes Acceptance: Minutes of Sep 3, 2015 6:00 PM (APPROVAL OF MINUTES)

the Council Clerk's Office in preparing the Agenda, and the separate headings also maintain continuity with the Agenda for the other Boards.

Chairman McKenzie: We have after many years, a new Clerk of Council and she is attempting to update the Minutes in a way that is different from what has been done for years, and they are not following this format. Also, this goes back to our first meeting when we had those categories on the Agenda, and even as the Chair I had no idea what the content of those categories was, and I was just as blinded as everyone else as to presentations under those items. In this particular instance, I had to request business of the Commission simply state, "Business of the Agenda" instead of having categories such as "Unfinished Business". For example, tonight, instead of the category "Unfinished Business", number "1." would have just been "The Rules of the Planning Commission."

Mr. Comeaux: Is that the entirety of your objection, or are there other objections that you have to the proposal?

Chairman McKenzie: There were.

Mr. Comeaux: Were there distinctions between Version 1 and Version 2, or is that the only difference, Mr. Snowden?

Mr. Snowden: This may have been done in a manner in which the Chairman had some issues, so I will just request that maybe he state what his concerns are and then Staff could respond to those.

Mr. Comeaux: That's fine. But, the only difference between Version 1 and Version 2 is Section 7.1? Is that correct?

Mr. Snowden: that is true of these two versions.

Chairman McKenzie: And to my knowledge, there are no other versions.

Mr. Comeaux: I do have a couple of additional questions. So, you mentioned that the current Clerk does not use the "New", "Unfinished" and "Other Business" nomenclature, is that right?

Mr. Snowden: I truthfully do not know the answer to that question, but if you will allow me to ask our Assistant Clerk of Council, who is here tonight, I can confirm that. Rochelle, is that the manner in which Clerk Beggerow is doing the minutes for Council?

Ms. Menningen: The current way that the MinuteTraq system is set up, is as represented in Version 1.

Mr. Comeaux: I am ambivalent because at the end of the day, it is all the business of the Commission. Do you all have any other questions regarding Version 1 or Version 2?

Mr. Cullinan: I'm ok with either one and matching the other organizations in the City makes sense to me.

Mr. Comeaux: That being said, I would like to hear from the Chair regarding other areas of concern he had.

Mr. Wren: My understanding is that the new Clerk is using Version 2, but she stated they are using Version 1.

Chairman McKenzie: She stated in the tracking system that they use Version 1. But, however, as you see it posted at the Council meetings, I have never seen those headings appear. It is simply the business before the Council that appears. But, in the tracking system, that may still be there. I do not know the back end of the current tracking system that is used for establishing those documents. That was news to me.

Mr. Wren: So what is available to the public is Version 2? Is that a fair statement?

Chairman McKenzie: As being proposed here, if we adopt Version 1, what will be available to the public through IQM2, which is where the public will go to see the agendas of the meetings and stuff, would be Version 1, if we adopt Version 1. If we were to adopt Version 2, based upon the fact that the Council does not have those set categories appearing in the public document, I would assume that then the public would see Version 2. This is all about, for me, it is all about appearances, particularly in relation to the various aspects of the bureaucracy of the City, and the public. And so the major change that I objected to was the, what I considered to be, a much more formalized version of the "Rules of the Commission" than have been ever previously shared with us. And, it was that formality that I was objecting to. The formality, in particular, was to have Articles, followed by Sections. Instead, if you can remember a month ago, when I sent out that numbers series, this makes this document much more like the Charter. Much more like the eleven or thirteen pages of the "Rules of Council". It was also formatted this way with Sections and Subsections, and all that. And so, it is that formality that I wanted to get away from. To put it bluntly, to have the documents that support this Commission to be as close to plain everyday language as possible. And, that was it. When it comes right down to it, that's the whole thing. You can't fight City Hall. I was trying to avoid that.

Mr. Cullinan: With that, I have a question for you Eric, the other Boards, such as BZA, how are their rule documents structured?

Mr. Snowden: Mr. Cullinan, to answer your question, there is not a DRB document in place that Staff is aware of. The particular document in front of you, Version 1 or Version 2, is based off the last version of the BZBA rules that Staff is party to, and has a copy of available. That document also needs to be revised. Staff took what felt like the best information from the previous versions, which did include the items that Dr. McKenzie did redline in that document that was emailed, and incorporated them into the format. And, it was Staff's position, and Staff and Dr. McKenzie disagree, which is perfectly ok, that the article titles which organize related information into a single article, was superior in format to the other

version where some related items were scattered, in some cases, in different places. To answer your question, what you have in front of you is as close to what is existing for BZBA, as possible. Needless to say, their document needs to be revised and updated as well. So, Staff is going to be going through this process with BZBA. But, the format is from BZBA.

Mr. Cullinan: So, this will probably set the precedence for their document?

Mr. Snowden: It probably would. Because their's is going to have to be revised as well.

Chairman McKenzie: And, if I may, a little history... During the organizational meeting the first night, I was the one to point out that we did not have a document, as it related to differences that we might note between Robert's Rules of Order and how we ran the Commission. So, it really is at my instigation that we developed a "Rules of the Commission." How are people feeling? Do you feel comfortable at this point attempting to bring some closure to this "Unfinished Business?"

Mr. Comeaux: A couple of quick questions... One of the questions you raised at the organizational meeting, which was very well taken, and I'm trying to see if it is in here, whether or not the Chair votes.

Mr. Snowden: Section 3.2.

Mr. Comeaux: For my own commentary, for what it is worth. While I share your concerns, they come across as very formal, I think I am not put off by the formality because I know the history of the Commission, that it is conducted as informally as possible. In my eyes, it is a fine balance to address some of the very good organizational questions you had at the first meeting. Things like, "What does a Chair do?", because it had not been spelled out, and to not have it come across as overly formal. While I understand your concerns, I think that people come to the meetings, such as they are, when we start to develop other parcels, and we have up zoning, or down zoning, or what have you. I think that they will not look first to this document, but to you and the manner that you conduct the meetings, in terms of whether or not they are welcome, etc... While I understand you concerns, I don't necessarily share them to the same degree. But, that is just my opinion and it is capable of being swayed.

Mr. Wren: I think it is formatted in a very legal format, but that the wording is not as such. It is in layman's terms and is very easy to understand. I agree, I think it is possibly over formatted, but I don't think it is to an extent that it concerns me moving forward.

Chairman McKenzie: So, would anyone like to make a motion?

Mr. Cullinan: If we are making a motion, are we accepting the different agendas also?

Mr. Comeaux: You would make a motion regarding Version 1 or Version 2.

Mr. Snowden: Gentlemen, if I could interject for one moment. You could also make other changes either now, or in the future, there is a process for that. If there are any changes you

would want to make now, you could make them by saying, "Version 1, as amended." Just so you know you have that option.

Chairman McKenzie: I didn't want to preclude anything since I wasn't hearing it.

Mr. Comeaux: I would make a motion that we approve Version 2 of the "Rules of the Commission" that were distributed. Again, it does not bother me because it is all "Business of the Commission". If you want to create a subheading for record keeping purposes, at the end of the day, it is all business of the Commission, so I don't see a need for a separate line item there.

Mr. Cullinan: I second that motion.

Chairman McKenzie: So, we have a motion, and a second. Any additional discussion?

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Jim Comeaux, Chairman, Design Review Board
SECONDER:	Tyler Cullinan
AYES:	McKenzie, Cullinan, Comeaux, Wren

D. NEW BUSINESS

1. Chapter 1143 of Zoning Code; Discussion Regarding Revisions

Chairman McKenzie: Discussion regarding revisions, and there is a document. Mr. Snowden, you probably have a presentation, yes?

Mr. Snowden: I do. Thank you Mr. Chairman. Would you like that presentation now.

Chairman McKenzie: If I may, this is a little bit off and I apologize for this, but, if the IQM2 packets are working, and you put your report in the packet, would Commissioners find it sufficient to read the packet and then just ask for clarifications? Or, would you like the Staff to read the report into the record.

Mr. Wren: To go forward, meaning after today we will read it before the meeting and ask for clarification if needed.

Chairman McKenzie: So, Mr. Snowden, would you like to go ahead and give your report?

Mr. Snowden: In response to the dialogue between the Commissioners, Staff would appreciate the opportunity to give some basic highlights. Understanding that giving these reports does not have to be the way that Staff gives reports to DRB and BZBA, where Staff reads through that report. Staff would just appreciate that opportunity. Understanding that the Commission wants to reduce the amount of repetition of the same information over and over. In this situation, what Staff is proposing here, along with a variety of Code Amendments, this is the beginning of a Code Amendment that Staff is proposing, it really is editing the sections that deal with the Zoning Code and Site Plan Approvals. Most of these are very basic in nature. The main one that Staff would like to call to the Commissions

attention would be Section 1143.03, Site Plan. These site plans are currently reviewed by BZBA, and Staff is going to be proposing that this Commission review that. The reason is, that is more consistent with what many other cities do, and this would allow BZBA to focus on their primary duty which is to hear appeals and special permits, rather than hearing preliminary development, which this Commission could hear. Staff feels that would be a positive step forward for the City. Staff wanted to bring this item to the Commission to get the Commission's feedback. The process here is that this proposed amendment is going to be compiled with an extensive packet of amendments. The process at that point is that it will go to City Council and then referred back to the Commission for a more formal review. The caveat to that statement is that the compiled packet may contain some zoning and some non zoning section reviews that staff is going to be taking through together. But, the Charter requires that this Commission review any zoning changes. So, Commission will be reviewing that portion, when that comes. With that, I will be happy to answer any questions, and I will turn it back over to our Chairman.

Chairman McKenzie: Do any of the Commissioners have questions for Mr. Snowden, or do you need a minute to think?

Mr. Comeaux: You are giving this to us for a vote, or for our consideration, our input? What is the process? Does it go back to City Council and then come back to us?

Mr. Snowden: The process is that tonight is an informal review, but Staff wanted this item because Staff feels it is very central to the philosophy that was discussed with members as they were in the process of being reviewed and appointed to the Commission. Staff wanted to bring this to the Commission to ensure the Commission is supportive of Staff moving forward with that particular change because it is going to change the type of things that the Commission is getting. We have done maybe three or four Site Plan Reviews this year, so the Commission should not expect a deluge of a half a dozen every meeting. But, it is a significant change that staff wants the Commission to review instead of waiting until it goes to City Council for first reading, along with a lot of other material. In addition to that, once that process begins there is a very time sensitive process that is gone through as far as additional hearings and so forth. So that is Staff's rationale for bringing this to an informal review by the Commission.

Mr. Comeaux: The main change was for Major Site Plans, instead of going to BZBA, they will be coming to us, is that correct?

Mr. Snowden: Correct, Sir.

Chairman McKenzie: There are a number of changes that you made and I am not sure that I understand all the potential ramifications, and there are some changes in verbiage and word usage that in the original plan seem to be leading toward a meaning, and I am not sure what the new meanings are. For example, 1143.03 Site Plan and d. Minor Site Plan. Number 1., a Sketch Plan and you have eliminated "sketch". What are the rankings of plans? Is there a Plan and a File Plan? What is that getting to when you decide to strike out "sketch".

Mr. Snowden: That's a great question, Mr. Chairman. The term "sketch" there is unnecessary to the point. It is probably referring to what we call a Plot Plan or a Mortgage Survey. That is really what it is referring to because it is referring to boundaries and easements and right of ways also known as a plat. The term "sketch plan" is also used in the Platting Code to refer to informal plans brought to this Commission to review as a preliminary plat.

Mr. Cullinan: I agree with the City on that. If I was ready this to prepare a site plan for submission to this Board, I could infer "sketch" to be a hand drawn type sketch. Compared to a more detailed and exact document.

Chairman McKenzie: On 1143.04 Utility Plan, he has stricken out a "detailed plot grade utility plan." As I said, these are all interrelated, and it wasn't that I was criticizing, I'm just trying to follow.

Mr. Snowden: Mr. Chairman, the rationale behind that particular decision is that this is simply a descriptor. It does not refer to a formal type of plan. It was put there, in Staff's opinion, for emphasis. The fact that the Engineer wants a good amount of detail when they review this type of plan, but it really doesn't change the fact that the items under Section 1143.04, b., those are the items that are required for plot grade utility, and that is essentially not changing. If I could pull the Commission's view to Item number 15, under the very last sentence of that section, you will see that the current number of copies that needs to be submitted for a Plot Grade Utility Plan, true of many plans in the code, was actually prescribed by code. Staff's view is that this is something that should be promulgated in the development handbook because administrative processes over time can change. For example, our Service Department today requires six copies and one Mylar copy. But, there could come a time where review is done electronically and the Service Department only wants to require one Mylar formal copy at the end of the process. So, rather than prescribe that in code, and have to amend the code again, Staff is proposing to change that to a "Director Rule Prorogation", which means that the Development and Zoning Staff, and the consulting Engineer would develop the Development handbook, and then the Development Department and Service Director would develop the Development Handbook. And the Development Director and Service Director would jointly state that as a rule, under their rule making power, that is given to them as part of their positions. So, Staff is proposing changing that from a Code prescribed process to an administrative type process.

Chairman McKenzie: I even saw some inconsistencies in the old version. The last sentence is now talking about six copies of the Plot Grade Utility Plan, but they start out saying "detailed plot grade." So it was inconsistent before as well. That is what I was getting at. I was getting lost in all the inertia of the changes and not really understanding what the purpose or intent was.

Mr. Wren: Does staff feel there are any changes within the code that are being stricken or added that we should focus on?

Mr. Snowden: Other than that, which is Staff's main change. Staff would just pull your view over to the revised minor site plan, which begins on the fourth page, about halfway down. Staff is basically proposing in that section, to strike the current site plan requirements and reorganize that information under individual headings for each type of plan. You will see that Staff has "General Requirements", "Environmental Landscape Plan" Rather than have the way it is listed now, which is just a list of requirements, Staff is actually going to be requiring individual types of plans. The reason for that, and Mr. Cullinan probably deals with this, is to make our plan review process more consistent with how engineers, architects, and landscape architects talk about plans. If I tell Tyler, or someone at his firm, that I need a Parking Transportation Plan, they are already going to have an idea as to what I am looking for. So, under that subheading, I have listed the specific things that Staff or the City's consulting Engineer needs to see, in order to do that approval. The fundamental change, the only thing the Public or Commissioners would see from this, would be that this body would be reviewing the site plans instead of BZBA.

Mr. Comeaux: I am not encouraging you to plagiarize from other cities, but I suspect you have looked at other cities?

Mr. Snowden: Especially the 1143.03, is very consistent with what other cities are doing.

Mr. Comeaux: We are not asking for more onerous procedures, or what have you?

Mr. Snowden: Absolutely not. With the exception of BZBA reviewing the plans, our procedure is consistent with other cities, other peer cities, similar type, similar size, similar system of government, similar pattern of development, and so on.

Mr. Cullinan: To that point, I work for a Civil Engineering Firm and skimming through this, it does appear that it matches a lot of the neighboring suburbs. We would bring similar plans to Commissions like this.

Mr. Comeaux: You saved me some Google searches later today.

Mr. Cullinan: I am going to do a more thorough reading. I have marked a few things, but, overall I believe it does.

Mr. Comeaux: That is all I have. Thank you.

Chairman McKenzie: So, is the discussion over? Would you like us to take some action tonight? Do we feel comfortable with it?

Mr. Snowden: The Commission does not need to take any formal action. Staff could be satisfied with a nod of the head in this case because the process that is prescribed by Charter is that any Code Changes for Zoning have to go to City Council first, for first reading. The purpose of this is so that Staff could feel comfortable. That way when Staff returns with this and more information, the Commission will already have considered, or at least reviewed what is going to be an important part of the overall change. If the Commission would like to

provide any feedback, either here, or via email, Staff can incorporate that into future versions.

Chairman McKenzie: I have one other document here, Chapter 1135, what was that?

Mr. Snowden: Mr. Chairman, that is part of this revision. I do not know why the copier sent that out as a single sheet. It is related to this because it is dealing with the expiration of zoning applications and approvals. What I have written in the proposed section is consistent with what has been happening. But, in some cases there are types of permits that do not have any expiration date. Let me give you an example as to why that is a problem. Fence permits have no expiration date in Reynoldsburg. So, there could be a situation where someone was attempting to construct a fence based on a fence permit that they secured ten years ago. The situation may be that some detail of their lot utility easement or neighboring fence condition has changed. And then constructing the fence in that way is no longer appropriate, and Staff would not approve that today. Building permits through our Building Division expire after six months of securing the permit. No matter the type, commercial or residential. So, Staff has tried to dove tail the zoning portion of the process into their process rather than have zoning permits flapping out here in the wind that are good forever. Staff's position is, if the applicant has not moved on with the next step of the process, within one year, that the approval should not continue to be valid. That is consistent with what has been continuing to happen. That regulation is contained in some other portions of the Code for specific permit types such as variances and site plans. Staff is just trying to take that information from different portions of the Code and relocate that into one central location, and make it consistent for all the different types of zoning permits. Unless there is a separate statement for another permit type in another location of the code.

Chairman McKenzie: I assume we don't need to take any action on this also? This is something you will be taking to Council?

Mr. Snowden: Yes, Sir.

Chairman McKenzie: Any other questions?

E. OTHER BUSINESS

F. ADJOURNMENT

Chairman

Planning Administrator



REYNOLDSBURG PLANNING & ZONING DIVISION

STAFF REPORT: PLANNING & ZONING CODE AMENDMENT

CODE SECTION: Chapter 1135 & 1143 – 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:

Section 1135.05 - Expiration of Certificates and Permits

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.

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.

CHAPTER 1135 - Title; Purpose; Interpretation

1135.05 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;

(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) 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 grant have not changed.

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;

- (54) 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 200 sf;
 - B. A development, ~~or a structure or site which involves more than 5,000 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 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 shall be submitted for a development, building addition, or site improvement, ~~which does not qualify as a major site plan~~ other than a one or two-family residential structure, fence or accessory structure under 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. A residential site plan 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 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 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 feet.
2. The location of all proposed and existing structures with 150 feet of parcel.
2. The location of existing water bodies, streams, drainage ditches, stands of trees and other pertinent features within 150 feet of the proposed development.
3. The limits of all wetlands and of the 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 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 Code.
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.

~~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 an application 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.~~
- ~~(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 provisions 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)~~an application and as many copies of the required materials as may be required by the Planning Administrator. 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.
- (10) Such other information as the Planning Administrator may require so as to carry out provisions the Zoning Code.

Any applicant requesting review of a residential site plan shall submit an application and as many copies of the required materials as may be required by the Planning Administrator. 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 and 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 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;
- (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 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.~~



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:

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.

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.

1187.07 Special Provisions for Special Community Residences

This proposed section, along with the related definitions updates in Section 1131, would implement some basic rational based siting guidelines for special community homes, commonly known as group homes, for persons with various disabilities. The proposed section will require a zoning certificate to be secured and in some specific cases, require a special except use permit. The separation requirements will prevent the development of de facto institutional/social-service districts by preventing special community homes from being located too close to one-another.

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.

Disability. A physical or mental impairment that substantially limits one or more of an individual's major life activities, impairs an individual's ability to live independently, having a record of such impairment or being regarded as having such an impairment. This definition does not include individuals who are addicted to illegal drugs or alcohol while they are still using the illegal drugs or alcohol to which they are addicted.

— **Dwellings**, terms relating to. (*See also, "Terms relating to Transient Lodging"*)

~~(g) Home for the Aged. A facility housing persons of retirement age, which may include accessory uses such as eating facilities, health center, and recreation facilities for use by the residents thereof, but which does not include individual dwelling units.~~

~~(j) Nursing Home. An extended or intermediate care facility which provides skilled nursing and dietary care for persons who are ill or incapacitated or which provides service for the rehabilitation of persons convalescing from illness or incapacitation, but not including persons suffering from acute or chronic alcoholism or other drug dependency.~~

~~(i) Residential Care Facility. A facility dedicated to the care of persons who cannot care for their own needs either partially or totally due to age or other disability. Care may include skilled nursing and dietary care for persons who are ill or incapacitated or service for the rehabilitation of persons suffering from illness or incapacitation. This term includes nursing homes, skilled nursing facilities, convalescent homes, special care facilities (e.g., Alzheimer Unit), senior assisted living facilities, adult day care facilities, senior independent living units including semi-detached homes, and other similar facilities.~~

~~(k) Special Family Home/Foster Home. A dwelling complying with any of the following definitions:~~

- ~~(1) As regulated by the Ohio Department of Health (see ORC 3722), an adult family home providing accommodations for three to five unrelated adults;~~
- ~~(2) As regulated by the Ohio Department of Mental Retardation and Developmental Disabilities (see ORC 5123), a foster family home for not more than five mentally retarded or developmentally disabled persons; or a family home for six to eight persons with the same characteristics;~~
- ~~(3) As regulated by the State of Ohio (see ORC 2151.418), a foster home or family foster home for juveniles.~~

~~(l) Group Home. A dwelling complying with any of the following definitions:~~

- (1) ~~As regulated by the Ohio Department of Health (see ORC 3722), an adult group home providing accommodations for six to sixteen unrelated adults;~~
- (2) ~~As regulated by the Ohio Department of Mental Retardation and Developmental Disabilities (see ORC 5123), a group home for nine to sixteen mentally retarded or developmentally disabled persons.~~

(j) *Special Community Residence.* A family like residential living arrangement for between five and twelve unrelated individuals with disabilities in need of the mutual support furnished by other residents as well as any staff of the special community residence. The term does not include any other group living arrangement for unrelated individuals who are not disabled or residential facilities for prison pre-parolees or sex offenders. A special community residence may be self-governing or supervised by a sponsoring entity or its staff which provides rehabilitative services related to the disabilities of the residents.

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 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 (20) 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")

~~**Residential Care Facility.** A facility operated and dedicated to the care of persons who cannot care for their own needs either partially or totally. This term includes nursing homes, skilled nursing facilities, convalescent homes, special care facilities (e.g., Alzheimer Unit), assisted living facilities, adult day care facilities, independent living units such as patio homes, and other similar facilities. (See "Terms relating to 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")~~

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 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 100sf in area not permanently attached to the ground, is not considered a structure. Only one such storage building equal to or less than 100sf 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 100sf 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 Official.~~
- ~~———— (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 shall be defined as a fence constructed between 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 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 post 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 injure 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 injure 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 500 sf.
- 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 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 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 as long as they do not enclose an area greater than 35,000 sf 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; 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 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:
 - A. Provide adequate light and ventilation between buildings and structures.
 - B. Provide adequate automobile and pedestrian traffic flow.
 - C. Provide adequate off-street parking.
 - D. 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.
 - E. 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.
 - F. 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.

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 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.

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 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 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.

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

- (1) 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.
- (2) 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.
- (3) 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.
- (4) Any land within the City not designated or otherwise included within another zoning district shall be included in the R-1 - Single Family Residential District.

1187.07 SPECIAL PROVISIONS FOR SPECIAL COMMUNITY RESIDENCES.

The primary purpose of a special community residence is to provide shelter in a family-like environment. A special community residence seeks to emulate a biological family in order to normalize its residents and ingrate them into the surrounding community. Since it is extremely unlikely that a group of more than 12 people can successfully emulate a family and prevent an institutional atmosphere from developing, no more than 12 individuals may live in a community residence. In order to maintain the residential character of the use, and to prevent an institutional-like setting from developing, the following additional rational based special provisions shall apply to all special community residences:

- (a) Special community residences will require a Zoning Certificate.
- (b) No special community residence will be permitted closer than 500 linear feet from the property line of the nearest existing special community residence.
- (c) In order to be considered a permitted use, a special community residence shall meet the following conditions:
 - (1) The property line of the residence shall be no closer than 1,000 linear feet from the property line of the nearest existing special community residence.
 - (2) The applicant shall be licensed or certified by the State to operate the propose community residence or have certification from an appropriate national accreditation agency.
- (d) Special community homes that are unable to meet the requirements to be considered a permitted use will be considered a special exception use and subject to the provisions of Chapter 1145 as well as the following standards:
 - (1) The proposed special community residence will not interfere with the normalization and community integration of the residents of any existing special community residence.
 - (2) The applicant must demonstrate that they will operate the home in a manner similar to that ordinarily required by state licensing to protect the health, safety and welfare of the residents.
 - (3) The propose special community residence in combination with any existing special community residences will not alter the character of the surrounding neighborhood by excessively concentrating special community residences, and causing a de-facto social service district to be created in the process.

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.~~



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.

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. There are no such time limitations for the consideration of special exception use permits, site plans, or certificates of appropriateness. Staff is not aware of any situation in which timely approval of a requested variance has been an issue. Staff’s observation has been the opposite: there have been times when applicants have requested

an item be tabled for a third time and the Board was unable to do so per this section of the Zoning Code. Staff suggests repealing the provision for consistency between the various application types.

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 Historic District Overlay, 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, 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. 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. (Ord. 96-94. Passed 7-25-94.)

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~~ thirty (30) calendar days of the date of denial,

file a written appeal with the Clerk of the City Council.

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) To permit exceptions to and variances from the provisions of this Zoning Code, as provided in Chapter 1147;
- (c) To authorize or deny a special exception, including the determination of similar uses, as provided in Chapter 1145;
- (d) 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) 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) 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) 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;~~ To hear appeals from the Building Code or Property Maintenance Code as provided for in those codes.

(i) 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.

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 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 days of the receipt of such written request.

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 (3) 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.

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

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.

CHAPTER 1111 - General Provisions

1111.01 DEFINITIONS.

The following words and phrases when used in the Subdivision Regulations have the meanings specified respectively ascribed to them unless otherwise indicated.

- (a) "Subdivision" means the division of any parcel of land shown as a unit or as contiguous units on the last preceding tax roll, into two or more parcels, sites or lots, any one of which is less than five acres, for the purpose, whether immediate or future, of transfer of ownership. However, "subdivision" does not include the partition of land into parcels of more than five acres not involving any new streets or easements of access, and the sale or exchange of parcels between adjoining lot owners, where such sale or exchange does not create additional building sites of land for residential, commercial or industrial structures, or groups of structures involving the division or allocation of land for the opening, widening or extension of any street or streets, except private streets serving industrial structures, the division or allocation of land as open spaces for common use by owners, occupants or lease holders or as easements for the extension and maintenance of public sewer, water, storm drainage or other public facilities.
- (b) "Plat" means a map of a tract or parcel of land.
- (c) "Lot" means a portion of a subdivision or other parcel of land Intended as a unit for transfer of ownership.
- (d) "Improvements" means street pavements, with or without curb and gutter, sidewalks, water mains, sanitary, storm sewers, and post-construction storm water controls.
- (e) "Right of way" means the width between property lines of a street, parkway, alley or easement.
- (f) "Easement" means a grant by the property owner of the use of a strip of land by the public or by a private or public utility for access in constructing and maintaining utility services.
- (g) "Subdivision Regulations" as used herein, means Ordinance 1041, passed September 11, 1961, as amended which constitutes Title Three of the Planning and Zoning Code. (Ord. 1041. Passed 9-11-61; Ord. 29-04. Passed 3-22-04; Ord. 92-06. Passed 12-18-06.)

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 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. (Ord. 16-89. Passed 12-3-89; Ord. 67-09. Passed 9-28-09.)

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.~~ (Ord. 54-95. Passed 5-8-95.)

1115.05 APPROVAL OF PRELIMINARY PLAT.

When a plat is filed with ~~the Mayor~~the Mayor Planning Commission, the ~~Mayor~~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 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~~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~~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 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 copies of the preliminary plat which will be returned to the owner and surveyor. The remaining four 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 months, unless extended by the Planning Commission.
(Ord. 53-82. Passed 6-28-82; Ord. 67-09. Passed 9-28-09.)

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 inches by thirty-four inches. The scale shall be not less than one inch to equal one hundred feet. Multiple pages may be used for plats of large areas. The final plat shall be submitted to the ~~Mayor~~ 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 days after the filing.
(Ord. 54-95. Passed 5-8-95; Ord. 67-09. Passed 9-28-09.)

(b) If the plat is approved by Council, the owner shall file and record the plat with the County Recorder within six 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.
(Ord. 53-82. Passed 6-28-82.)

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 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. (Ord. 53-82. Passed 6-28-82.)
- (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. (Ord. 117-89. Passed 10-9-89; Ord. 43-96. Passed 3-25-96; Ord. 67-09. Passed 9-28-09.)

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~~.
(Ord. 1041. Passed 9-11-61; Ord. 67-09. Passed 9-28-09.)

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.
(Ord. 53-82. Passed 6-28-82; Ord. 67-09. Passed 9-28-09.)

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. (Ord. 6-85. Passed 1-28-85.)

(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: 100 feet; an additional width of forty-five feet shall be provided to accommodate a service drive wherever lots are to face a primary road;
- (2) 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 feet;
- (3) Neighborhood collector, which are within a new subdivision: sixty feet;
- (4) Minor residential, which are completely residential in nature: fifty feet;
- (5) Alleys: twenty 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 feet;
- (3) Neighborhood collector: thirty-two feet;
- (4) Minor residential: twenty-six feet;
- (5) Alleys: eighteen feet;
- (6) Service drives: twenty feet;
- (7) Sidewalks: five 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;
- (2) Minor arterial: five percent;
- (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 feet at the curbline. 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.~~

(Ord. 1041. Passed 9-11-61; Ord. 67-09. Passed 9-28-09.)

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 feet and the maximum grade shall be six percent, 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.
(Ord. 98-63. Passed 12-9-63; Ord. 67-09. Passed 9-28-09.)

(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. (Ord. 1041. Passed 9-11-61.)

(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.
(Ord. 53-82. Passed 6-28-82; Ord. 67-09. Passed 9-28-09.)

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. (Ord. 1041. Passed 9-11-61.)

(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.
(Ord. 53-82. Passed 6-28-82; Ord. 67-09. Passed 9-28-09.)

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.
(Ord. 1041. Passed 9-11-61.)

(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. (Ord. 53-82. Passed 6-28-82.)
(Ord. 67-09. Passed 9-28-09.)

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 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 1,800 feet except where topographic conditions require longer blocks, nor shall they be less than 400 feet in length. Wherever blocks are longer than 900 feet, crosswalks or crosswalk easements not less than ten feet in width may be required near the center of the block, and Council may require that a sidewalk be constructed in accordance with 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 feet and a minimum area of 10,000 square feet. Where neither sanitary sewer nor water service is available, lots shall have a minimum frontage of 100 feet and a minimum area of 20,000 square feet.
(Ord. 1041. Passed 9-11-61.)

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. (Ord. 1041. Passed 9-11-61.)

(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 ~~at 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 Engineering City Engineer.

(Ord. 52-82. Passed 6-28-82; Ord. 57-08. Passed 9-8-08; Ord. 67-09. Passed 9-28-09.)

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 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.

(Ord. 1041. Passed 9-11-61; Ord. 67-09. Passed 9-28-09.)

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 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. (Ord. 26-67. Passed 5-8-67.)

(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 make 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 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 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. (Ord. 26-67. Passed 5-8-67; Ord. 67-09. Passed 9-28-09.)

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. (Ord. 26-67. Passed 5-8-67.)

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. (Ord. 29-04. Passed 3-22-04; Ord. 93-06. Passed 12-18-06; Ord. 67-09. Passed 9-28-09.)

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.



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. (Ord. 114-99. Passed 9-13-99.)~~

~~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. (Ord. 114-99. Passed 9-13-99.)~~

~~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.~~
- ~~(Ord. 114-99. Passed 9-13-99.)~~

~~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.~~
(Ord. 114 99. Passed 9-14-99.)

~~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.~~

~~(Ord. 114 99. Passed 9-13-99.)~~

~~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.~~

~~(Ord. 114 99. Passed 9-13-99.)~~

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.
(Ord. 80-08. Passed 12-8-08.)

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.

(Ord. 80-08. Passed 12-8-08.)

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).

(Ord. 80-08. Passed 12-8-08.)

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.~~
~~(Ord. 80-08. Passed 12-8-08.)~~

~~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.~~
~~(Ord. 80-08. Passed 12-8-08.)~~

~~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.~~
~~(Ord. 80-08. Passed 12-8-08.)~~

~~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. (Ord. 80-08. Passed 12-8-08.)~~

~~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.~~

~~(Ord. 80-08. Passed 12-8-08.)~~

~~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.

(Ord. 80-08. Passed 12-8-08.)

~~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 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.~~
- ~~(Ord. 80-08. Passed 12-8-08.)~~

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 to fifteen feet, rear parking lots, and a variety of lot sizes supported by a grid street system with alleyways. The provisions of the HD – Historic Overlay 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 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:

(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;

(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. Uses listed under this Section as permitted shall otherwise exempt from the special exception review process.

(a) Within the Historic Neighborhood Overlay:

- (1) Single family-dwellings;
- (2) Public and Semi-public uses;
- (3) Multiple family dwellings as a planned development.

(b) Within the Historic Commercial Overlay:

- (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.
- (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 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 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 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 on a structure in the HCO, 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) 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.

(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 feet, and shall not exceed two 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 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 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 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.

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 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 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) 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 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.

(b) 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.